

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/1295
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Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 12 DP 31294, 7 Crane Lodge Place PALM BEACH NSW 2108
Proposed Development:	Alterations and additions to a dwelling house including secondary dwelling
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	Alexei Mazin

Application Lodged:	09/10/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	16/10/2024 to 30/10/2024
Advertised:	Not Advertised
Submissions Received:	9
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 836,000.00
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The development application seeks consent for alterations and additions to the existing dwelling and a secondary dwelling on the subject site. The application is referred to the Development Determination Panel (DDP) due to the application receiving five (5) or more objections during the notification period. The objections primarily focus on concerns related to environmental and built form impacts caused by the development. The proposed development was notified in accordance with the Northern Beaches Community Participation Plan (CPP) for fourteen (14) days. A total of seven (7) submissions were received in objection to the application.

Under the Northern Beaches Community Participation Plan (NBCPP), formal re-notification was not required, as it was considered that the amended plans resulted in a lesser of environmental impacts. However, to ensure transparency and community engagement, the objectors who made submissions to the original application were informally notified of the amended plans and given an opportunity to

comment on the amendments to the development.

As a consequence, a further four (4) additional submissions were received. These further submissions primarily focus on concerns related to environmental impacts caused by the development, streetscape, bulk and scale of the development, geotechnical matters, parking, views, privacy and maintenance of access along the Right of Carriageway.

The development proposes variations to Clause A4.12 Palm Beach Locality, Clause B6.3 Off-Street Vehicle Parking Requirements, Clause C1.14 Separately Accessible Structures, Clause D12.5 Front building line, Clause D12.6 Side and rear building line, Clause 12.8 Building envelope and D12.10 Landscape Area - Environmentally Sensitive Land. These variations are considered on the report however on balance, they are considered to be acceptable.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that proposal is an acceptable development for the subject site for the reasons outlined in this report. This report concludes with a recommendation that the DDP approve the development application, subject to the recommended conditions.

PROPOSED DEVELOPMENT IN DETAIL

The proposal is for alterations and additions, with secondary dwelling, to an existing dwelling on the subject site.

The proposed works include:

Level 0

- Demolition of existing, external entry stairs and construction of new enclosed, secure entry stairwell with lift
- Construction of new home office
- Removal of existing shed and concrete driveway in front and re-landscaping of this area along with the introduction of native species to other parts of the site
- Minor alteration/addition to existing garage and storeroom with new parking/turning platform adjacent

Level 1

- Construction of new self-contained secondary dwelling
- Construction of new studio
- Construction of new secure entry stairwell with lift allowing for equal access

Level 2

- Replacing existing southern deck with new family room and small deck, entry hall and store
- Construction of new secure entry stairwell with lift
- Construction of new study to north of living room

Level 3

- Construction of north-facing alteration/addition containing sunroom, dressing room and two ensuites
- Alteration to existing bathroom and extension to existing bedroom

Roof

- Replace deteriorated existing roof sheeting with new additional sections of roof to match

Application History

23 September 2024 - Development Application (DA) acknowledgement sent to the applicant.

24 September 2024 - Request for Additional Information sent to the applicant requesting a new BASIX Certification (as current BASIX Certificate lodged with the DA was more than 3 months old at the date of lodgement of the application).

30 September 2024 - New BASIX Certificate lodged by the applicant.

9 October 2024 - Notification letters sent to adjoining and surrounding properties.

17 October 2024 - Notification sign confirmation submitted by the applicant.

22 October 2024 - Site inspection of the subject site (7 Crane Lodge Place) undertaken by Council Planner.

25 October - 1 November 2024 - Council receives seven (7) unique submissions.

6 December 2024 - Request for Further Information sent to the applicant with the following issues:-

- Owners Consent – Landscaping on Right-Of-Carriageway;
- Right-of-carriageway – dimensions / location of works proposed adjacent;
- Elevations – Insufficient Information;
- Landscaped Open Space;
- Front Building Line;
- Local Character / Garage Width Control;
- Undercroft Area;
- Building Envelope;
- Visual and Acoustic Privacy;
- Building Colours and Materials; and
- Secondary Dwelling

6 December 2025 - Site inspection of the adjoining site to the west (6 Crane Lodge Place)

23 January 2025 - Amended Plans including and amended BASIX Certificate

- Displaying right-of-carriageway
- Removed proposed permeable gridded parking and turning platform beside right-of-way
- Home office and painting studio separate by staircase from primary and secondary dwellings
- Painting studio reduced in overall length with proposed deck on the southern elevation
- Reconfiguration of stairs and lift
- Store room (western elevation) reduced in size to allow for staircase to entry hall

5 March 2025 - Amended Plans

- Minor internal changes to the painting studio and external changes to the stairs.

31 March 2025 - Request of the applicant for owners consent from 8 Crane Lodge Place (Lot 13) for proposed alterations to garage extend into that property. The applicant amended the description of the development so as to exclude any works to the garage from the application, avoiding the need for owners from 8 Crane Lodge Place.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living

Pittwater Local Environmental Plan 2014 - 5.4 Controls relating to miscellaneous permissible uses

Pittwater 21 Development Control Plan - A4.12 Palm Beach Locality

Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements

Pittwater 21 Development Control Plan - C1.3 View Sharing

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - C1.6 Acoustic Privacy

Pittwater 21 Development Control Plan - C1.14 Separately Accessible Structures

Pittwater 21 Development Control Plan - D12.3 Building colours and materials

Pittwater 21 Development Control Plan - D12.5 Front building line

Pittwater 21 Development Control Plan - D12.6 Side and rear building line

Pittwater 21 Development Control Plan - D12.8 Building envelope

Pittwater 21 Development Control Plan - D12.10 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 12 DP 31294 , 7 Crane Lodge Place PALM BEACH NSW 2108
Detailed Site Description:	Detailed Description of Adjoining/Surrounding Development Adjoining and surrounding development is characterised by multi storey dwellings with associated outbuildings and structures with landscaped gardens. The subject site consists of a single allotment located on the northern side of Crane Lodge Place. The site is irregular in shape, featuring a frontage of 12.495m plus a radial distance of 9.635m along Crane Lodge Place. The site

extends to a depth of 54.355m along the eastern boundary and 40.47m along the western boundary, with a total surveyed area of 958m².

The site is situated within the C4 Environmental Living zone and accommodates a two-storey dwelling constructed from brick, timber framing, weatherboard, and steel roofing. This dwelling is positioned to the north of the right-of-way, while a separate double garage and storeroom, constructed of timber framing, weatherboard, and steel roofing, are located to the south.

Properties along this section of Crane Lodge Place do not have direct street access. Instead, a right-of-way provides access to and from their respective sites. The site itself is steeply sloped, descending from the rear northern boundary to the front southern boundary at a gradient of approximately 49%.

The site features dense vegetation along the eastern and western edges, with a few trees located to the south of the house. Additionally, a significant portion of native vegetation and mature trees exists to the north of the dwelling.

Adjoining and Surrounding Development

The surrounding area is characterised by multi-storey dwellings with associated outbuildings and landscaped gardens. These dwellings are designed to integrate with the steep terrain and natural vegetation, contributing to the area's established residential character.

Map:



SITE HISTORY

BA0604/95 - second shower area additions to the dwelling approved 3 July 1995

N0119/11 - Alterations and additions approved 19 May 2011

DA2024/0874 - Alterations and additions to a dwelling house including secondary dwelling
9 July 2024 - Request for further information (cost summary report and boundary identification survey).

19 July 2024 - DA was withdrawn by the applicant.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning	None applicable.

Section 4.15 Matters for Consideration	Comments
agreement	
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p>Part 4, <u>Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to owners consent as landscaping was proposed on the right-of-carriageway, dimensions and location of works proposed adjacent to the right-of-carriageway, amended plans (elevations), landscape open space, front building line, local character/garage width control, undercroft area, building envelope, visual and acoustic privacy, building colours and materials, secondary dwelling and updated BASIX Certificate. On 31 March 2025 a further request to the applicant for owners consent from 8 Crane Lodge Place for proposed works to the garage (due to the encroachment of the existing garage) or statement from the applicant stating to remove any proposed works to the garage.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in	See discussion on "Notification & Submissions Received" in this report.

Section 4.15 Matters for Consideration	Comments
accordance with the EPA Act or EPA Regs	
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 16/10/2024 to 30/10/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 9 submission/s from:

Name:	Address:
Mr Alan Spencer Bertram	29 Crane Lodge Place PALM BEACH NSW 2108
Mr Hamid Truman	7A Crane Lodge Place PALM BEACH NSW 2108
Mr Gary John Burns	25A Crane Lodge Place PALM BEACH NSW 2108
Withheld	PALM BEACH NSW 2108
Withheld	PALM BEACH NSW 2108
Ms Rachel Mary Lewis Mr Gareth John Lewis	8 Crane Lodge Place PALM BEACH NSW 2108
Mr Garry Wilhelm Pammer	Po Box 780 AVALON BEACH NSW 2107
Withheld	PALM BEACH NSW 2108
Ms Jane Frances McMullen	9 Crane Lodge Place PALM BEACH NSW 2108

The following issues were raised in the submissions:

- ***Bulk and Scale, Overdevelopment, Site Appropriateness, Streetscape, and Precedent***

Comment: Several submissions raised concerns that the proposed development constitutes overdevelopment, may set a dangerous precedent, and is inappropriate for the site in terms of bulk and scale under Clause D12.8 Building Envelope. Concerns were also expressed regarding the development's consistency with the streetscape.

The proposal has been assessed against the relevant provisions of the PLEP 2014 and P21 DCP. The assessment concludes that the amended proposal complies with these requirements (subject to conditions). Where variations to the P21 DCP built form controls exist, they have

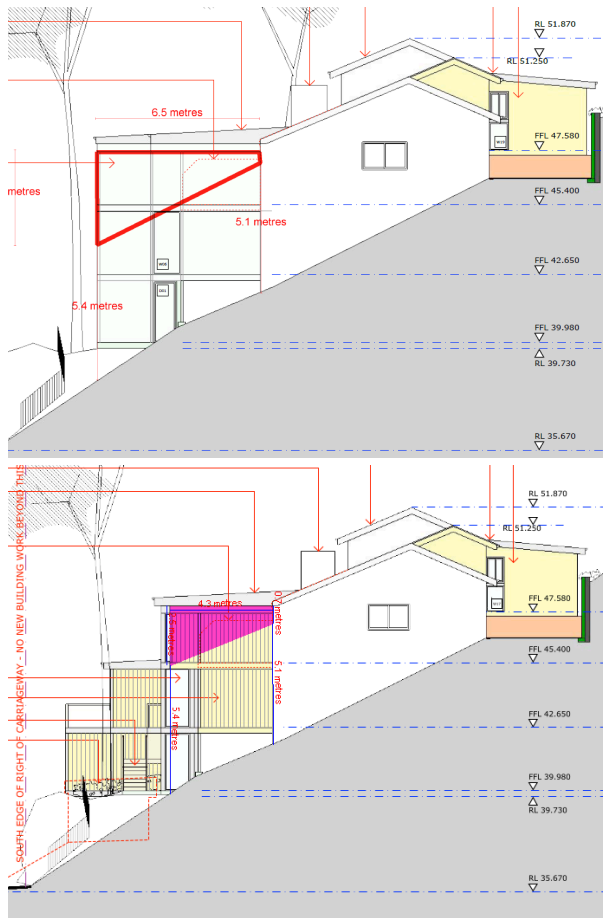


Figure 3 - Original proposal

Figure 4 - Amended Proposal

The Level 2 deck includes a proposed solid wall, which is required under the National Construction Code (NCC). This is due to the secondary dwelling being located on Level 1, necessitating a building classification change from Class 1 to Class 2.

While the proposal includes variations to the P21 DCP, the development is considered acceptable as detailed throughout this report. Specifically, variations Clause D12.5 – Front Building Line, Clause D12.6 – Side and Rear Building Line and Clause D12.8 – Building Envelope have been assessed and found to be consistent with the objectives of these controls.

- ***Painting studio and home office***

Comment: Several submissions raised concerns regarding the painting studio and home office, particularly the amended design of the painting studio, which includes a bathroom at the northern end and a small deck at the southern end.

An assessment under Clause C1.14 – Separately Accessible Structures of the P21 DCP confirms that such structures may be permitted for use as a studio, home office, or similar purposes, provided that:

"i) it is are ancillary to a dwelling; and

ii) it is not designed for separate habitation and do not contain any cooking facilities."

Both the painting studio and home office comply with these requirements as they are ancillary to the dwelling, not designed for separate habitation, and do not contain cooking facilities. To reinforce this, a specific condition will be imposed to ensure that neither space is approved for separate occupancy, and built-in cooking facilities will not be permitted.

Concerns were also raised by the owners of 6 Crane Lodge Place regarding potential privacy impacts from the proposed deck off the painting studio. Given its proximity to neighboring properties, it is recommended that the deck be removed and replaced with a roof design that integrates with the existing building, incorporating a Juliet balcony instead. Installing a privacy screen along the western edge of the balcony would add unnecessary bulk and further contribute to building envelope non-compliance, which is not supported on this occasion.

- **Privacy**

Comment: As stated above, the proposed balcony off the painting studio will be removed as a condition of approval to maintain a reasonable level of amenity for both the occupants of the subject site and the adjoining property to the west (6 Crane Lodge Place).

Additionally, to preserve privacy and residential amenity, the following window treatments will be required by recommended condition:

- The full-sized ensuite window (W12) adjacent to Bedroom 1, which faces directly west, must be frosted and/or obscured to protect the privacy of 6 and 7 Crane Lodge Place.
- The bathroom window (W07), which faces north, must also be frosted and/or obscured to ensure privacy for both adjoining properties.

These recommended conditions will ensure that the proposed development minimises privacy impacts while maintaining an appropriate level of amenity for neighbouring residents.

- **Noise for lift**

Comment: One submission raised concerns regarding potential noise transmission from the proposed lift. The lift is centrally positioned at the front of the development and is located more than 8m from any side boundary.

To ensure a reasonable acoustic amenity for adjoining and surrounding dwellings, a condition will be recommended as part of the approval to mitigate potential noise impacts.

- **Parking**

Comment: An issue was raised regarding the number of parking spaces for the proposed development, which includes an existing principal dwelling and a proposed secondary dwelling. A detailed assessment has been carried out under Clause B6.3 – Off-Street Vehicle Parking Requirements of the P21DCP.

Due to the site's steep terrain, the limited space available for compliant parking, and the constraints imposed by the right-of-way, future opportunities for additional parking are significantly restricted. Notwithstanding, Chapter 3, Part 1, Clause 53(b) of the Housing State Environmental Planning Plan (Housing) 2021 (Housing SEPP) stipulates the following:

"The number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out".

The development does not reduce the amount of car parking currently provided on the site. Therefore, while the proposal is technically numerically non-compliant with the requirements of this control (Clause B6.3 – Off-Street Vehicle Parking Requirements of the P21DCP), the Housing SEPP prevails over the P21DCP.

- ***Maintenance of access along Right of Carriageway and pedestrian safety***

Comment: Submissions have received regarding potential obstruction and damage of the Right of Carriageway (ROC) during construction and pedestrian safety. Should the application be approved, a condition is recommended to require the preparation of a Construction Traffic Management Report, to ensure that the ROC is not unreasonably obstructed during construction and ensure pedestrian safety for owners and visitors.

- ***No formal re-notification of amended plans***

Comment: An issue was raised regarding the formal re-notification of the recent amended plans. Under the Northern Beaches Community Participation Plan (NBCPP), formal re-notification was not required, as it was considered that the amended plans resulted in a lessening of environmental impacts. However, to ensure transparency and community engagement, all objectors to the original development were notified of the plans.

During this re-notification period, Council received four (4) additional submissions including one (1) submission prior to the re-notification period, all of which have been formally assessed and considered in the determination of the development application.

- ***Inadequate consideration for existing trees and site conditions***

Comment: Several concerns were raised regarding the removal of two *Corymbia maculata* (spotted gum) trees, identified as Trees 2 and 5 in the Arboricultural Impact Assessment (AIA), and the potential impact on Tree 4 (also *Corymbia maculata*).

Trees 2 and 5 are wholly located within the proposed development footprint and have been recommended for removal by the applicant's arborist. To compensate for their loss, replacement plantings will be selected and located within the subject site, as recommended in both the AIA and the conditions set by Council's Senior Landscape Architect.

Tree 4, located at the front of the property, will be affected by the proposed new lift, stairwell, and timber-framed extension. To minimise impacts, tree-sensitive construction techniques have been incorporated into the design and recommended within the AIA. Additionally, Council's Senior Landscape Architect has proposed specific conditions to ensure its protection.

- ***A geo-physical land report is to be completed and future and past landslips***

Comment: A geotechnical report was lodged with the development application, prepared by a

Registered Professional Geoscientist from White Geotechnical Group, dated 12 June 2024. The report includes recommendations, methodology, and required inspections at critical stages of construction phases of the proposed development.

While it is noted that past landslips may have occurred on adjoining and surrounding properties, the current development application has been supported by appropriate geotechnical documentation. Council's Development Engineer has reviewed the geotechnical report, plans, and supporting documentation and has imposed specific conditions to minimise potential landslide risks in the future, should the development be approved.

- ***Excessive stormwater runoff from the site and proposed development***

Comment: Concerns were raised regarding excessive stormwater runoff from the site and the proposed development.

A review of the Geotechnical Report provides specific recommendations for managing surface water, including:

- Capturing uphill flows and directing them to the street via a controlled drainage system.
- Oversized drains, pits, and associated plumbing, designed to handle extreme and prolonged rainfall events.
- Prioritising drainage construction as the first stage of development to enhance slope stability, reduce erosion, and improve overall site conditions.

In addition, stormwater management plans prepared by a civil engineer, were submitted and reviewed by Council's Development Engineer. Conditions have been imposed to ensure adequate stormwater drainage is implemented as part of the development.

- ***Proposed alterations and additions to the garage***

Comment: An issue was raised regarding the proposed alterations and additions to the garage, including increases in width, length, and height.

It is noted that the existing garage currently encroaches over the southern front boundary. As a result, a variation to Clause D12.5 (Front Building Line) of P21DCP is supported in this instance. Reviewing the deposited plan (DP31294) is noted that the existing garage on subject site on Lot 12 (7 Crane Lodge Place) encroaches on to Lot 13 (8 Crane Lodge Place) see plan below:-

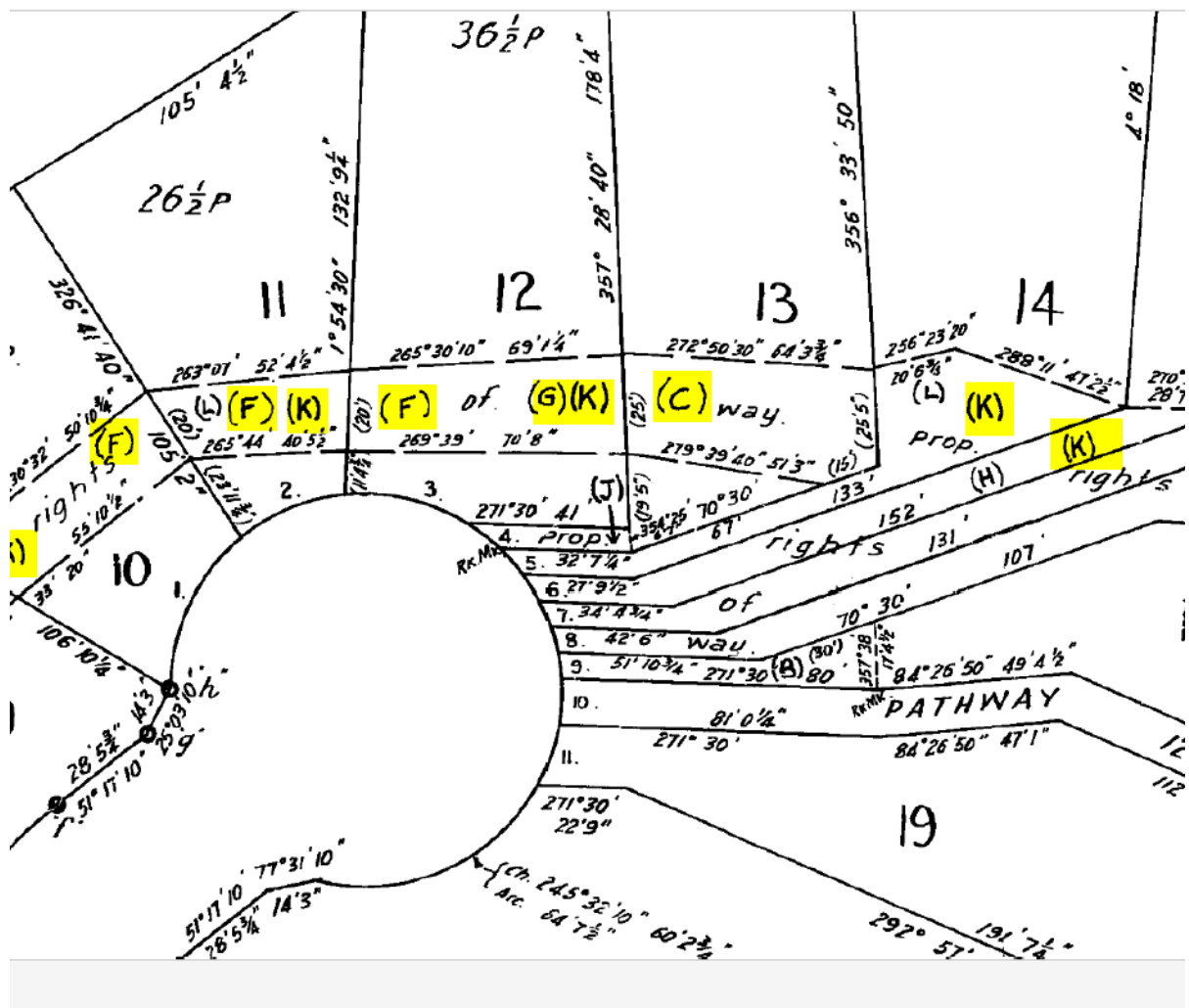


Figure 5: DP31294 (area (J) access handle for Lot 13 is where the encroachment occurs.

Based on the information above Council cannot approve any alterations and additions to the garage without owner(s) consent from Lot 13 (8 Crane Lodge Place). Council received an email on 1 April 2025 from the owners of 7 Crane Lodge Place removing the garage from this development application. A condition will be included to ensure this outcome.

- **Views**

Comment: Issues were raised by 6 and 9 Crane Lodge Place regarding potential view impacts. In accordance with Clause C1.3 View Sharing of the P21 DCP, a detailed assessment, including site inspections from affected properties, has been undertaken.

Applying the Tenacity Principles, it has been determined that:

- View loss from the main living areas (lounge and kitchen) of 6 Crane Lodge Place is negligible.
- View loss from the master bedroom of 6 Crane Lodge Place is minor.
- View loss from 9 Crane Lodge Place is negligible.

One submission referenced the fourth step of *Tenacity Consulting v Warringah Council (2004) NSWLEC 140*, which states:

"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."

Variations to specific built form controls of the P21 DCP have been addressed in this assessment. As the view loss has been assessed as minor, the proposal is considered to satisfy the fourth step of the Tenacity Principle.

- ***Alternative design solutions***

Comment: One submission suggested three (3) alternative design solutions relocating the painting studio as follows:-

*"1. Alternative Location 1: Painting Studio pulled back further to the north (lesser breach of envelope control, fully compliant with height control)
2. Alternative Location 2: Painting Studio located above the northern addition (fully compliant with height and envelope controls)
3. Alternative Location 3: Painting Studio located above the garage (fully compliant with height and envelope controls)"*

While these alternatives have been noted, Council is required to assess the amended plans as submitted and cannot recommend or impose conditions requiring the relocation of specific elements such as the painting studio.

- ***Trespassing on 9 Crane Lodge Place for Site Access***

Comment: A concern was raised regarding alleged trespassing by construction workers and vehicles accessing the construction site at 7 Crane Lodge Place.

A review of the deposited plan (DP31294) confirms that the ROC permits vehicular and pedestrian access for all lots 9–19. Notably, Lot 12 (7 Crane Lodge Place) is one of the lots that benefits from these rights under the ROC. As such, the use of the ROC for access to the site is in accordance with legal entitlements.

- ***Impacts on services for 9 Crane Lodge Place (Garage excavation works)***

Comment: The existing garage at 7 Crane Lodge Place encroaches over the southern front boundary onto Lot 13 (8 Crane Lodge Place). Without the owner's consent from 8 Crane Lodge Place, Council cannot grant approval for the proposed garage works.

As a result, there will be no impacts on services for 9 Crane Lodge Place related to the proposed garage excavation works.

- ***Existing boundary encroachments on 8 Crane Lodge Place by 7 Crane Lodge Place***

Comment: Concerns were raised regarding the front stairs at the southeastern corner, as well as the courtyard and wall at the rear of the house on the eastern side boundary at 7 Crane Lodge Place, which encroach onto 8 Crane Lodge Place. Additionally, the existing garage on the southern front boundary for 7 Crane Lodge Place also encroaches onto land owned by 8 Crane Lodge Place.

- **Airbnb**

Comment: Multiple submissions raised concerns regarding the potential rental of the secondary dwelling, home office, and painting studio via Airbnb.

A condition will be included in the approval to prohibit the habitation of the home office and painting studio as separate dwellings. However, the secondary dwelling may be rented out for short-term accommodation, and any such use would be subject to compliance with the Code of Conduct for the Short-Term Rental Accommodation Industry.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no concerns with the application subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><i><u>Note:</u> The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</i></p>
Landscape Officer	<p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan (PLEP) clause C4 zone Environmental Living, and the following Pittwater 21 Development Control Plan (PDCP) controls (but not limited to): B4.22 Preservation of Trees and Bushland Vegetation; C1.1 Landscaping; and D12 Palm Beach Locality. The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment with ecological, scientific or aesthetic values, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.</p> <p>An Arboricultural Impact Assessment (AIA) and a Landscape Plan are submitted for consideration of Landscape Referral.</p>

Internal Referral Body	Comments
	<p>The AIA report includes proposed removal of two existing Spotted Gums identified as trees 2 and 5 that, and should the proposal be approved, these trees will require removal as no design alternative is available. It is noted that there are seven existing Spotted Gums identified as trees 3, 4, 8, 9, 10 (co-owned), 11 and 12 within the property that are assessed in the AIA for preservation and protection. Existing tree 4 will require Project Arborist supervision to satisfy the recommendations of the AIA report and conditions shall be imposed. All trees and vegetation within neighbouring properties shall be retained. Landscape Referral raise no concerns with the proposed recommendations of the AIA report.</p> <p>The property is located within the Department of Planning, Industry and Environment's (DPIE) Biodiversity Values Map (BVM) under the Biodiversity Conservation Act, and any tree removal within the BVM may trigger the Biodiversity Offsets Scheme (BOS) and may require a Biodiversity Development Assessment Report (BDAR). Landscape Referral consider the two proposed tree removal species are located outside of the BVM, and this specific matter is deferred to Council's Bushland & Biodiversity Referral team.</p> <p>The Landscape Plan provides planting enhancement as illustrated and no concerns are raised, subject to conditions that shall include replacement Spotted Gum Forest planting typical of the association. Additionally it is noted that outside of the proposed building envelope, existing rock outcrops are to be retained, and conditions shall be imposed.</p>
NECC (Bushland and Biodiversity)	<p>The proposal has been assessed against the following biodiversity-related provisions:</p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 (BC Act) • NSW Biodiversity Conservation Regulation 2017 • Pittwater LEP Clause 7.6 - Biodiversity Protection • Pittwater DCP Clause B4.7 - Pittwater Spotted Gum Forest Endangered Ecological Community <p>Portions of vegetation within the subject site have been identified on the NSW Department of Climate Change, Energy, the Environment and Water's (DCCEEW) Biodiversity Values Map (BV Map). Any impacts to native vegetation within the BV Map area will trigger entry into the NSW Biodiversity Offsets Scheme (BOS) and require a Biodiversity Development Assessment Report (BDAR) to be submitted in support of the application.</p> <p>The proposal will require removal of two Spotted Gums (Trees 2 and 5) which are located outside of the BV Map area. As such, the proposal as submitted does not trigger entry into the BOS, and a BDAR is therefore not required. However, should the works result in impacts to vegetation within the BV Map area (including significant</p>

Internal Referral Body	Comments
	<p>Trees 4, 8, 9, 11, 12 and 13), an additional consent application will be required and must be accompanied by a BDAR, prepared by an ecologist accredited in application of the NSW Biodiversity Assessment Method.</p> <p>The two trees proposed for removal are currently in close proximity to existing approved buildings, and as such may already meet the thresholds for the proximity exemption under PDCP B4.22. Should the development be approved, an additional condition is recommended so that trees to be retained under this consent cannot be removed under the PDCP B4.22 proximity exemption in future.</p> <p>The proposed new landscaping is generally consistent with the requirements of PDCP B4.7, and conditions recommended by the Landscape referrals body will assist in retaining significant trees on site.</p>
NECC (Development Engineering)	<p>05/11/2024: Development Application is for alterations and additions to the existing house including addition of secondary dwelling.</p> <p>Access Site is accessed by Right of Way (ROW), no changes to ROW are proposed. Internal driveway leading garage is proposed to be upgraded and to be designed in accordance with Australian Standards and is conditioned accordingly.</p> <p>Stormwater Stormwater will be connected to existed approved system.</p> <p>Geotechnical Site is mapped as Geotechnical Hazard H1. Geotech Report by White Geotechnical Group, Ref: J4584A, Dated 12th June, 2024 with Form 1 and 1A is provided.</p> <p>For Planner: Please impose a condition to keep ROW clear all the times during construction works.</p>

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

provisions which the proposal is considered to be acceptable against.

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

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

SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. A1751219_03 dated 21 January 2025).

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	10m*	8.5m (Dwelling)	-	Yes
		6.2m (Garage)	-	Yes

* Clause 4.3 Height of Buildings Clause (2D) development may exceed a height of 8.5 metres, but not be more than 10.0 metres subject that the portion is minor, the objectives of this clause are achieved and the building footprint is situated on a slope that is in excess of 16.7 degrees (30%) - subject slope site is over 26.1 degrees (49%).

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
5.10 Heritage conservation	Yes
Part 7 Additional local provisions	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone C4 Environmental Living

The proposed development involves partial demolition of the existing dwelling house and associated structures and construction of alterations and additions to the existing dwelling including alterations and additions to the existing garage and storage building at the front of the subject site, and associated drainage works. Dwelling houses are permissible with consent in the C4 Environmental Living zone. The proposal is considered against the objectives of the zone as follows:

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

Comment: The area of the site that is subject to the development has been subject to previous disturbance by previous development. The dense vegetation to the rear of site is to be retained, which will soften the visual impacts of the development when viewed from below. Furthermore,

the proposed development will be appropriately sited and scaled, such that the works will not unreasonably detract from the visual qualities of the locality. Overall, the development is considered to have an acceptable impact upon the ecological, scientific or aesthetic values of the area.

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

Comment: As demonstrated above, the proposed development does not have an adverse effect on the ecological, scientific or aesthetic values listed above.

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

Comment: The proposed development will require removal of some vegetation and this will be replaced with appropriate landscaping on the site. Furthermore, the building height steps down with the slope of the land, which visually reduces the built form and sensitively responds to the natural topography. The proposal also does not change the existing low density residential land use and the scale of the development is commensurate with nearby residential development within the locality. Overall, the proposal meets this objective.

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

Comment: The proposed landscaping and the retention of vegetation in the rear portion of the site will enhance the existing wildlife corridor that traverses the property.

Conclusion

As demonstrated above, the proposed development satisfies the objectives of the C4 Environmental Living zone.

5.4 Controls relating to miscellaneous permissible uses

In accordance with Clause 5.4(9a), the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed 60m².

The proposed secondary dwelling has a internal floor space of 41.4m² and demonstrates compliance with this clause.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation	Complies
Front building line	6.5m	Nil (garage)	100%	No
		11.4m (dwelling - home office)	-	Yes

		17.2m (secondary dwelling & primary dwelling)	-	Yes
Rear building line	6.5m	6.8m - 12.2m	-	Yes
Side building line	2.5m (east)	0.5m - 0.917m (garage)	63.3% - 80%	No
		1.6m - 6.8m (dwelling)	36%	No
	1m (west)	0.93 - 1m (dwelling)	7%	No
Building envelope	3.5m (east)	Garage: Breach of 2.9m (length) x 1.2m (height)	34.3%	No
		Level 2: Breach of 4.3m (length) x 0.7m - 2.5m (height)	20% - 71.4%	No
	3.5m (west)	Level 1: Breach of 1.8m (length) x 1.5m (height) Level 1: Breach of 4.6m (length) x 1.2m (height)	42.9% 34.3%	No No
		Level 3: Breach of 2.4m (length) x 0.9m - 1.6m (height)	25.7% - 45.7%	No
Landscaped area	60%	451.2m ² (47.1%)*	21.5%	No

* Includes 6% allowable variation

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.12 Palm Beach Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	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
B8.6 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

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
C1.14 Separately Accessible Structures	No	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
D12.1 Character as viewed from a public place	Yes	Yes
D12.3 Building colours and materials	Yes	Yes
D12.5 Front building line	No	Yes
D12.6 Side and rear building line	No	Yes
D12.8 Building envelope	No	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	No	Yes
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

A4.12 Palm Beach Locality

The development is generally consistent with the desired character statement of the Palm Beach Locality with exception of the dwelling being three (3) storeys.

Specifically, the locality statement provides that the *"locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys (2) in any one place in a landscaped setting, integrated with the landform and landscape"*.

The proposed development is not strictly in compliance with the requirements of this clause, in that it includes three (3) storeys, where this control allows for two (2) storeys. The proposed development is acceptable on merit and do not erode the visual character of the locality as it is intended. The proposed built form of the development is set below the tree canopy and is softened by landscaping. The proposal is supported by a suitable landscape plan in this regard, demonstrating a good mix of vegetation types and sizes, from shrubbery to canopy trees and other species in between. The proposal is also supported by a geotechnical report prepared by a suitably qualified professional, demonstrating the proposal is designed to be safe from hazards (in accordance with recommendations and imposed conditions). Overall, the dwelling appropriately responds to the topography of the site, while minimising excavation. Given these factors, the proposal demonstrates a suitable balance between maintaining landform and allowing for acceptable development and is acceptable on merit with respect to the desired character of the subject site and surrounding land.

In this regard, the built form will sit comfortably with surrounding two (2) and three (3) storey residential developments. Further, proposed landscaping, in conjunction with existing and required landscaping by recommended conditions contained within this report, will assist to visually screen the bulk and scale of the built form and integrate the built form into the landscape.

On balance, the proposal is considered consistent with the desired future character of the Palm Beach locality.

B6.3 Off-Street Vehicle Parking Requirements

This control requires three (3) off-street car parking spaces to be provided on the site, two (2) for the principal dwelling house and one (1) for the secondary dwelling. The site currently provides off-street car parking for two (2) vehicles via the double garage.

The proposed development includes two (2) off-street car parking spaces, thereby non-compliant with this control.

Notwithstanding, Chapter 3, Part 1, Clause 53(b) of the Housing SEPP stipulates the following:

"The number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out".

The development does not reduce the amount of car parking currently provided on the site. Therefore, while the proposal is technically numerically non-compliant with the requirements of this control, the Housing SEPP prevails over the P21DCP. In this instance, consideration of this control for this assessment is not required.

C1.3 View Sharing

Merit consideration

Submissions from 6 and 9 Crane Lodge Place relating to view loss were received during the recent re-notification of the amended plans.

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

- *A reasonable sharing of views amongst dwellings.*

Comment:

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

1. Nature of the views affected

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

Comment to Principle 1:

6 Crane Lodge Place: Distant water views with heavily vegetation obscuring views from the master bedroom.

9 Crane Lodge Place: Very filter views of Pittwater through heavy vegetation. It is noted that Council's Planner attempted to gain access to the dwelling to assess the potential view loss, however was directed by the owner to assess the view from the front deck and side of the dwelling (externally).

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:

6 Crane Lodge Place: Views are obtained over the eastern side boundary and front southern boundary from a standing position.

9 Crane Lodge Place: Views are obtained over the western side boundary.

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:

6 Crane Lodge Place: The view been assessed is from the master bedroom and not from the living room and/or kitchen. Additionally, the view loss is over a side boundary and views are distant water views of the ocean with heavy vegetation within the foreground. Additionally, an assessment was taken from the balcony adjacent to the living with views looking to the south (ocean) and to the west (Pittwater) with view loss assessed as minor.



Photo 1 - View from master bedroom at 6 Crane Lodge Place



Photo 2 - View from balcony adjacent to the living area looking south to the ocean



Photo 3 - View looking to the west over to Pittwater

9 Crane Lodge Place: As stated previously the view assessment was only from the front deck and side of the dwelling over the western side boundary. The view is highly vegetated towards Pittwater and the view loss is assessed as 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:

6 Crane Lodge Place: The proposed painting room is compliant with the height of buildings, however is non-complaint with the building envelope control. It is noted that the view has been assessed as minor given a number factors (bedroom, view over the side boundary and distant views of the ocean obscured by heavy vegetation within the foreground).

Given all factor it is considered that the proposed development is reasonable (subject to conditions).

9 Crane Lodge Place: The proposed alterations and additions to the garage is compliant with the height of buildings, however is non-compliant with the building envelope control. Given the limited assessment available the views were assessed as negligible.

It is considered that the proposed alterations and additions to the garage are reasonable, in the context of submissions.

- *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: Views and vistas from Crane Lodge Place and surrounding public places will be maintained ensuring compliance with this merit objective.

- *Canopy trees take priority over views.*

Comment: It is noted that two (2) trees will be removed as part of this proposed development and a review by Council's Landscape Officer has supported the proposal subject to conditions (including replacement plantings on site). It is considered a number of canopy trees will be maintained on the site ensuring compliance is demonstrated with this merit objective.

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.

C1.5 Visual Privacy

The proposed balcony off the painting studio will be removed as a condition of approval to ensure reasonable amenity for both the occupants of the subject site and the adjoining property to the west (6 Crane Lodge Place).

Additionally, the full-sized ensuite window (W12) adjacent to Bedroom 1, which faces directly west, will be required to have frosted and/or obscured glazing to maintain privacy and amenity for both 6 and 7 Crane Lodge Place. Similarly, the bathroom window (W07), which faces north, will also be conditioned to have frosted and/or obscured glazing to ensure privacy for both properties.

Given the above it is considered that the proposal development will satisfy this clause (subject conditions).

C1.6 Acoustic Privacy

Conditions for the use of the lift have been imposed to ensure consistency with this control.

C1.14 Separately Accessible Structures

Description of non-compliance

The proposed development includes a detached "home office" on level 0 and "painting studio" on level 1 outbuilding located within the front portion of the site and adjacent to the western side boundary. The painting studio includes bathroom facilities.

This control states that separately accessible structures may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that:

- it is ancillary to a dwelling;
- it is not designed for separate habitation and does not contain any cooking facilities.

The control allows for a variation to be considered for the addition of bathroom/toilet facilities where the purpose of the structure or its distance from the nearest bathroom facilities dictates the inclusion of such facilities. Due to the distance from the dwelling, the bathroom/toilet facilities are supported.

Development consent is not sought for the use of this structure as a separate occupancy / dwelling. The subject site also proposes alterations and additions to the existing dwelling house and a secondary dwelling located on level 1. It is noted that if the subject site were to have 3 or more dwellings (whether attached or detached), this would redefine the use of the site as multi dwelling housing under the PLEP 2014. This land use is prohibited in the C4 Environmental Living Zone.

Considering the above, and the requirements of this control, a condition of consent is included in the recommendations of this report clarifying that no approval is granted or implied under this Development Consent for the use of the area labeled painting studio and home office on the approved plans for the purpose of a separate occupancy. Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area of the existing primary dwelling and the proposed secondary dwelling.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcome of the control, as below.

- *Separately accessible structures that provide a recreational or office function for residents.*

Comment: It is considered that the inclusion of bathroom facilities within the painting studio is reasonable given its overall size, intended use and degree of separation from the dwelling house.

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

D12.3 Building colours and materials

The proposed external cladding is western red cedar which initially presents with a warm, reddish-brown hue, which naturally ages to a silvery-grey color over time when left untreated. Conditions will be included to ensure colours and materials selected comply with this clause.

D12.5 Front building line

(Description of non-compliance

The proposed garage is located nil setback from the front boundary, presenting a variation of 100% (6.5m).

Reviewing the survey submitted with the development application it is noted that the existing garage hangs over the southern front boundary and these proposed works will rectify this encroachment.

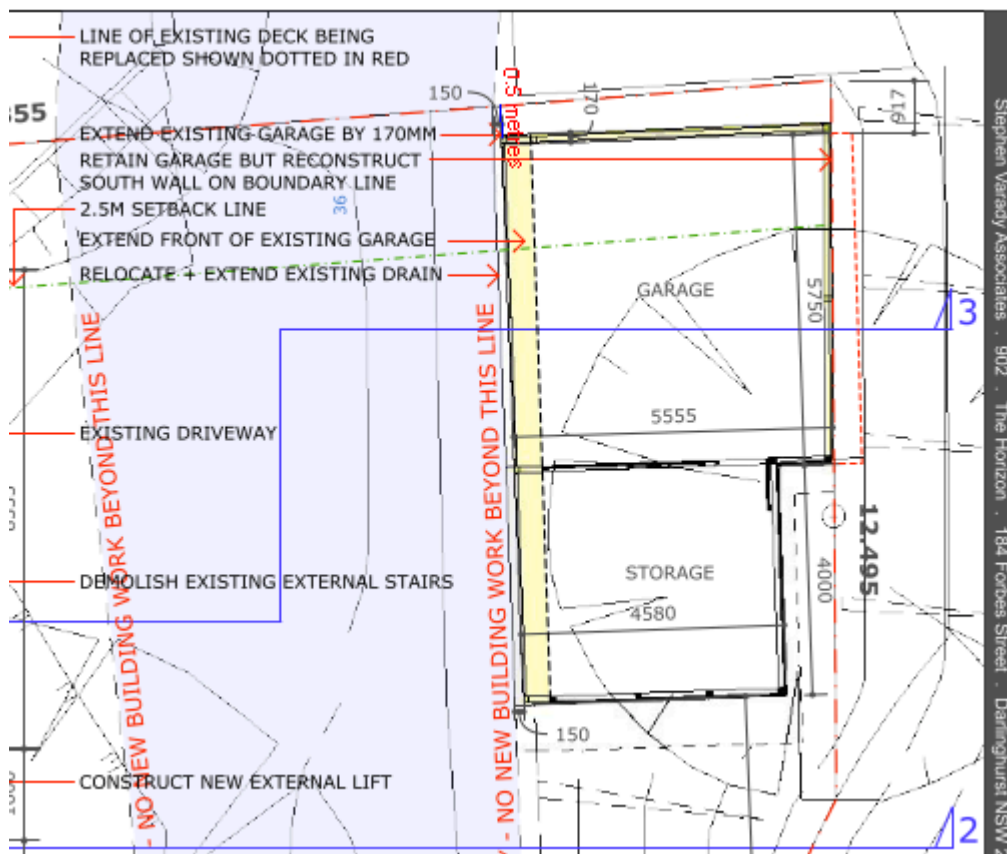


Figure 6 - Proposed modified garage

Under Clause D12.5 Front building line of Pittwater 21 Development Control Plan the following variation applies:

"Where carparking is to be provided on steeply sloping sites, reduced or nil setbacks for carparking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable."

It is considered the subject site, is a steeply sloping site, and as such the reduced setback for carparking structures is acceptable. In this instance, the dwelling house on site, is located behind the 6.5m front building line.

An assessment against the outcomes of the control has been undertaken, and it is considered the

variation meets the outcomes of the control as detailed below.

Merit consideration

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

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

Comment: The proposed development is consistent with the desired future character of the Palm Beach Locality.

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

Comment: The proposal demonstrates compliance with the height of buildings development standard, and as such continues to preserve views and vistas to and from public and private places.

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

Comment: The proposal does not adjoin a main road, therefore this outcome is not relevant.

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

Comment: The proposal retains a number of native trees on site and the two native trees which be suitable conditioned to be replaced with new native trees that will assist to visually reduce the built form.

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

Comment: The modified garage and existing access to the ROC will allow for vehicular maneuvering in a forward direction ensuring compliance with merit objective.

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

Comment: The proposal retains the rural and bushland character of the Palm Beach locality, particularly with the retention of the rock outcrop located at the front and rear of the site

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

Comment: The proposal will enhance the existing streetscape through the extensive plantings proposed, as well as the materials and finishes selected. It is considered that the scale and density is in keeping with the height of the natural environment.

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

Comment:

The proposal encourages an attractive street frontage that will improve pedestrian amenity to access the frontage of the site.

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

Comment: The proposal responds to and sensitively reinforces consistency with the spatial characteristics of the existing urban environment. The proposed garage location is generally consistent with existing parking facilities along right-of-way off Crane Lodge Place that are located within the front and side setbacks area. Therefore, the proposal is supportable in this instance as the proposal is compatible with the streetscape.

Based on the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of P21DCP and the objectives outlined in Section 1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment supports the proposal in this particular circumstance.

D12.6 Side and rear building line

Detailed description of non-compliance

Pursuant to Section D12.6 of the Pittwater 21 Development Control Plan, the minimum side building line for built structures is 2.5m to at least one side and 1m for the other side.

For this site, the 2.5m requirement is taken to be for the eastern boundary and the 1m requirement is taken to be for the western boundary. The existing dwelling has a side setback of 0.93m from the western side boundary and the proposed extensions of level 3 (north western corner of the dwelling) proposes to maintain this existing side setback of 0.93m, which is variation of 7%. It noted all new works on the western elevation maintain a 1m side setback or greater demonstrating compliance with this control.

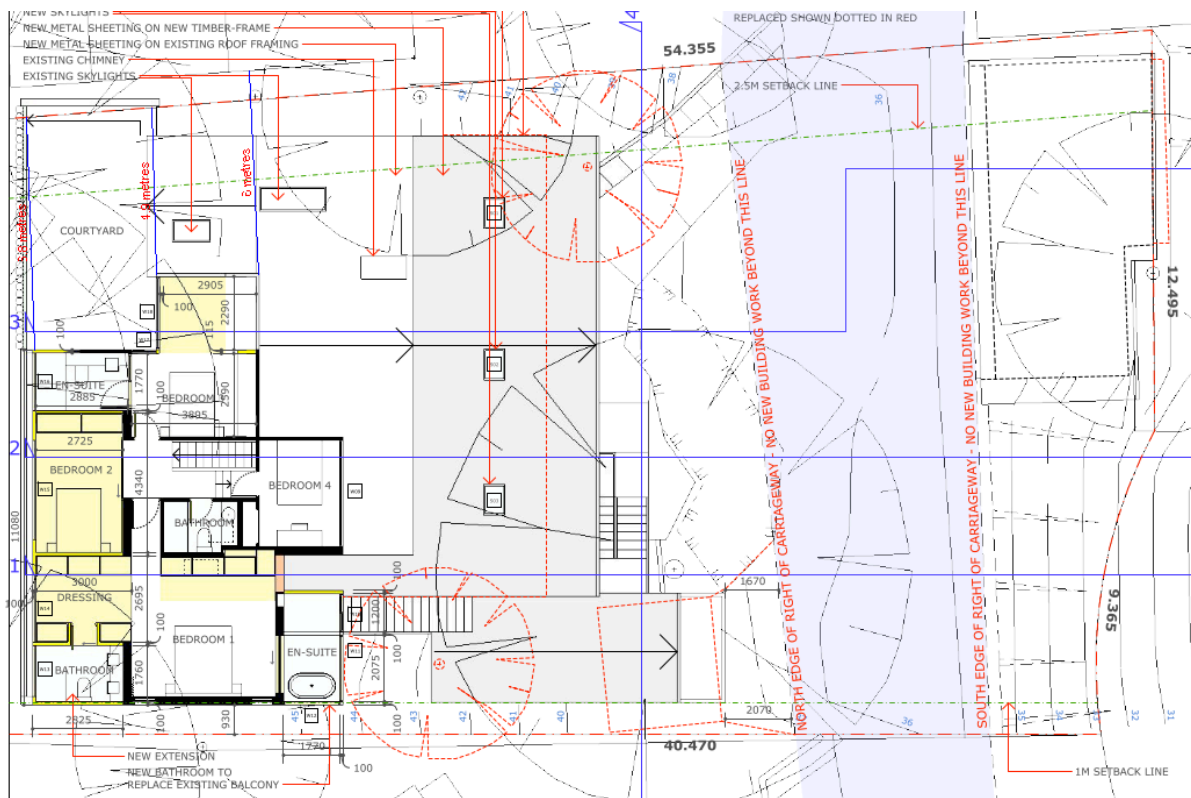


Figure 7: Proposed Level 3 Floor Plan

The existing dwelling has an existing side setback of 0.9m and the existing garage has side setback of 0.735m from the eastern side boundary. The proposed new side setback to the garage will be 0.5m - 0.917m (a variation of 63.3% - 80%) and the proposed additions (both levels 1 and 2) to the dwelling will be sited 1.6m - 1.9m (a variation of 24% - 36%) from the eastern side boundary.

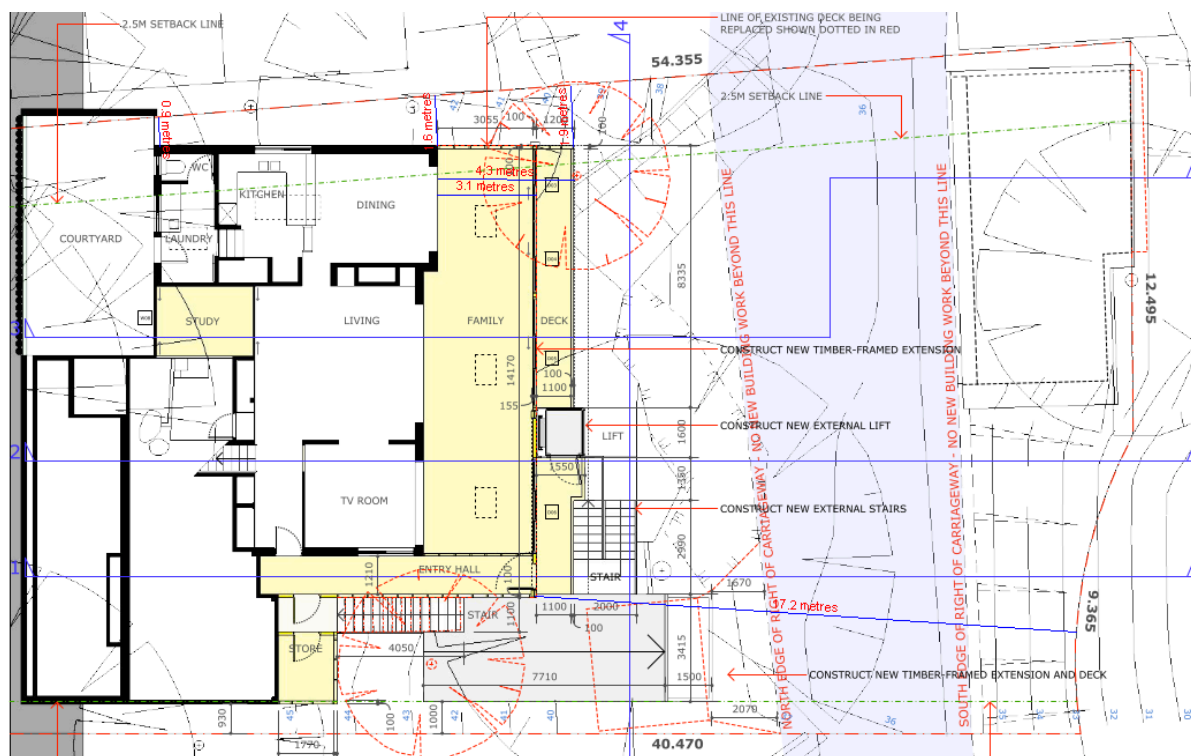


Figure 8: Proposed Level 2 Floor Plan

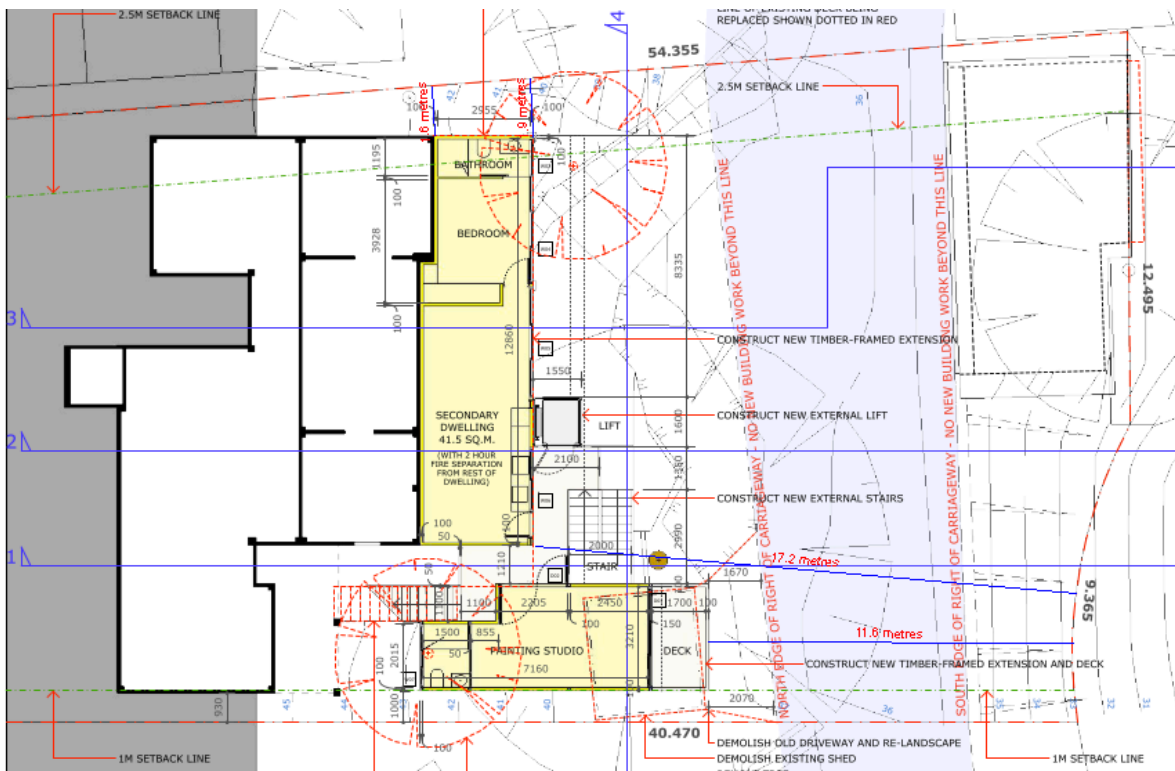


Figure 9: Proposed Level 1 Floor Plan (Secondary Dwelling)

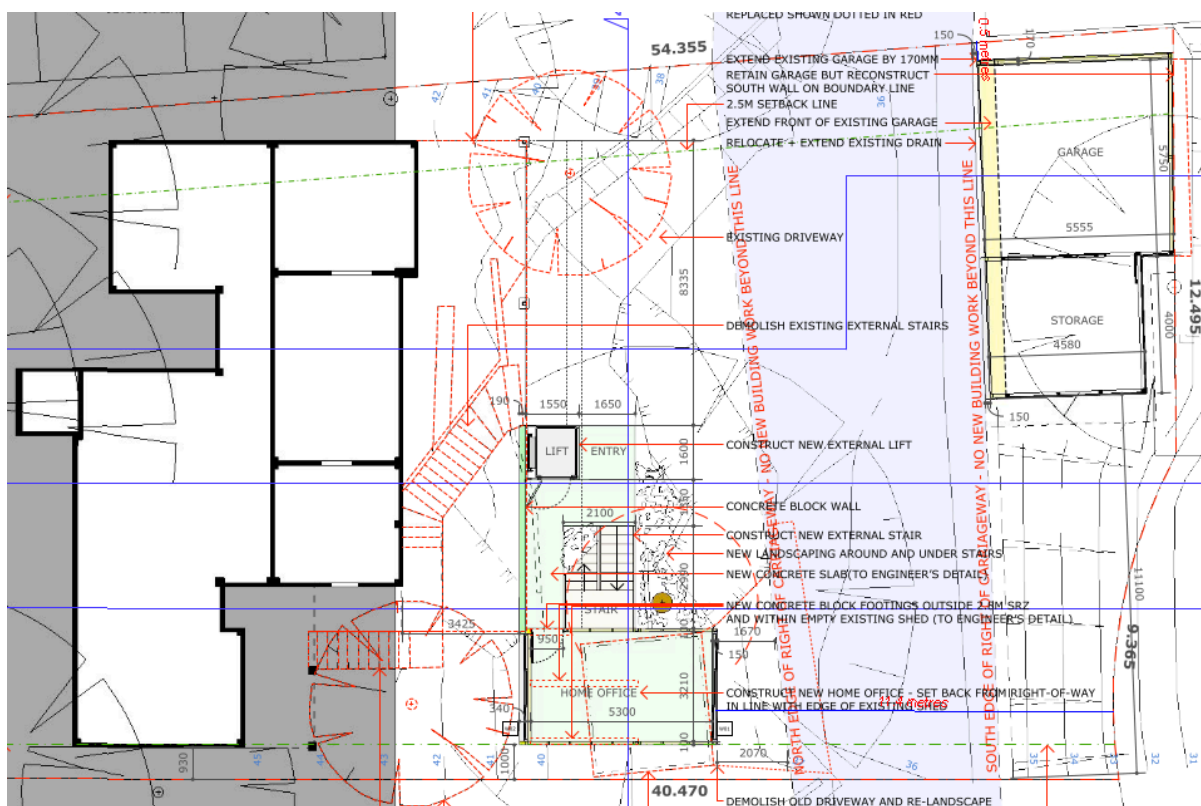


Figure 10: Proposed Garage Floor Plan

Merit consideration

With regard to the consideration of a variation, the proposed development is considered against the underlying outcomes of the control as follows

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

Comment: The proposed development is consistent with the desired future character of the Palm Beach locality as the dwelling maintains a low-density residential character in a landscaped setting that is integrated with the landform and landscape.

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

Comment: The parking structure is neither excessive in size nor height and, therefore, does not present an unreasonable level of bulk or scale.

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

Comment: The steepness of the site and the position of dwellings at a much higher elevation than the proposed development ensures views and vistas to and from public and private places are preserved.

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

Comment: The siting of the alterations and additions to the buildings maintains reasonable view sharing to adjoining dwellings/properties. The proposal also maintains significant vegetation and the building has been designed to step down to follow the slope of the land and therefore sits within the existing landscape, responding sensitively to the landform and natural environment.

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

Comment: The proposed development is appropriately designed so as to provide a reasonable level of privacy (subject to conditions), amenity and solar access for the subject site and adjacent sites.

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

Comment: The proposal maintains significant vegetation and an ample amount of landscaped area across the site. The building has been designed to step down to follow the slope of the land and therefore sits within the existing landscape, responding sensitively to the landform and natural environment.

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

Comment: Flexibility has been afforded in the siting of the additions to the dwelling given the densely vegetated surrounds and no direct interface with the neighbouring property.

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

Comment: The proposal maintains a number of native trees which visually reduces the built form.

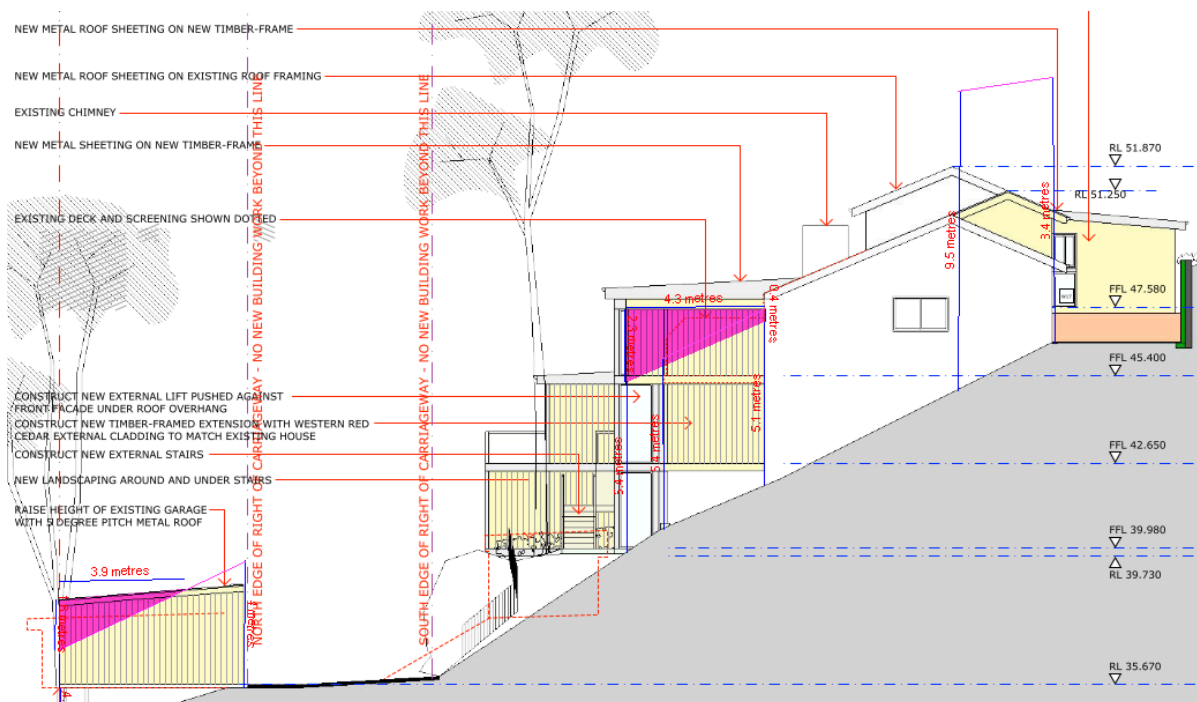


Figure 12 - Eastern elevation (pink indicates side boundary breaches)

- ***To achieve the desired future character of the Locality. (S)***

Comment: The proposed development is consistent with the desired future character of the locality for the reasons detailed in the section of this report relating to Clause A4.12 Palm Beach Locality of the P21 DCP.

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

Comment: The proposed development steps down the slope of the land, away from the rear northern boundary down to the southern front boundary (street level). The proposal includes adequate vegetation in order to screen the built form of the proposed development. The proposed development is generally set below the height of the trees on site and in the locality.

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

Comment: The proposed development requires moderate earthworks due to the steep topography of the land. The proposal is acceptable in relation to Clause 4.3 Height of Buildings of the Pittwater LEP 2014. Finally, the proposal includes comparable setbacks, and bulk and scale to existing developments in the locality. As such, the proposal provides an adequate response and relationship to the spatial characteristics of the existing natural environment.

- ***The bulk and scale of the built form is minimised. (En, S)***

Comment: The proposed resultant dwelling is of comparable building bulk and scale to existing developments in the locality. The proposed development provides generally compliant front and rear boundary setbacks to the dwelling. The proposal provides similar areas of landscaping areas as the existing site, indicating that the proposed dwelling does not include

too large a building footprint for the site. The proposed development steps with the topography of the land, and the proposed height is acceptable for the reasons detailed throughout this report. The proposal includes generous modulation and articulation to reduce the visual impact of the built form. Finally, the proposal includes adequate vegetation in order to screen the built form of the proposed development. As such, the proposal demonstrates acceptable bulk and scale.

- ***Equitable preservation of views and vistas to and/or from public/private places. (S)***
Comment: The proposed development adequately preserves views and vistas to and from public and private places for the reasons detailed in the section of this report relating to Clause C1.3 View Sharing of the P21 DCP.
- ***To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties. (En, S)***
Comment: The proposed development is appropriately designed so as to provide a reasonable level of privacy, amenity and solar access for the subject site and adjacent sites.
- ***Vegetation is retained and enhanced to visually reduce the built form. (En)***
Comment: The amended plans demonstrate adequate retention and provision of vegetation in order to visually reduce the built form.

Based on the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of P21DCP and the objectives outlined in Section 1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment supports the proposal in this particular circumstance.

D12.10 Landscaped Area - Environmentally Sensitive Land

Description of Non-compliance

The control requires a landscaped area of 60% (574.8m²).

The proposal involves a landscaped area of 41.1% (393.7m²).

The variations provision of the control allows for impervious areas less than 1m wide and up to 6% (57.5m²) of the site area to be counted as impervious landscape treatment, provided the outcomes of the control are achieved and such areas are used for outdoor recreational purposes only.

Upon application of the variations the proposal provides a landscaped area of 47.1% (451.2m²), representing a 21.5% (123.6m²) variation to the control. It is noted that the existing right-of-carriageway (minus natural features and other man-made structures) occupies 14.3% (137.2m²) of the subject site.

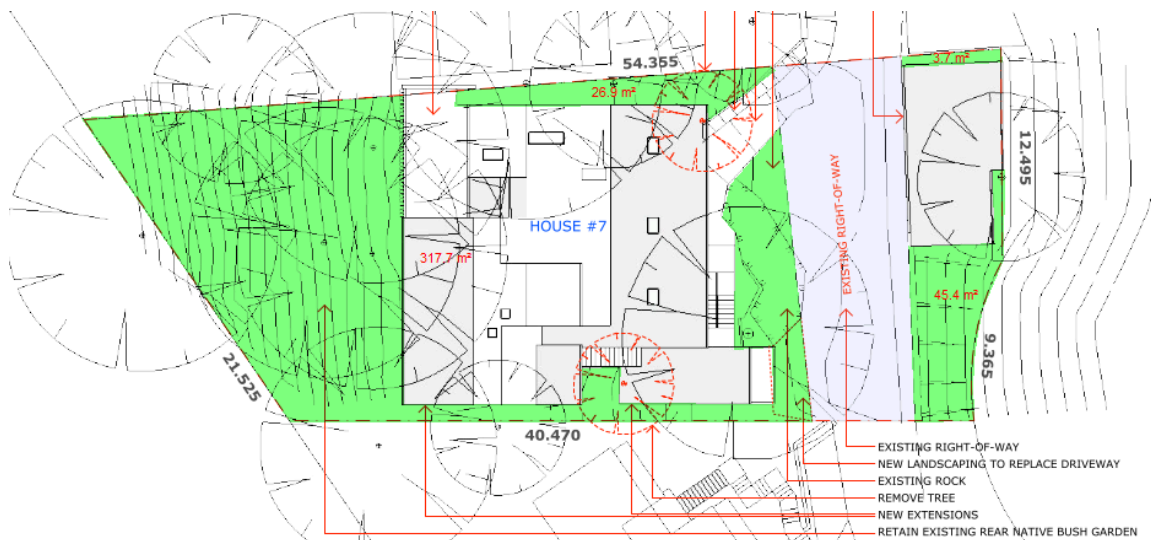


Figure 13 - Proposed Site Plan & Landscape Open Space Calculations

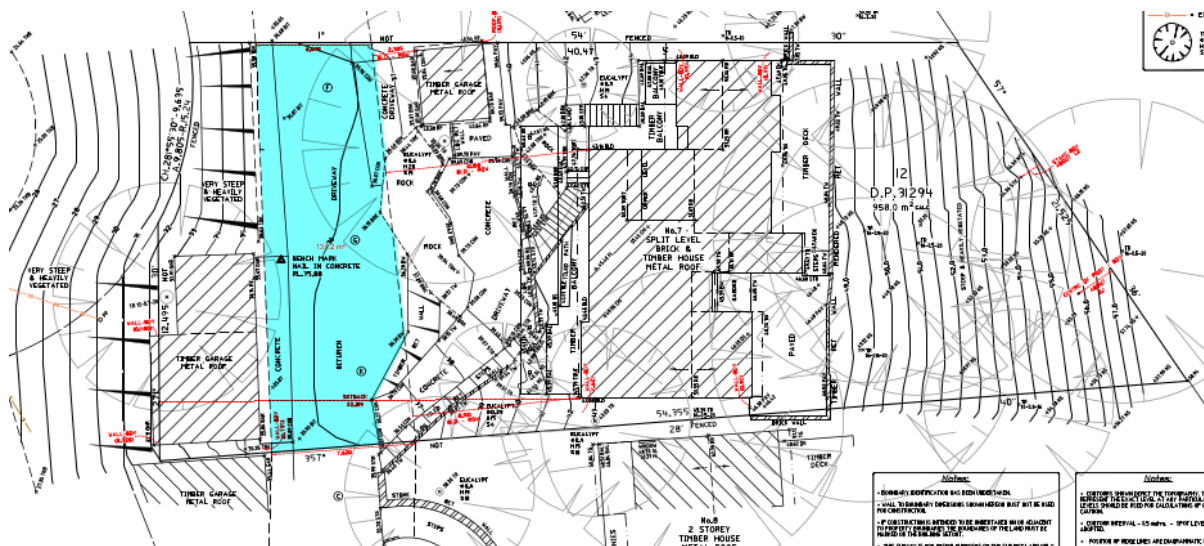


Figure 14 - Survey & Calculations of Right-of-Way

Merit Consideration

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

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

Comment:

The proposed development is consistent with the desired future character of the Palm Beach locality.

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

Comment:

As discussed throughout this report the proposal has been appropriately designed to maintain

a built form compatible within the locality.

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

Comment:

The proposed development ensures adequate light, solar access and privacy (via conditioning) is obtained between dwellings. The proposal complies with the requirements of the C1.4 - Solar Access and has been designed so that there are no unreasonable impacts on the adjoining neighbours. Adequate physical separation between the proposed development and habitable areas of the adjoining properties to protect privacy and amenity of the site and adjoining properties has been achieved.

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

Comment:

The proposed will require the removal of two (2) existing Spotted Gums identified as trees 2 and 5 within the Arboricultural Impact Assessment (AIA) submitted within this application, these trees will require removal as no design alternative is available. It is noted that there are seven (7) existing Spotted Gums identified as trees 3, 4, 8, 9, 10 (co-owned), trees 11 and 12 within the property that are assessed in the AIA for preservation and protection. Existing tree 4 will require Project Arborist supervision to satisfy the recommendations of the AIA report and conditions shall be imposed.

Given the above it is considered that the existing vegetation overall will not be significantly impacted by this development (subject to conditions). The built form will continue to be sufficiently screened and visually reduced as a result.

- *Conservation of natural vegetation and biodiversity.*

Comment:

As stated above it is considered that the existing vegetation overall will not be significantly impacted by this development and the conservation of natural vegetation and biodiversity will therefore be achieved (subject to conditions).

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

Comment:

The proposal has been reviewed by Council's Development Engineer, having regard to provisions for stormwater management and has raised no objections to the proposed stormwater system, subject to conditions included in the recommendation of this report.

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

Comment:

The bushland character of the area will be maintained as existing vegetation overall will not be significantly impacted by this development (subject to conditions).

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

Comment:

Sufficient permeable surfacing is provided on-site which will enable the infiltration of water to the water table, whilst minimising run-off and assisting with stormwater management.

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.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

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

A monetary contribution of \$8,360 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$836,000.

CONCLUSION

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

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

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

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

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

This proposal, for alterations and additions, with secondary dwelling, to an existing dwelling has been referred to the Development Determination Panel (DDP) due to the receipt of five (5) or more objections. The concerns raised in the objections have been addressed within the submission section of this report. The critical assessment issues include variations to Clause A4.12 Palm Beach Locality, Clause B6.3 Off-Street Vehicle Parking Requirements, Clause C1.14 Separately Accessible Structures, Clause D12.5 Front building line, Clause D12.6 Side and rear building line, Clause 12.8 Building envelope and D12.10 Landscape Area - Environmentally Sensitive Land. These matters are discussed in detail within this report.

Overall, the development is a high quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment. The proposal has therefore been recommended for approval.

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 DA2024/1295 for Alterations and additions to a dwelling house including secondary dwelling on land at Lot 12 DP 31294, 7 Crane Lodge Place, PALM BEACH, subject to the conditions printed below:

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
03	C	Site Plan	Stephen Varady Associates	7 January 202

04	C	Plan - Proposed Ground Floor	Stephen Varady Associates	7 January 202
05	D	Plan - Proposed First Floor	Stephen Varady Associates	18 February 2
06	D	Plan - Proposed Second Floor	Stephen Varady Associates	18 February 2
07	D	Plan - Proposed Third Floor	Stephen Varady Associates	18 February 2
08	D	Plan - Proposed Roof	Stephen Varady Associates	18 February 2
10	C	Elevation - West - Proposed	Stephen Varady Associates	7 January 202
11	C	Section 1 - Proposed	Stephen Varady Associates	7 January 202
12	C	Section 2 - Proposed	Stephen Varady Associates	7 January 202
13	C	Section 3 - Proposed	Stephen Varady Associates	7 January 202
14	C	Elevation - East - Proposed	Stephen Varady Associates	7 January 202
16	D	Elevation - South - Proposed	Stephen Varady Associates	18 February 2
18	B	Elevation - North - Proposed	Stephen Varady Associates	18 December 2024
29	B	Materials + Finishes Schedule	Stephen Varady Associates	18 December 2024
32	D	Elevation - South + garage	Stephen Varady Associates	18 February 2

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document/Submitted
Waste Management	1	-	20 September 2024
Arboricultural Impact Assessment	1	Bellevue Tree Consultants	June 2024
Geotechnical Investigation	1	White Geotechnical Group	12 June 2024
BASIX Certificate (A1751219_03)	3	Damian O'Toole Town Planning	21 January 2025

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

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

Reason: To ensure all parties are aware of the approved plans and supporting documentation

that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Received
Ausgrid	Ausgrid Referral Response	25 October 2024

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

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

3. No Approval for Separate Occupancy Within Home Office and Painting Studio

No approval is granted or implied under this Development Consent for the use of the area labeled home office and painting studio on the approved plans for the purpose of a separate occupancy.

Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area of the existing primary dwelling and proposed secondary dwelling.

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 Certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:

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

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

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

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

Reason: Legislative requirement.

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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian

Standards.

- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out

v) For any work/s that is to be demolished

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

- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

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

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

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

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

6. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$8,360.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$836,000.00.

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

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

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

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

7. **Security Bond**

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

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

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

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

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

8. **Change of Building Class/Building Upgrade**

The existing building that is proposed to be converted to a secondary dwelling will result in a change of classification to a Class 2 building and will be required to be upgraded to comply with Parts C, D, E & F (specifically sound transmission ratings) of the National Construction Code (BCA).

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

Reason: To ensure adequate provision is made for fire safety and for building occupant safety.

9. National Construction Code (BCA) Report (Class 2-9)

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

The report is to detail the extent to which the existing building (relevant affected parts) does or does not comply with the deemed-to-satisfy provisions of Sections C, D, E and F of the National Construction Code (BCA). The report is to also provide recommendations with respect to the existing building / works required to ensure that the specified measures and facilities contained in the existing building, including any modifications to be made by the proposed development are appropriate for its intended use to:

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

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

The 'National Construction Code (BCA) Assessment Report' / 'Fire Audit Report' is to be submitted to the Certifier with the Construction Certificate application.

Reason: To ensure adequate provision is made for Health, Amenity, Access & Fire Safety for building occupant health & safety.

10. Stormwater Disposal

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy. Details by an appropriately qualified and practicing Civil or Hydraulic Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with Council's policy are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White Geotechnical Group, Ref: J4584A, Dated 12th June, 2024 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

12. Off Street Parking Design

The Applicant shall submit a design for the parking facility in accordance with the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

13. Amendments to the approved plans

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

(i) The proposed deck off the painting studio must be removed. A Juliette balcony may be installed with a balustrade that complies with the National Construction Code (NCC). The deck area is to be replaced with either a flat roof or a roof with a slope not exceeding 1%, sloping down from the painting studio to the southern end of the building.

(ii) Despite any reference of the amended plans, the proposed alterations and additions to the garage do not form part of the application and there is no approval granted or implied for these works.

(iii) The ensuite window (W12) adjacent to the bedroom 1 is to be treated and/or fitted with obscured/frosted glazing.

(iv) The bathroom window (W07) in the painting studio is to be treated and/or fitted with obscured/frosted glazing.

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

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

14. Compliance with Standards

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

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

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

15. External Finishes

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

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

External cladding are to be painted/finished in a dark and earthy tones.

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

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

16. Sydney Water "Tap In"

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

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

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

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

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

17. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.

- Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
 - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
 - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
 - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
 - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on
 - the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets
 - (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
- A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,
 - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
 - Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
 - The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
 - Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
 - Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
 - Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
 - The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided

to adjoining property owners prior to the implementation of any temporary traffic control measure.

- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

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

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

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

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

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

18. **Construction Methodology Plan**

A Construction Methodology Plan is to be prepared to detail/demonstrate the following:

- The storage of waste and materials within the site, in a manner that does not conflict with the Right of Carriageway,
- Where trades people are to park, and
- How materials are to be transported from the public roadway to the dwelling.

The Construction Methodology Plan is to be presented to the certifying authority prior to the issuance of the construction certificate.

Reason: To ensure that the construction of the proposed development does not impact upon the terms of the Right of Carriageway or access to adjoining dwellings

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

19. Project Arborist

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

The Project Arborist shall be in attendance and supervise any excavation and construction works to satisfy the recommendations of the Arboricultural Impact Assessment, and in particular:

- a) section 6.3.1, 6.3.5 and 6.3.6
- b) section 7 (all parts),
- c) appendix G.2 Tree Protection Plan, requiring tree protective fencing, trunk & bran protection, and ground protection.

All tree protection measures specified must: be in place before work commences on the site; be maintained in good condition during the construction period; and remain in place for the duration of the construction works. The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

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

Reason: Tree protection.

20. Tree Removal Within the Property

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

- a) trees 2 and 5,
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

21. Pre-Construction Dilapidation Report

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property / Properties: 6 & 8 Crane Lodge Place, Palm Beach

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

22. **Sediment and Erosion Controls**

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),
- Existing and proposed drainage patterns with stormwater discharge points,
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,

- Type of erosion control measures to divert and slow run-off around and within the site.

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),
- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,
- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

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

DURING BUILDING WORK

23. **Protection of Rock and Sites of Significance**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works. Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council (MLALC) are to be contacted.

Reason: Preservation of significant environmental features.

24. **Tree and Vegetation Protection**

a) Existing trees and vegetation shall be retained and protected, including:
i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,

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

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

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

Reason: Tree and vegetation protection.

25. **Condition of Trees**

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

- a) a general decline in health and vigour: b) damaged, crushed or dying roots due to poor pruning techniques: c) more than 10% loss or dieback of roots, branches and foliage: d) mechanical damage or bruising of bark and timber of roots, trunk and branches: e) yellowing of foliage or a thinning of the canopy untypical of its species: f) an increase in the amount of deadwood not associated with normal growth: g) an increase in kino or gum exudation: h)

inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition: i) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

26. Pre-clearance Survey - Certified by Project Ecologist

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife by a suitably qualified ecologist prior to its removal. If native wildlife is found within habitat to be removed, the animal is to be safely relocated by the ecologist and/or a licensed wildlife carer to a suitable location.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the consulting ecologist and provided to the Principal Certifier prior to any Occupation Certificate.

Reason: To protect native wildlife.

27. Wildlife Protection

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

Reason: To protect native wildlife.

28. Protection of Habitat Features

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

Reason: To protect wildlife habitat.

29. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

30. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];

- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

31. **Demolition Works - Asbestos**

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

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

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

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

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

32. **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 Certifier when the external structure of the building is complete.

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

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

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

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

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log

book or inspection test plan (ITP) must be undertaken by the site supervisor:

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

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

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

34. Waste Management During Development

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

35. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP) required by this consent. All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council's Traffic Engineer for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council staff on request.

Reason: To ensure the developer/builder adheres to the Construction Traffic Management Plan.

36. Implementation of Construction Methodology Plan

The development is to be undertaken in accordance with the Construction Methodology Plan required by this consent.

Reason: To ensure that the construction of the proposed development does not impact upon the terms of the Right of Carriageway or access to adjoining dwellings.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

37. Fire Safety Matters

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

38. Required Tree Planting

a) two (2) locally native trees, typical of the Spotted Gum Forest association shall be planted within the property to achieve at least 8.5 metres height at maturity, and in accordance with the following:

i) tree planting shall be a minimum pre-ordered planting size of 45-75 litres; meet the requirements of Australian Standard AS2303 - Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings and other trees or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,

ii) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,

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

Reason: To maintain environmental amenity.

39. Landscape Completion

Landscape works are to be implemented in accordance with the approved Landscape Plan, and inclusive of the following conditions:

a) landscape works are to be contained within the legal property boundaries,

b) planting shall be installed as indicated on the approved Landscape Plan, unless otherwise imposed by conditions,

c) mass planting shall be installed at minimum 1metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

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

Reason: Environmental amenity.

40. Condition of Retained Vegetation

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

a) compliance to any Arborist recommendations for tree protection generally and during excavation works,

b) extent of damage sustained by vegetation as a result of the construction works,

c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

41. Protection of Habitat Features

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

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

Reason: To protect wildlife habitat.

42. No Weeds Imported On To The Site

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

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

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

43. 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 Certifier prior to the issue of an Occupation Certificate.

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

44. Post-Construction Dilapidation Report

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

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

Reason: To maintain proper records in relation to the proposed development.

45. Waste Management Confirmation

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

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

46. Certification of Off Street Parking Works

The Applicant shall submit a certificate from a suitably qualified person certifying that the parking facility was constructed in accordance within this development consent and the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

47. Geotechnical Certification Prior to Occupation Certificate

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

Reason: To ensure geotechnical risk is mitigated appropriately.

48. No impact to native vegetation within Biodiversity Values Map

Any impacts to any native vegetation within the area mapped as Biodiversity Values Map will require an application for development consent which must be accompanied by a BAM-compliant Biodiversity Development Assessment Report, unless otherwise approved under an existing development consent, Council permit, Local Land Services Native Vegetation Panel permit, or Threatened Species License.

Compliance with this condition is to be confirmed in writing and provided to the Certifier prior to issue of any Occupation Certificate.

Reason: To prevent unlawful impacts to the Threatened Ecological Community and Biodiversity Values Map area on the site.

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

49. Landscape Maintenance

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

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

Reason: To maintain local environmental amenity.

50. Passenger Lift Noise

Noise produced by the passenger lift shall not exceed 60dB(A), when measured one metre from any adjoining premises.

Reason: To ensure that the development does not impact on the acoustic privacy of

surrounding residential properties.

51. **Removal of exemption under B4.22 of Pittwater 21 Development Control Plan**

The following tree removal exemption, as set out in Pittwater DCP B4.22, is to be extinguished for the site for the life of the development:

- "Council's authority is not required for removal of a tree where the base of trunk at ground level is located within two metres of an existing approved building".

Approval in the form of a Council tree permit, development consent or threatened species license will be required for the removal of any prescribed native trees within 2m of any approved buildings.

Reason: To protect retained trees within 2m of the approved buildings.