

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0346
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Responsible Officer:	Adam Urbancic
Land to be developed (Address):	Lot 3 DP 11547, 62 Wakehurst Parkway NORTH NARRABEEN NSW 2101
Proposed Development:	Demolition works and construction of a dwelling house including a swimming pool
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Mark Amdrew Woolf Peta Helen Woolf
Applicant:	Peta Helen Woolf

Application Lodged:	14/04/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	19/11/2020 to 26/11/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 850,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for the demolition of all existing structures and the construction of a four (4) storey concrete block and clad dwelling house with an attached double garage, as well as a 64kL concrete swimming pool in the rear yard.

Amended Plans

During the assessment process, the applicant provided amended plans and additional information to address a number of areas of non-compliance and insufficient information relating to the proposed development, as originally submitted, which could not be supported by Council. The amended plans generally reduced the overall size of the dwelling and the level of excavation required for the lower two (2) floors, and resulted in a reduced scope of works consistent with the detailed description outlined

above. The amended plans were re-notified to adjoining and surrounding properties for a period of seven (7) days.

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 - 4.3 Height of buildings

Pittwater 21 Development Control Plan - A4.5 Elanora Heights Locality

Pittwater 21 Development Control Plan - C1.25 Plant, Equipment Boxes and Lift Over-Run

Pittwater 21 Development Control Plan - D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)

Pittwater 21 Development Control Plan - D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)

Pittwater 21 Development Control Plan - D5.5 Front building line (Excluding Elanora Heights Village Centre)

Pittwater 21 Development Control Plan - D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)

Pittwater 21 Development Control Plan - D5.7 Building envelope (Excluding Elanora Heights Village Centre)

Pittwater 21 Development Control Plan - D5.9 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 3 DP 11547 , 62 Wakehurst Parkway NORTH NARRABEEN NSW 2101
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northern side of Wakehurst Parkway.</p> <p>The site is irregular in shape with a frontage of 15.24m along Wakehurst Parkway and an average depth of 38.76m. The site has a surveyed area of 578.3m².</p>

The site is located within the E4 Environmental Living zone and accommodates a single storey clad dwelling house with a metal roof located centrally on the site, along with a detached fibro garage with a fibro roof and a metal carport with a metal roof located at the street frontage.

The site has an overall slope of 24.91% and falls 9.69m from the rear of the site towards the street frontage.

The site contains a number of trees, shrubs, ground-cover vegetation and areas of turf spread across the site.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one (1) to three (3) storey dwelling houses of varying architectural styles within a landscaped setting. Bilarong Reserve is located to the south of the site across the main carriageway of Wakehurst Parkway.

Map:



SITE HISTORY

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

9 March 1964

Building Application A225/64 for the construction of a garage was lodged with Council. It is unclear if this application was approved.

22 May 1968

Building Application A454/68 for additions was granted consent.

2 June 1969

Building Application A556/69 for the construction of a carport was granted consent.

18 October 2018

Pre-Lodgement Meeting PLM2018/0233 for the construction of a new dwelling was held with Council.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to amended architectural plans and a revised BASIX Certificate.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building</p>

Section 4.15 Matters for Consideration'	Comments
	<p>(including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 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 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 19/11/2020 to 26/11/2020 in

accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The development application seeks approval for the construction of a new dwelling, garage and swimming pool. The proposal in terms of landscape outcome is acceptable subject to the protection of existing trees and vegetation proposed for preservation, and the completion of landscaping.</p> <p>Council's Landscape Section has assessed the proposal against the following Pittwater 21 DCP Controls:</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D11 North Narrabeen Locality
NECC (Bushland and Biodiversity)	<p>The development has been assessed against the requirements of cl.7.6 Biodiversity of Pittwater LEP and of P21 DCP B4.6 Wildlife Corridors. As per the PLM notes, the landscaping within the wildlife corridor is to ensure that at least 60% of any new planting incorporates native vegetation (as per species listed in Native Plants for Your Garden available on the Pittwater Council website). Landscaping is not include environmental weeds.</p> <p>The Landscape Plan submitted does not include the PLM advice or meet the relevant biodiversity planning controls. An amended Plan is required as part of the consent conditions proposed.</p> <p>Based on the provision of an amended Landscape Plan, the development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>
NECC (Development Engineering)	<p><u>Initial Comments, dated 23 April 2020</u></p> <p>No objection to approval, subject to conditions as recommended.</p> <p><u>Revised Comments on Amended Plans, dated 25 November 2020</u></p> <p>No Development Engineering objection to the amended plan in Trim 2020/734535 subject to conditions.</p>
NECC (Riparian Lands and Creeks)	<p>This application has been assessed against:</p> <ul style="list-style-type: none"> • State Environment Planning Policy (Coastal Management) 2018 • Pittwater Local Environment Plan 2014 • Pittwater 21 Development Control Plan • Geotechnical Risk Management Policy for Pittwater - 2009

Internal Referral Body	Comments
	<p>The proposed development increases impervious surfaces and therefore requires standard sediment and erosion controls as well as the installation of a sediment arrestor pit. The erosion and sediment controls must be regularly maintained and removed only once groundcover has been established. The sediment arrestor pit must allow for regular and safe maintenance. These must be implemented under a Sediment and Erosion Control Plan which shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. As noted in the geotechnical report dated the 13th June 2019, normal groundwater seepage is expected. Therefore during the construction of the swimming pool if groundwater is encountered work must cease until the applicant has provided a dewatering management plan to Northern Beaches Council and WaterNSW.</p> <p>The proposal is unlikely to have an adverse impact on the integrity and resilience of the biophysical, ecological and hydrological environment and is therefore recommended for approval subject to conditions.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The proposed development generally complies with the flood requirements of the LEP and DCP.</p> <p>The property is slightly affected by the 1% AEP flood event, just inside the front boundary.</p> <p>The front of the property is also affected by a Flood Life Hazard Category of H3-H4.</p> <p>The floor level of the garage (which replaces the previous garage) is at the 1% AEP flood level of 3.05m AHD, and the lowest habitable floor level is above the FPL and PMF level. Sheltering in place during a flood event is acceptable.</p> <p>There are no flood related objections.</p> <p><u>Planner Comment:</u> It has been confirmed with Council's Floodplain Engineer that the comments and recommended conditions provided based on the originally submitted plans remain applicable for the amended plans submitted during the assessment process.</p>
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>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.</p>
Aboriginal Heritage Office	<p>The application was referred to the Aboriginal Heritage Office who provided a response in an email, dated 12 May 2020, stating the</p>

External Referral Body	Comments
	<p>following:</p> <p><i>"No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</i></p> <p><i>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</i></p> <p><i>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, the Department of Planning, Industry and Environment (DPIE) and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted."</i></p>
NSW Roads and Maritime Services (Traffic Generating Development)	The proposal was referred to Transport for NSW who provided a response in a letter (Ref: SYD20/00466/01, dated 12 May 2020) stating that there are no objections to the proposed development.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been submitted with the application (see Certificate No. 1007303S_03, dated 7 December 2020). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 0003818879).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	41
Thermal Comfort	Pass	Pass
Energy	50	95

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

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

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
 - (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

The land is identified as being located in proximity to coastal wetlands located to the south of the subject site within Bilarong Reserve. The proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetlands, or the quantity and quality of surface and groundwater flows to and from the adjacent coastal wetlands.

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

Comment:

The proposed development is unlikely to cause an adverse impact to the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, coastal environmental values and natural coastal processes, the water quality of the marine estate, or to marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms. The proposed development is also unlikely to cause an adverse impact to existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability. The subject site has not been identified to contain any Aboriginal cultural heritage, practices or places, however, a condition has been included to ensure that if any Aboriginal engravings or relics are unearthed as part of the proposed development, works will cease immediately and the relevant authorities will be notified. Furthermore, the proposed development is unlikely to cause an adverse impact on the use of the surf zone.

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

Comment:

As detailed above, the proposed development has been designed, sited and will be managed to avoid an adverse impact on the cultural and environmental aspects referred to in Subclause 1.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

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

Comment:

The land has not been identified as being affected by any coastal hazards and is not likely to cause increased risk of coastal hazards on other land.

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	10m (see note below)	8.72m	N/A	Yes

Note: Refer to the comments within this report under Clause 4.3 Height of buildings of the PLEP 2014 for further information regarding the maximum permitted building height.

Compliance Assessment

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

Detailed Assessment

4.3 Height of buildings

The proposed development exceeds the 8.5m maximum permitted building height, however, in accordance with Subclause 2D of this clause, the proposed development may exceed this height, but not more than 10m, if the following requirements are satisfied.

(a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and

Comment

The portion of the building located above the maximum building height is the southern gutter of Level 4, which is considered to be minor given that the majority of the building will be located below the maximum height.

(b) the objectives of this clause are achieved, and

Comment

The objectives of this clause are as follows:

- *(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

Comment

Although the building is not entirely consistent with the desired future character of the Elanora Heights Locality, which states that buildings should not exceed two (2) storeys in any one place, it is consistent with its overall intention and is acceptable given that the floor area of all four (4) levels of the building will be located below the maximum height.

- *(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

Comment

The building is compatible with the height and scale of surrounding and nearby development, which includes other multi-level residential buildings.

- *(c) to minimise any overshadowing of neighbouring properties,*

Comment

The proposed development minimises any overshadowing of neighbouring properties and provides a compliant level of solar access.

- *(d) to allow for the reasonable sharing of views,*

Comment

The proposed development allows for the reasonable sharing of views by minimising the footprint of the uppermost level (Level 4) of the dwelling.

- *(e) to encourage buildings that are designed to respond sensitively to the natural topography,*

Comment

The proposed development has been designed to respond sensitively to the natural topography of the land by stepping with the slope of the land.

- *(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

Comment

The proposed development is well articulated to minimise any adverse visual impact on the natural environment and is not located within or near any heritage conservation areas or heritage items.

Based on the above, the objectives of this clause are achieved.

(c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and

Comment

The building footprint is situated on a slope of 30.85% when measured using the natural surface levels of the land from the north-western corner of the building (10.02 AHD) to the southern end of the building (2.74 AHD), which are at a distance of 23.6m apart.

(d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.

Comment

The proposed development has been sited and designed to take into account the slope of the land to minimise the amount of cut and fill by generally stepping each level of the dwelling with the slope of the land.

Based on the above, the proposed development satisfies the requirements of Subclause 2D of this clause to permit a maximum building height of 10m.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	10m	<u>Basement Level</u> 1.4m - 2.8m to Garage 7.1m - 7.5m to Entry Foyer Wall	Up to 86% (8.6m) Up to 29% (2.9m)	No No
		<u>Lower Ground Floor</u> 5.45m - 7.7m to Planter Box 6.6m - 8.9m to Wall	Up to 45.5% (4.55m) Up to 34% (3.4m)	No No
		<u>Level 3</u> 5.45m - 7.7m to Balcony 9.1m - 10.2m to Wall	Up to 45.5% (4.55m) Up to 9% (0.9m)	No No
		<u>Level 4</u> 10m - 11.2m to Balcony 11.2m - 12m to Wall	N/A N/A	Yes Yes
Rear building line	6.5m	0.75m - 2.58m to Pool Coping	Up to 88.46% (5.75m)	No
		13m - 14.9m to Dwelling House	N/A	Yes
Side building line	2.5m (E)	2.5m to Basement Level	N/A	Yes
		2.5m to Lower Ground Floor	N/A	Yes
		2.5m to Level 3	N/A	Yes
		2.5m to Level 4	N/A	Yes
		2.76m to Swimming Pool Coping	N/A	Yes
	1m (W)	3.5m to Basement Level	N/A	Yes
		1.3m to Lower Ground Floor	N/A	Yes
		1.3m to Level 3	N/A	Yes
		1.56m to Swimming Pool Coping	N/A	Yes
		3.65m to Level 4	N/A	Yes
Building envelope	3.5m (E)	Outside envelope	N/A	No
	3.5m (W)	Outside envelope	N/A	No

Landscaped area	60% (346.98m ²)	47.11% (272.41m ²)	21.49% (74.57m ²)	No
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***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: 38/40 x 100 = 95 then 100 - 95 = 5% variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.5 Elanora Heights Locality	No	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
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	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
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)	No	Yes
D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D5.5 Front building line (Excluding Elanora Heights Village Centre)	No	Yes
D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)	No	Yes
D5.7 Building envelope (Excluding Elanora Heights Village Centre)	No	Yes
D5.9 Landscaped Area - Environmentally Sensitive Land	No	Yes
D5.13 Construction, Retaining walls, terracing and undercroft areas (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.14 Scenic Protection Category One Area	Yes	Yes

Detailed Assessment

A4.5 Elanora Heights Locality

The proposed dwelling is four (4) storeys in height, which is inconsistent with the desired future character of the Elanora Heights Locality, which states that dwelling houses are to be a maximum of two (2) storeys in any one place.

Although the proposed development exceeds two (2) storeys in any one place, which is particularly evident when it is viewed on the southern elevation from the Wakehurst Parkway service road, the building has been appropriately articulated and generally stepped with the natural topography of the land to reduce the visual impact of the development. It is also noted that the slope of the land makes it difficult to provide the equivalent floor area within a two (2) storey building, with internal connectivity, without further environmental impacts, such as additional excavation and visual bulk. It is also noted that there is an existing character of multi-level dwelling houses along this section of Wakehurst Parkway and the proposed development will continue this character.

Whilst the proposed development does not achieve the desired future character in its entirety, it is consistent with the overall intention of the desired future character of the Elanora Heights Locality and is therefore acceptable.

C1.25 Plant, Equipment Boxes and Lift Over-Run

A condition has been included to ensure that the noise generated by the pool filter does not exceed 5dBA above the background noise when measured from the nearest property boundary to ensure that a reasonable level of acoustic privacy is maintained to the adjoining properties.

D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)

Description of non-compliance

The proposed garage is located forward of the front building line and is attached to the front of the primary building.

The control states that parking structures must be located behind the front building line, preferably set back further than the primary building.

Merit Consideration

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

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

Comment

Although the proposed development does not achieve the desired future character in its entirety, it is consistent with the overall intention of the desired future character of the Elanora Heights Locality and is therefore acceptable.

- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)*

Comment

The proposed development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment by locating the garage with a reduced front building line, which is consistent with the location of existing parking structures along this section of Wakehurst Parkway, and by providing landscaped areas forward of the front building line, which can accommodate substantial landscaping.

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

Comment

The proposed development enhances the existing streetscape by maintaining the character of the street, which comprises parking structures with nil or minimal front building lines. The proposed development promotes a scale and density that is in keeping with the height of the natural environment by excavating the rear portion of the garage into the slope of the land.

- *The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)*

Comment

The visual impact of the built form will be secondary to landscaping and vegetation upon completion of the proposed landscaping within the site. As the proposed development is located within a residential area, the aspect of this outcome relating to commercial areas and the like is not applicable.

- *High quality buildings designed and built for the natural context and any natural hazards. (En, S)*

Comment

The proposed garage has been designed and will be built for the natural context of the site, which is demonstrated by its siting within the slope of the land. The proposed garage has also been designed and will be built to respond to the geotechnical and flood hazards that affect the subject site.

- *Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)*

Comment

The proposed garage is partially located within the slope of the land and is of an appropriate width to complement the existing parking structures on adjoining and surrounding properties, therefore ensuring that the building does not dominate the streetscape of Wakehurst Parkway, and is at human scale by being single storey in height. Although the proposed development presents as a four (4) storey building when viewed on the southern elevation (Wakehurst Parkway), the incremental increase to the setback of the subsequent floors of the dwelling ensure that the overall appearance of the building is softened.

- *To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.*

Comment

As above, the proposed garage is partially located within the slope of the land and at the front of the primary building, therefore ensuring that the district and local views which reinforce and protect Pittwater's natural context are preserved and enhanced.

- *To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.*

Comment

A condition has been included requiring the planting of three (3) locally native trees within the site, in addition to other landscaping works, which will ensure that the bushland vista of Pittwater as the predominant feature of the landscape is enhanced, with built form, including parking structures, being a secondary component.

- *To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)*

Comment

The proposed development will compliment the landscape character of the adjacent public domain elements, including the Wakehurst Parkway service road, and the nearby Bilarong Reserve, through the enhancement of the tree canopy and vegetation within the site. As the proposed development will be wholly located within private land, there will be no impact on the public use and enjoyment of the Wakehurst Parkway service road or Bilarong Reserve.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)

A Schedule of Colours and Materials with samples was not submitted with the development application, however, the Statement of Environmental Effects states that the proposed development will utilise dark and earthy tones, as required by this control. A condition of consent will be included to ensure that a Schedule of Colours and Materials is submitted demonstrating compliance with these requirements prior to the issue of a Construction Certificate.

D5.5 Front building line (Excluding Elanora Heights Village Centre)

Description of non-compliance

The proposed development provides the following non-compliant front building lines:

- Basement Level
1.4m - 2.8m to Garage
7.1m - 7.5m to Entry Foyer Wall
- Lower Ground Floor
5.45m - 7.7m to Planter Box
6.6m - 8.9m to Wall
- Level 3
5.45m - 7.7m to Balcony
9.1m - 10.2m to Wall

The control requires a 10m front building line, however, the control allows for a variation to be considered to the front building line in circumstances where it is difficult to achieve acceptable levels for building and to account for the degree of cut and fill.

Merit Consideration

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

- *To achieve the desired future character of the Locality.*
Comment
Although the proposed development does not achieve the desired future character in its entirety, it is consistent with the overall intention of the desired future character of the Elanora Heights Locality and is therefore acceptable.
- *Equitable preservation of views and vistas to and/or from public/private places. (S)*
Comment
The proposed development ensures the equitable preservation of views and vistas to and/or from public and private places by stepping the development with the topography of the land and by minimising the footprint of the uppermost level (Level 4).
- *The amenity of residential development adjoining a main road is maintained. (S)*
Comment
The subject site adjoins an existing service road which runs parallel to the main carriageway of Wakehurst Parkway, but nevertheless ensures that the amenity of residential development adjoining the main road is maintained.
- *Vegetation is retained and enhanced to visually reduce the built form. (En)*
Comment
Although the proposed development does not retain any of the existing vegetation on the site, landscaping works will be completed to ensure that vegetation on the site is enhanced to visually reduce the built form. A condition has also been included requiring the planting of three (3) locally native trees on the site, which will further enhance vegetation to visually reduce the built form.
- *Vehicle manoeuvring in a forward direction is facilitated. (S)*
Comment
The proposed development does not facilitate vehicle manoeuvring in a forward direction, however, due to the site constraints, including the natural topography of the land, this would be difficult to achieve without additional environmental impacts. Council's Development Engineer has reviewed the proposed development and has not raised concern with vehicle manoeuvring on the site. In this case, it is not deemed to be necessary to facilitate vehicle manoeuvring in a forward direction.
- *Preserve and enhance the rural and bushland character of the non-urban area of the locality. (En, S)*
Comment
The subject site is not located within the non-urban area of the Elanora Heights Locality, therefore, this outcome is not applicable.
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

Comment

The proposed development enhances the existing streetscape by maintaining the character of the street, which comprises parking structures with nil or minimal front building lines. The proposed development promotes a scale and density that is in keeping with the height of the natural environment by excavating the rear portion of the garage into the slope of the land.

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

Comment

The proposed development encourages an attractive street frontage by stepping each level of the dwelling back and by incorporating a planter box to the lower ground floor on the southern elevation to soften the built form. The proposed development improves pedestrian amenity by demolishing the existing steep pathway from the street frontage to the existing dwelling and by providing access to the new dwelling via the foyer on the basement level.

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

Comment

Although the proposed development is located forward of the existing development on adjoining and surrounding properties, it is considered that the new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment by siting the proposed garage with a reduced front building line, which is consistent with the siting of parking structures along this section of Wakehurst Parkway, and by progressively stepping each level of the dwelling back to soften the built form and achieve compliance with the front building line requirement for the uppermost level (Level 4) of the dwelling.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)

Description of non-compliance

The proposed development provides a 0.75m to 2.58m rear building line to the swimming pool coping.

The control requires a 6.5m rear building line.

Merit Consideration

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

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

Comment

Although the proposed development does not achieve the desired future character in its entirety, it is consistent with the overall intention of the desired future character of the Elanora Heights Locality and is therefore acceptable.

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

Comment

The proposed swimming pool is to be excavated into the slope of the land to ensure that the bulk and scale of the built form is minimised.

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

Comment

As above, the proposed swimming pool is to be excavated into the slope of the land to ensure the equitable preservation of views and vistas to and/or from both public and private places.

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

Comment

The proposed swimming pool encourages view sharing through the complimentary siting of buildings and responsive design, which is demonstrated by its location within the slope of the land. The proposed landscaping has also been well-positioned along the property boundaries to encourage view sharing.

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

Comment

Although the proposed swimming pool is located within close proximity to the adjoining property at 35 Carefree Road, the location of the swimming pool below natural ground level, when coupled with the natural topography of the land, ensures that a reasonable level of privacy and amenity is provided within the development site and is also maintained to the adjoining property. As the proposed swimming pool is located within the slope of the land, any shadowing impacts are minimised.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*

Comment

The subject site does not currently contain any significant landscaping or tree canopy, however, the proposed development includes substantial landscaping across the site, which is to be 60% native species, and a condition has been included to ensure that three (3) locally native trees are planted within the grounds of the property to enhance the tree canopy on the site. The proposed swimming pool is located in the rear yard and is not visible within the streetscape, but nevertheless, the proposed development provides an attractive streetscape by stepping back each level of the dwelling and by incorporating a planter box to the lower ground floor on the southern elevation to soften the built form.

- *Flexibility in the siting of buildings and access. (En, S)*

Comment

The proposed development demonstrates flexibility in the siting of the swimming pool and its access by locating the pool towards the rear of the site to maximise the amount of usable landscaped open space between the dwelling and the swimming pool.

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

Comment

Although the proposed development does not retain any of the existing vegetation on the site, landscaping works will be completed to ensure that vegetation on the site is enhanced to visually reduce the built form. A condition has also been included requiring the planting of three (3) locally native trees on the site, which will further enhance vegetation to visually reduce the built form.

- *To preserve and enhance the rural and bushland character of the locality. (En, S)*

Comment

As above, the subject site does not contain any significant vegetation, however, the proposed development includes landscaping which will comprise 60% locally native species and the planting of three (3) native trees to enhance the rural and bushland character of the Elanora

Heights Locality.

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

Comment

The subject site is located within an environment protection zone, and is surrounded by environment protection and special purpose zoned land, therefore, this outcome is not applicable.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D5.7 Building envelope (Excluding Elanora Heights Village Centre)

Description of non-compliance

The proposed development protrudes the prescribed building envelope on the eastern and western elevations, as depicted on Figures 1 and 2 respectively.

The control allows for a variation to be considered on a merit basis where the building footprint is situated on a slope over 16.7 degrees or 30%, which is applicable in this case.

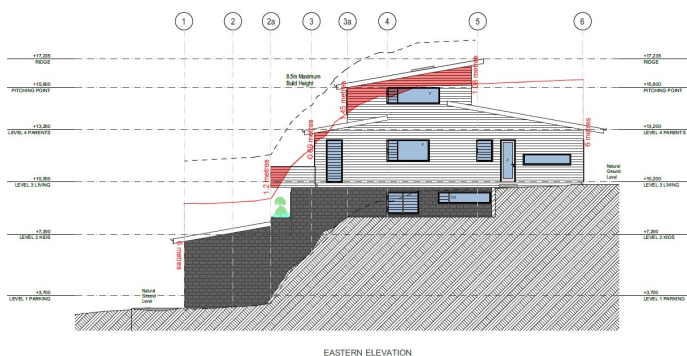


Figure 1: Extract from Drawing No. A7, Rev D depicting the building envelope non-compliance on the eastern elevation.

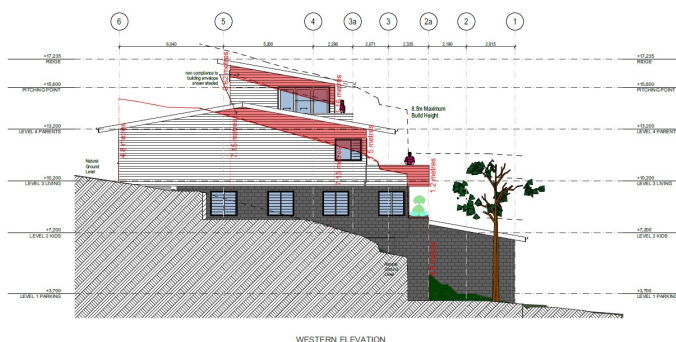


Figure 2: Extract from Drawing No. A9, Rev D depicting the building envelope non-compliance on the western elevation.

Merit Consideration

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

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

Comment

Although the proposed development does not achieve the desired future character in its entirety, it is consistent with the overall intention of the desired future character of the Elanora Heights Locality and is therefore acceptable.

- *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

Although the portions of the eastern and western elevations which protrude the prescribed building envelope result in additional width to the upper two (2) levels of the dwelling, the dwelling complies with the required side setbacks and is appropriately articulated when viewed on the southern elevation to maintain and enhance the streetscape character of Wakehurst Parkway. The proposed development also promotes a building scale and density that is below the height of the trees of the natural environment by being partially excavated into the slope of the land and by being lower than the height of the tree canopy on adjoining and surrounding properties.

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

Comment

The proposed development responds to, reinforces and sensitively relates to the spatial characteristics of the existing natural environment by being below the height of the surrounding tree canopy.

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

Comment

Although the proposed development protrudes the prescribed building envelope, the building is appropriately articulated to ensure that the bulk and scale of the built form is minimised.

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

Comment

The proposed development ensures the equitable preservation of views and vistas to and/or from both public and private places by minimising the footprint of the uppermost level (Level 4) of the dwelling.

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

Comment

Although small portions of the glazed windows and doors are located within the areas which protrude the prescribed building envelope on both the eastern and western elevations, a reasonable level of privacy and amenity is maintained within the subject site and to adjoining and surrounding residential properties. The additional shadowing generated by the non-compliant areas of the building do not cause any unreasonable impacts within the subject site or to adjoining and surrounding residential properties.

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

Comment

Although the proposed development does not retain any of the existing vegetation on the site, landscaping works will be completed to ensure that vegetation on the site is enhanced to visually reduce the built form. A condition has also been included requiring the planting of three (3) locally native trees on the site, which will further enhance vegetation to visually reduce the built form.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D5.9 Landscaped Area - Environmentally Sensitive Land

Required Landscaped Area: 60% or 346.98m²

Proposed Landscaped Area: 47.11% or 272.41m²

The proposed landscaped area on the site does not meet the 60% requirement of this control, as per the above calculations.

Merit Consideration

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

- *Achieve the desired future character of the Locality. (S)*
Comment
 Although the proposed development does not achieve the desired future character in its entirety, it is consistent with the overall intention of the desired future character of the Elanora Heights Locality and is therefore acceptable.
- *The bulk and scale of the built form is minimised. (En, S)*
Comment
 The proposed development has been sited to provide landscaped buffers surrounding the built form to ensure that the bulk and scale of the built form is minimised.
- *A reasonable level of amenity and solar access is provided and maintained. (En, S)*
Comment
 The proposed development ensures that a reasonable level of amenity is provided and maintained by including a large area of landscaped open space between the proposed dwelling and swimming pool. The proposed development also ensures that a reasonable level of solar access is provided and maintained by appropriately siting the dwelling within the site.
- *Vegetation is retained and enhanced to visually reduce the built form. (En)*
Comment
 Although the proposed development does not retain any of the existing vegetation on the site, landscaping works will be completed to ensure that vegetation on the site is enhanced to visually reduce the built form. A condition has also been included requiring the planting of three (3) locally native trees on the site, which will further enhance vegetation to visually reduce the built form.
- *Conservation of natural vegetation and biodiversity. (En)*
Comment
 The proposed development conserves natural vegetation and biodiversity by incorporating new landscaping comprising 60% locally native species, including three (3) native trees within the site.
- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*
Comment
 Although the proposed development provides a greater amount of hard surface areas than

permitted under this control and therefore does not technically reduce stormwater runoff, Council's Development Engineer has reviewed the proposed development and has included a condition to ensure that stormwater is disposed of into an existing system or in accordance with Council's stormwater requirements, therefore preventing soil erosion and siltation of natural drainage channels.

- *To preserve and enhance the rural and bushland character of the area. (En, S)*

Comment

As above, the subject site does not contain any significant vegetation, however, the proposed development includes landscaping which will comprise 60% locally native species and the planting of three (3) native trees to enhance the rural and bushland character of the Elanora Heights Locality.

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

Comment

Although the proposed development provides a greater amount of hard surface areas than permitted under this control, it is considered that soft surface areas have been maximised when compared to the existing development on the subject site and on adjoining and surrounding properties, therefore providing for the infiltration of water to the water table, minimising run-off and assisting with stormwater management. As above, Council's Development Engineer has reviewed the proposed development and has included a condition to ensure that stormwater is disposed of into an existing system or in accordance with Council's stormwater requirements.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

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 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$8,500 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$850,000.

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 2000;

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0346 for Demolition works and construction of a dwelling house including a swimming pool on land at Lot 3 DP 11547, 62 Wakehurst Parkway, NORTH NARRABEEN, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A1, Roof Plan, Rev D	9 November 2020	Sally Gardner Design and Draft
A2, Level 4 Parents, Rev D	9 November 2020	Sally Gardner Design and Draft
A3, Level 3 Living, Rev D	9 November 2020	Sally Gardner Design and Draft
A4, Lower Ground Floor Plan - Kids, Rev D	9 November 2020	Sally Gardner Design and Draft
A5, Basement Level Plan - Parking, Rev	9 November	Sally Gardner Design

D	2020	and Draft
A6, Elevation Sheet 1, Rev D	9 November 2020	Sally Gardner Design and Draft
A7, Elevation Sheet 2, Rev D	9 November 2020	Sally Gardner Design and Draft
A8, Elevations Sheet 3, Rev D	9 November 2020	Sally Gardner Design and Draft
A9, Elevations Sheet 4, Rev D	9 November 2020	Sally Gardner Design and Draft
A10, Sections Sheet 1, Rev D	9 November 2020	Sally Gardner Design and Draft
A11, Sections Sheet 2, Rev D	9 November 2020	Sally Gardner Design and Draft
A12, Sections Sheet 3, Rev D	9 November 2020	Sally Gardner Design and Draft
A13, Sections Sheet 4, Rev D	9 November 2020	Sally Gardner Design and Draft
A14, Sections Sheet 5, Rev D	9 November 2020	Sally Gardner Design and Draft
S1, Site Plan and Calculations, Rev C	3 November 2020	Sally Gardner Design and Draft

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (Cert No. 1007303S_03)	7 December 2020	Sally Gardner Design and Draft
Flood Management Report (Ref: PDS2602020:62WAKEHURSTPARKWAY:NARRABEEN)	3 March 2020	Pittwater Data Services Pty Ltd
Geotechnical Investigation (Ref: J2029)	13 June 2018	White Geotechnical Group

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
S8, Landscape Plan, Rev B	27 March 2020	Sally Gardner Design and Draft

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	25 March 2020	Vaughan Milligan

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	22 April 2020

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

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

3. **Prescribed Conditions**

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

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

- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

4. **General Requirements**

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$8,500.00 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 2019. The monetary contribution is based on a development cost of \$850,000.00.

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

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

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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

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

6. Security Bond

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

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

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

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

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

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

7. 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 Clause B5 of PITTWATER DCP21. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White Geotechnical Group, dated 13 June 2018 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 Certifying Authority prior to the

issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

9. **Boundary Identification Survey**

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

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

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

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

10. **Vehicle Driveway Gradients**

The Applicant is to ensure driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Driveway gradients within the private property are to comply with AS/NZS 2890.1:2004.

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

Reason: To ensure suitable vehicular access to private property.

11. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

12. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

13. **Flooding**

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

Building Components and Structural Soundness – C1

All new development below the Flood Planning Level of 3.55m AHD shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

Building Components and Structural Soundness – C2

All new development must be designed and constructed to ensure structural integrity up to the Flood Planning Level of 3.55m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 3.55m AHD.

Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 3.55m AHD unless adequately protected from floodwaters in accordance with industry standards.

Car parking – G5

The floor level of the proposed garage shall be set at the 1% AEP flood level of 3.05m AHD as per the plans.

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

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

14. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). 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 areas and site facilities);

- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls;
- North point and scale.

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

Reason: To mitigate environmental impact resulting from site disturbance.

15. Water Quality Management

The applicant must install a filtration device (such as a sediment control pit or absorption trench) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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

Reason: Protection of the receiving environment.

16. Amend Landscape Drawings

The Landscape drawings, submitted in conjunction with the approved Development Application and as amended by these conditions of consent, is to ensure that at least 60% (total plant numbers) of any new planting incorporates native vegetation (as per species listed for the Narrabeen Ward) in the Native Plant Species Guide available on the Council website

Plans are to be amended and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To improve potential fauna habitat within the Wildlife Corridor and to offset reductions in potential fauna habitat as a result of the development.

17. Compliance with Standards

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

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

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

18. External Colours and Materials

The external colours and materials shall be dark and earthy tones, non-glare and of low reflectivity, in accordance with the requirements of Clause D5.3 of the Pittwater Development Control Plan 2014. White, light coloured, red or orange roofs and walls are not permitted. The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

A Schedule of Colours and Materials which satisfactorily achieves the above requirement shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the external colours and materials comply with Council's requirements for dark and earthy tones.

19. Sydney Water "Tap In"

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. Tree Protection

A) Existing trees and vegetation shall be retained as follows:

- i) all trees and vegetation not indicated as removed, excluding exempt trees under the relevant planning instruments or legislation,
- ii) all other trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

B) Tree protection shall be undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4 Tree Protection Measures
- ii) any tree roots exposed during excavation with a diameter greater than 25mm within the TPZ must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,
- iii) to minimise the impact on trees and vegetation to be retained and protected, 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,
- iv) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorized by the Project Arborist on site,
- v) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
- vi) should either or both iv) and v) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures provided. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

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

21. Pre-Construction Dilapidation Report

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority 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.

Properties: 60 Wakehurst Parkway, North Narrabeen (Lot 2, DP 11547) and 64 Wakehurst Parkway, North Narrabeen (Lot 4, DP 11547)

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority 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 Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

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 Certifying Authority prior to the commencement of any works on site.

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

22. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

23. 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.

24. Survey Certificate

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

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

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

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

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

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

25. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 5.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/2 NH and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

26. **Maintenance of Road Reserve**

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

Reason: Public Safety.

27. **Protection of rock and sites of significance**

a) 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.

b) 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 are to be contacted.

Reason: Preservation of significant environmental features.

28. **Dewatering Management**

If groundwater is encountered during excavations of greater than 1.5m depth from the existing ground surface level and dewatering is required to continue work, work must cease until the applicant has provided a dewatering management plan to Northern Beaches Council that details planned discharges of groundwater to Council's stormwater network, including expected flow rates and treatment methods. This information must be provided to WaterNSW when making an application for a dewatering permit.

The dewatering management plan must be certified by a suitably qualified civil engineer who has membership of Engineers Australia and appears on the National Engineering Register

(NER). Council must issue a permit based on the plan and general terms of approval from WaterNSW, and a dewatering permit provided by WaterNSW prior to dewatering commencing.

Discharges must achieve the following water quality targets in addition to any conditions/documentation of this consent, any requirements of the General Terms of Approval/Controlled Activity permit issued by WaterNSW, and legislation including Protection of The Environment Operations Act 1997 and Contaminated Lands Act 1997.

Parameter	Criterion	Method	Time prior to Discharge
Oil and Grease	None Visible	Visual Inspection	<1 hour
pH	6.5-8.5	Probe or Meter	<1 hour
Total Suspended Solids (TSS)	<50mg/L	Meter/Grab sample measures as NTU	<1 hour

NOTE: The correlation between NTU and TSS must be established by a NATA accredited laboratory prior to the commencement of dewatering activities.

All records of water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request. Groundwater/tailwater must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like. Discharge to the kerb and gutter will not be accepted.

Reason: Protection of groundwater aquifers, groundwater dependent ecosystems and receiving environments.

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

29. Stormwater Disposal

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

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

30. 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 Certifying Authority prior to the issuing of any Occupation Certificate.

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

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

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

32. **Required Planting**

Trees shall be planted in accordance with the following schedule:

Minimum No. of Trees Required.	Species	Location	Minimum Pot Size
3	Local native trees capable of attaining a minimum height of 6 metres at maturity	Grounds of property	200mm

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

Reason: To maintain environmental amenity.

33. **Works as Executed Drawings - Stormwater Treatment Measures**

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

34. **House / Building Number**

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

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

Reason: Proper identification of buildings.

35. **Swimming Pool Requirements**

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

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

(i) Swimming Pools Act 1992;

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

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

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

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

(e) Signage showing resuscitation methods and emergency contact

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

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

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

Reason: To protect human life.

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

36. **Environmental and priority weed control**

All weeds are to be removed and controlled in accordance with the Biodiversity Conservation Act 2016.

Reason: Preservation of environmental amenity.

37. **Maintenance of Stormwater Treatment Measures**

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

38. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

39. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

40. **Dead or Injured Wildlife**

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

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

41. **Control of Domestic Animals**

Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.

Reason: Wildlife protection.

42. **Landscape Plan to be Implemented**

Landscaping is to be implemented in accordance with the approved Landscape Plan as amended by these conditions. The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed. This landscaping is to then be maintained for the life of the development.

Reason: To ensure the site is landscaped.

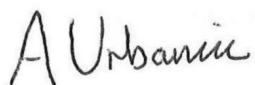
43. **Swimming Pool/Spa Motor Noise**

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

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

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

Signed



Adam Urbancic, Planner

The application is determined on 10/12/2020, under the delegated authority of:



Lashta Haidari, Acting Development Assessment Manager