

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/1673
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Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 1 DP 392257, 8 Bungan Head Road NEWPORT NSW 2106
Proposed Development:	Alterations and additions to a dwelling house including swimming pool
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Richard James Nagle Justine Helen Lobb
Applicant:	Arclab Pty Ltd

Application Lodged:	20/09/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	28/09/2021 to 12/10/2021
Advertised:	Not Advertised
Submissions Received:	5
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 200,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks alterations and additions to a dwelling house as follows:-

Lower Ground Floor

- New Pool and Entertainment Room
- New Door and Windows to living room
- Balcony extension

Ground floor

- Balcony Extension

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - C1.3 View Sharing

Pittwater 21 Development Control Plan - D10.11 Building envelope (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - D10.13 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 1 DP 392257 , 8 Bungan Head Road NEWPORT NSW 2106
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northern side of Bungan Head Road.</p> <p>The site is regular in shape with a frontage of 14.98m along Bungan Head Road and a depth of 51.87m. The site has a surveyed area of 809.7m².</p> <p>The site is located within the C4 Environmental Living under the Pittwater Local Environmental Plan (LEP) 2014 and accommodates a part two and three storey dwelling house with a double carport with landscaped gardens.</p> <p>The site slopes from the front boundary down to the rear front boundary with a sloping grade of 30%.</p> <p>The site a mix of native and exotic species of plants, shrubs and trees.</p> <p>Detailed Description of Adjoining/Surrounding</p>

Development

Adjoining and surrounding development is characterised by single, double and three storey dwellings with associated outbuildings/structures with landscaped gardens.

Map:



SITE HISTORY

DA2020/0194 - Construction of a carport approved 3 April 2020

DA2018/0053 - Alterations and additions to a dwelling house approved 16 May 2018

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	Pittwater Development Control Plan applies to this proposal.

Section 4.15 Matters for Consideration'	Comments
control plan	
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 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>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested on 3 November 2021 in relation to a geotechnical assessment. Council received an amended geotechnical assessment and stormwater details (including a denial for an easement from the downstream property) from the applicant on 11 January 2022 and comments from Council's Development Engineer was granted in support (with conditions) on 14 January 2022.</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>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 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>
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 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	See discussion on "Notification & Submissions Received" in this report.

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 28/09/2021 to 12/10/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 5 submission/s from:

Name:	Address:
Susanne Brint	3 Bushrangers Hill NEWPORT NSW 2106
Mr Antony Jon Hayes	2 Bushrangers Hill NEWPORT NSW 2106
Mr Matthew James Triglone	1 Bushrangers Hill NEWPORT NSW 2106
Mr John Edmond Koerner	6 Bungan Head Road NEWPORT NSW 2106
Mrs Nicole Margaret Koerner	6 Bungan Head Road NEWPORT NSW 2106

The following issues were raised in the submissions and each have been addressed below:

- Stormwater and surface water runoff
- Construction access/driveway (right of carriageway)
- Acoustic noise from spa/swimming pool equipment
- Increased hardstand versus landscaping
- Solar access
- Bulk and scale
- Privacy
- Landscaping
- View sharing
- Acid sulphate soils
- Geotechnical assessment and structural engineering
- Chicken coop
- Reflectivity

The matters raised within the submissions are addressed as follows:

- Stormwater and surface water runoff

Comment: Issues were raised from the downstream properties about stormwater from the subject site and the treatment of stormwater via the proposed development. A formal approach via the owners of the subject site (8 Bungan Head Road) was made to the direct neighbour at 2 Bushrangers Hill which was formerly declined. Council's Development Engineers also requested an amendment to the Geotechnical Assessment Report which was received from the applicant's consultants on 11 January 2022. It is also noted that 4396 litres of capacity will be capable to be stored within the rainwater tank on site for reuse prior to been entering the stormwater system. Council's Development Engineers on 14 January 2022 reviewed all this information and supported the proposed stormwater system subject to condition(s).

Surface water runoff is typically not conditioned and it is the responsibility of all property owner (s) to control and manage surface water. It is noted that the dwelling at 6 Bungan Head Road is on or close to the side boundary shared with the subject site within close proximity of the works. On review a condition will be added to ensure that surface water adjacent to the new wall of the pool entertainment area is maintained on the subject site to ensure a reasonable outcome.

It is considered that this matter has been adequately addressed and does not warrant refusal subject to condition.

- Construction access/driveway (right of carriageway)

Comment: A right of carriageway which is owned by direct neighbour behind the subject site (2 Bushrangers Hill) is located on the eastern side boundary of 8 Bungan Road. This carriageway is utilized by 2 & 3 Bushrangers Hill and concerns were raised over access been blocked, materials been stored on the carriageway and/or access/egress for materials on to and from the site during the construction/demolition phases of the proposed development.

Any access by the owners of 8 Bungan Head Road will need to undertaken via Access to Neighbouring Land Act 2000 and/or formal agreement between the owners to allow access over this right carriageway. A condition will be added to ensure this outcome.

Given the above it is considered that this issue has been adequately addressed (via condition).

- Geotechnical and structural engineering assessment

Comment: Issue was raised about the geotechnical assessment undertaken for the stormwater and the proposed works to be undertaken on the site. A revised Geotechnical Assessment dated 10 January 2022 was submitted to Council and reviewed by Councils Development Engineer. It is noted the fieldwork completed for this assessment included hand auger borehole testing and dynamic penetrometer (DCP) testing. Additionally, the revised assessment stated: -

"The proposed development is considered to be suitable for the site. No significant geotechnical hazards will result from the completion of the proposed development provided the recommendations presented in Table 3 are adhered to during design and construction."

In Table 3 of the Geotechnical Assessment recommendations for soil excavation, rock excavation, vibrations, retaining structures, sediment and erosion control, fills, stormwater dispersal, inspections, conditions relating to design and construction monitoring.

Concerns have been raised by the owners of 6 Bungan Head Road about foundations of the dwelling and structures. It is noted that 6 Bungan Head Road has been constructed close to the

side boundary shared with 8 Bungan Head Road and it is considered that pre-dilapidation and post-dilapidation assessment be conditioned to address these concerns.

Given the above it is considered that this issue has been adequately addressed (via condition).

- Acid sulphate soils

Comment: Issues were raised that the site is identified as Class 5 Acid sulphate soils in accordance with Clause 7.1 Acid Sulphate Soils of Pittwater Local Environmental Plan 2014 (PLEP 2014). Under this clause the following is specified:-

Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum (AHD) by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

A review has been undertaken that the site is not within 500m of a Class 1, 2, 3 or 4 and that the site or the works are below 5 metres (AHD) therefore no further assessment is required. It is noted that the Statement of Environmental Effects (SEE) lodged with this Development Application has also addressed this issue.

It is considered that this matter has been adequately addressed and does not warrant refusal and/or further amendments via condition(s).

- View sharing

Comment: Issue was raised by the adjoining neighbour to the west (6 Bungan Head Road) about view loss from the swimming pool and associated deck and ground deck. An assessment of view sharing utilizes the NSW Planning Principle "*Tenacity Consulting versus Warringah Council*". It is noted that the view from the swimming pool and associated deck in question is not from a habitable area of the dwelling house (like the kitchen and living room which are considered the main living areas). The view from ground floor balcony is not adjoining principal living areas (kitchen, dining and living area which are located on the first floor). Additionally, it is noted that view loss is of the sky and rear yards over a side boundary and the principle states:-

"For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. The expectation to retain side views and sitting views is often unrealistic."

It is considered that views from the main living areas will be maintained and that the proposal is compliant with Clause C1.3 View Sharing of P21DCP.

Given the above it is considered that this matter has been adequately addressed and does not warrant refusal and/or further amendments via condition(s).

- Landscaping

Comment: Issue was raised about the comments from Council's Landscape Officer in his original referral on 27 September 2021: -

"Slight concern is also raised regarding the visual impacts of proposed works on residents of the adjoining properties. Due to the scale of proposed works, screen planting is required to effectively soften the bulk and scale of the built form, whilst also enhancing the privacy of the

site not only for the applicant, but also the immediate neighbours. This screen planting is necessary to satisfy controls C1.1 and D10.13, as key objectives of these controls seek to ensure "landscaping enhances habitat and amenity value", "landscaping reflects the scale and form of development" as well as that the built form is "softened and complemented by landscaping". The required screen planting can be addressed through conditions of consent, rather than the need for a Landscape Plan to be submitted with the application."

However revised comments from Council's Landscape Officer were updated on 19 October 2021 in light of amendments to maintain the trees on the site and comments raised by adjoining property owners at 6 Bungan Head Road:-

"It is noted that adjoining property to the west is located flush with the boundary line, hence the implementation of screen planting may not be suitable due to the implications this will have on solar access, airflow as well as general amenity for both properties. For this reason, the previous recommendation for screen planting is longer needed."

Given the above it is considered issue has been addressed by the updated comments from Council's Landscape Officer and does not warrant refusal and/or further amendments via conditions.

- Increased hardstand versus landscaping

Comment: Issue was raised about the percentage of landscaped open space versus impervious area on the site as follows:-

"The proposed development's increase in floor area exceeds the planning control (D10.13 — Landscape Area — Environmentally Sensitive Land), where impervious surfaces are almost twice as large as planning controls allow."

A detailed assessment of the percentage of landscape open space was undertaken and noted that the percentage of landscaping was calculated at 428.8sqm plus 48.4sqm plus decking and paving which is counted in overall percentage bring the total to 477.2sqm. This total is only marginally short of the requirement of 485.4sqm (60%) by only 8.2sqm (1.7%). Additionally it is that noted 6 Bungan Head Road occupies approximately over 400sqm of impervious areas of 812sqm of their site area which accounts for approximately 50% of that site area.

It is considered this variation is very minor and demonstrates general consistency with other residential development within the vicinity. The proposal is supported on this occasion without further conditioning and that issue does not warrant refusal.

- Chicken coop

Comment: Issue was raised about the existing chicken coop on the site within the rear yard which is located on the western side boundary of the subject site adjoining 6 Bungan Head Road. The chicken coop is identified on the survey completed by DA Surveys and was visible during the second site inspection on 1 February 2022 completed by Council's Planner.

A review of the architectural plans completed by Arclab Pty Ltd demonstrates that the chicken coop has been removed and replaced with landscape open space. To address the concerns raised and ensure the area is landscaped a condition will be included for the chicken coop to be removed.

Given the above it is considered that this issue has been adequately addressed (via condition).

- Acoustic noise from spa/swimming pool equipment

Comment: Issue was raised about acoustic noise(s) generated from the spa/swimming equipment. A condition will be included that the housing of the spa/swimming pool equipment to be located under the spa/swimming pool and/or entertainment room. Additionally, the swimming pool / spa motor shall not produce noise levels that exceed 5dB(A) above the background noise when measured from the nearest property boundary.

Given the above it is considered that this issue has been adequately addressed (via condition).

- Privacy

Comment: Issue was raised about privacy to the dwelling, deck areas and swimming pool of 6 Bungan Head Road. After reviewing the architectural plans and site inspection completed by Council's Planner on 1 February 2022 the following has considered to address these concerns:-

1. Extension to the Ground Floor Balcony: - The proposed extension the balcony will create privacy impacts to both the dwelling and recreation spaces for 6 Bungan Head Road and would need to be conditioned with a privacy screen to the western elevation. This screen would impact on the current views enjoyed by the subject site (8 Bungan Head Road) down to Pittwater. After discussions with the owner it is was agreed that the extension to the balcony be deleted as proposed and maintain the balcony as is (rectangular splayed balcony on the western end). This will be conditioned accordingly.

2. Extension to the Lower Floor Balcony:- The proposed extension the balcony will create privacy impacts to both the dwelling and it is recommended that a privacy screen to be fitted to the western end of the balcony to ensure reasonable amenity for both parties. This will be conditioned accordingly.

3. Pool Entertainment Room:- Given the location to the adjoining swimming pool and associated decking it is considered that the northern end of this room be conditioned with 1.5m high privacy screen. It is noted that bar proposed is 1m in width and combined with this screen will ensure adequate privacy to adjoining swimming pool and associated decking.

Given the above it is considered that this issue has been adequately addressed (via conditions).

- Bulk and scale

Comment: Issues was raised in relation to the bulk and scale of the proposal given it height and setback to the western side boundary which is shared with 6 Bungan Head Road. As previously stated Council's Planner has attended site twice (including a site inspection from 6 Bungan Head Road) for the assessment of this application including issues raised by the owners of 6 Bungan Head Road.

Firstly, it is noted that the proposed ground balcony extension has been deleted by condition which reduce the overall bulk and scale of the proposal. A detailed review of the western elevation of the pool entertainment room was undertaken. The proposal has been assessed as generally compliant with the relevant built form control in particular building height, front and rear setbacks. It is noted that there is a non-compliance with the side boundary envelope at the northern end of the western façade which has been address under Clause D10.11 Building envelope of P21DCP and the following comments were stated:-

"The breach in the side boundary envelope is the result of the siting of the existing dwelling and the retention of existing vegetation (including a native gum tree which the additions have been designed around to maintain, in conjunction with the consistency with the objectives of other built form controls, this allows the proposed development to achieve a bulk and scale that is consistent with other dwellings in the area. The breach in the side boundary envelope will not result in the development becoming visually dominant by virtue of its height and bulk."

Given the above it is considered that this issue has been adequately addressed (via condition) and does not warrant refusal of this application.

- Missing and incorrect information

Comment: Issue was raised by the adjoining properties owners (6 Bungan Head Road) of missing and incorrect information submitted with this application. It is acknowledged that some aspects of the dwelling, swimming pool and associated decking at 6 Bungan Head Road were not displayed on the survey or architectural plans submitted to Council.

Council's Planner has attended the site on 1 February 2022 which included photos of the 6 Bungan Head Road. An initial site inspection was also completed on 26 October 2021 by Council's Planner of the subject site and 6 Bungan Head Road where he met with the owners of both respective properties. It is noted that 6 Bungan Head Road has had a number of Development Approvals including development application consent approval N0380/02 Swimming Pool and Deck which has been utilized as part of this assessment.

Given above it is concluded that there sufficient information to allow for the assessment this development application and that issue has been addressed and does not warrant refusal and/or requirement for further information.

- Reflectivity

Comment: Issue was raised by 6 Bungan Head Road over reflectivity as follows:-

"The proposed entertainment room's large area of roof sheeting, within close proximity and sloping towards the western boundary could impact our first level open deck with significant glare."

The proposed roof for the pool entertainment room has a 1% slope running down to the western end with the high end on the eastern end. A condition will be included as follows:-

"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."

Given the above it is considered that this issue has been adequately addressed (via condition) and does not warrant refusal of this application.

- Solar access

Comment: Issue was raised by 6 Bungan Head Road over the eastern elevation of the dwelling, ground floor deck, home office and clothesline.

A review of the solar access diagrams was undertaken reviewing all the issues raised by the

owners of 6 Bungan Head Road including Clause C1.4 Solar Access as follows:-

"The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.

Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).

Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings."

Both 6 and 8 Bungan Head Road face due north and reviewing the solar access diagrams and attending the subject site and 6 Bungan Head Road it is considered that the proposal adequately addresses the controls above. As stated previously the removal of the proposed ground balcony extension will improve solar access to the eastern side of the dwelling at 6 Bungan Head Road.

It is considered that the proposal meets the above controls. Additionally, the development will maintain adequate sunshine for clothes drying area of 6 Bungan Head Road.

Given the above it is considered that this matter has been adequately addressed and does not warrant refusal and/or further amendments via condition(s).



Solar access diagrams with swimming and deck area of 6 Bungan Head Road

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>This application is for the alterations and additions to an existing residential dwelling. Alterations include the minor demolition is site structures in order to facilitate additions which are inclusive of a deck extension on both the upper and lower floors, as well as a new entertainment room, outdoor bar, spa and swimming pool.</p> <p>Councils Landscape Referral section has considered the application</p>

Internal Referral Body	Comments
	<p>against the Pittwater Local Environmental Plan, and the following Pittwater 21 DCP controls:</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D10.13 Landscaped Area - Environmentally Sensitive Land <p><u>Original Comments - 27/09/2021</u></p> <p>The Statement of Environmental Effects provided with the application notes that no trees are to be removed as a result of proposed works. This statement is largely supported by the Architectural Plans provided as it is evident that no trees are proposed to be removed. It is however noted that proposed works are within close proximity to existing trees, and for this reason an Arboricultural Impact Assessment has been provided.</p> <p>This Arboricultural Impact Assessment has identified a total of two trees, both located towards the rear of the existing residential dwelling. Concern is raised regarding the potential impacts of proposed works on Tree No. 1, a native canopy tree of high significance. Proposed works are expected to encroach into the Tree Protection Zone (TPZ) as well as Structural Root Zone (SRZ) of Tree No. 1, occupying a total of 40.9% of the TPZ area. This level of encroachment is considered significant, with potential detrimental impacts to the health and vitality of this tree, both in the short and long-term. Although proposed works have sought to mitigate this high level of encroachment through the use of suspended structures, total soil coverage still remains high. This is likely to result in the decline of soil biology, in turn causing environmental stress and possible decline in tree vigour and eventual tree failure. The Arboricultural Impact Assessment has noted that a tree root investigation is required to take place in excavation areas that are located within Tree No. 1's SRZ, ensuring that no significant roots are impacted as a result of proposed works. In addition, it has also been recommended that a pier footing plan be developed for structures within the TPZ with cantilevering located towards the tree, a cut and fill plan to detail areas that are suspended and allowing air movement, as well as decking be used to allow for water drainage through to the ground level. Despite these recommendations, the Arboricultural Impact Assessment has still noted that overall construction impacts are likely to be high, indicating that tree vitality would likely be difficult to maintain or improve given the extent of works proposed. For this reason, it is recommended that an alternative design arrangement be sought to ensure proposed works are clear of the SRZ of this tree, with minimal impacts on the TPZ. It should be noted that any encroachment into the TPZ by 10% or greater, or any encroachment into the SRZ at all, requires a tree root investigation in accordance with AS4970-2009, specifically <i>Clause 3.3.3 Major Encroachment</i>.</p> <p>The retention of Tree No. 1 and 2, as well as others located within the site, is vital to satisfy control B4.22, as key objectives of this control</p>

Internal Referral Body	Comments
	<p>include “to effectively manage the risks that come with an established urban forest through the professional management of trees”, “to protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities”, as well as “to protect and enhance the scenic value and character that trees and/or bushland vegetation provide”.</p> <p>Slight concern is also raised regarding the visual impacts of proposed works on residents of the adjoining properties. Due to the scale of proposed works, screen planting is required to effectively soften the bulk and scale of the built form, whilst also enhancing the privacy of the site not only for the applicant, but also the immediate neighbours. This screen planting is necessary to satisfy controls C1.1 and D10.13, as key objectives of these controls seek to ensure “landscaping enhances habitat and amenity value”, “landscaping reflects the scale and form of development” as well as that the built form is “softened and complemented by landscaping”. The required screen planting can be addressed through conditions of consent, rather than the need or a Landscape Plan to be submitted with the application.</p> <p>The landscape component of the proposal is therefore not currently supported due to the significant impacts of proposed works on high value native canopy trees that are required to be retained. It is recommended that an alternative design be sought, ensuring proposed works are located well clear of existing trees SRZ’s, with minimal encroachments into the total TPZ area. Tree No. 1 is a high value native canopy tree, and efforts shall be made to ensure its retention. It should be noted that any encroachment into the TPZ by 10% or more, or any encroachment into the SRZ at all, requires a tree root investigation in accordance with AS4970-2009, specifically <i>Clause 3.3.3 Major Encroachment</i>.</p> <p>Upon the receipt of the required information, further assessment can be made.</p> <p><u>Updated Comments - 19/10/2021</u></p> <p>Following concerns raised regarding the impacts of proposed works on Tree No. 1 and discussions with the applicant, amended Architectural Plans have been provided. These amended plans demonstrate an alternative layout that is clear of the SRZ of Tree No. 1. This outcome is seen as a positive as it appears Tree No. 1 is in a far greater position to be successfully retained with reduced impacts when compared to the original layout. That being said, it is noted that total TPZ encroachment still remains fairly large, and for this reason tree protection conditions are to be implemented to ensure potential impacts towards this tree is minimised as much as possible.</p> <p>It is noted that adjoining property to the west is located flush with the boundary line, hence the implementation of screen plating may not be suitable due to the implications this will have on solar access, airflow as well as general amenity for both properties. For this reason, the</p>

Internal Referral Body	Comments
	<p>previous recommendation for screen planting is longer needed.</p> <p>The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation.</p>
NECC (Bushland and Biodiversity)	<p>The application seeks approval for the to an existing residential dwelling. Alterations include the minor demolition is site structures in order to facilitate additions which are inclusive of a deck extension on both the upper and lower floors, as well as a new entertainment room, outdoor bar, spa and swimming pool. Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:</p> <p>Biodiversity Conservation Act 2016 (BC Act) Pittwater Development Control Plan (PDCP)</p> <ul style="list-style-type: none"> B4.3 Flora and Fauna Habitat Enhancement Category 2 Land <p>The submitted Arboricultural Impact Assessment Report (Raintree 2021) notes that no trees are required for removal to facilitate the application, however concludes: "<i>Overall construction impacts are likely to be high with topography and soil conditions indicating tree vitality would likely be difficult to maintain or improve given extent of works proposed</i>" with regard to Tree 1 (<i>Corymbia maculata</i>) a "High retention-value" tree (Raintree 2021).</p> <p>Commentary provided by Council's Landscape Referral team is noted and supported. Alternate design options should be explored by the applicant that will not compromise the long-term vitality of Tree 1 in order to satisfy B4.3 of the Pittwater DCP:</p> <ul style="list-style-type: none"> Development shall not result in a significant onsite loss of canopy cover or a net loss in native canopy trees <p>Subject to the retention and minimisation of TPZ encroachment of Tree 1 (<i>Corymbia maculata</i>) Council's Biodiversity referral team find the application to be consistent against relevant environmental controls.</p>
NECC (Development Engineering)	<p>The proposed development requires on-site stormwater detention as the proposed increase in impervious area exceeds 50 sqm. The Geotechnical report recommends stormwater collected from hard surfaces is to be collected and piped to the Council stormwater network. No details of this connection have been included with the application. Where an easement to drain water is not present and is unable to be obtained via evidence of refusal of easement from the downstream property(s), the applicant is to submit a stormwater management plan by a Civil Engineer in accordance with Council's Water Management for Development Policy Section 5.5. The design is to be reviewed by the Geotechnical Engineer and the</p>

Internal Referral Body	Comments
	<p>recommendations in the report amended to suit the design.</p> <p>Development Engineers cannot support the application due to insufficient information to address clause B5 of the DCP.</p> <p>Amended plans received 24/11/2021.</p> <p>In accordance with the requirements of Section 5.5 of Council's Water Management for Development Policy, the applicant must provide evidence for the refusal of an easement from the downstream property owner(s) prior to Council assessing the alternative stormwater drainage disposal design. Also the Geotechnical report recommendations are to be amended to suit the submitted design.</p> <p>Development Engineers cannot support the application due to insufficient information to address clause B5 of the DCP.</p> <p>Amended information submitted 11/1/2022</p> <p>The revised Geotechnical report is acceptable. The refusal of easement from the downstream neighbour is noted. The stormwater design including OSD with discharge via a level spreader is in accordance with Council's Water Management for Development Policy.</p> <p>Development Engineering support the proposal, subject to conditions as recommended.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable.

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

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.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A431232 dated 10 September 2021).

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

SEPP (Infrastructure) 2007

The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable.

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:	8.5m	5.3m*	N/A	Yes

* Ground floor balcony extension measured 5.4m (deleted via condition)

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
1.9A Suspension of covenants, agreements and instruments	Yes
Part 4 Principal development standards	Yes
4.3 Height of buildings	Yes
Part 5 Miscellaneous provisions	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
Part 7 Additional local provisions	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	13.6m	-	Yes
Rear building line	6.5m	14m	-	Yes
Side building line	2.5m (east)	1.97m - 2.637m	Nil - 21.2%	No
	1m (west)	1m - 1.4m	-	Yes
Building envelope	3.5m (east)	Within envelope	-	Yes
	3.5m (west)	Outside envelope (maximum encroachment 0.8m reducing to compliance for a distance 2.4m)	Nil - 22.9%	No
Landscaped area	60% (485.4m ²)	59% (428.8sqm + 48.4sqm = 477.2m ²)	1.7%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Section A Shaping Development in Pittwater	Yes	Yes
A1 Introduction	Yes	Yes
A1.7 Considerations before consent is granted	Yes	Yes
A4 Localities	Yes	Yes
A4.10 Newport Locality	Yes	Yes
Section B General Controls	Yes	Yes
B1 Heritage Controls	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3 Hazard Controls	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4 Controls Relating to the Natural Environment	Yes	Yes
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land	Yes	Yes
B5 Water Management	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6 Access and Parking	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8 Site Works Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
Section C Development Type Controls	Yes	Yes
C1 Design Criteria for Residential Development	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
C1.14 Separately Accessible Structures	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
Section D Locality Specific Development Controls	Yes	Yes
D10 Newport Locality	Yes	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.3 Scenic protection - General	Yes	Yes
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	Yes	Yes
D10.8 Side and rear building line (excluding Newport Commercial Centre)	Yes	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	No	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	No	Yes
D10.15 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D10.16 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

C1.3 View Sharing

Merit consideration

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

- *A reasonable sharing of views amongst dwellings.*

Comment:

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

1. Nature of the views affected

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

Comment to Principle 1:

View loss is from the ground floor balcony and swimming pool area and deck.

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

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

Comment to Principle 2:

View is over the eastern side boundary of 6 Bungan Head Road.

3. Extent of impact

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

Comment to Principle 3:

The view loss is considered minor.

4. Reasonableness of the proposal that is causing the impact

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

development would probably be considered acceptable and the view sharing reasonable.”

Comment to Principle 4:

It is noted that are variations to the side boundary envelope at the northern most of the western façade of the pool entertainment room, a very minor variation to the landscaping and variation to the eastern side setback for the swimming pool. As stated above the swimming pool and associated decking are non-habitable areas of 6 Bungan Head Road. The ground floor balcony is not located adjacent to the living room/dining and kitchen which are located on the first floor level and views will be maintained from the level.

It is deemed reasonable view sharing will be maintained from 6 Bungan Head Road to the northeast, north, northwest and west which includes views of Pittwater.

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

Comment:

The proposed works are not likely to result in any unreasonable loss of view or vistas, when viewed from the adjoining public domain.

- *Canopy trees take priority over views.*

Comment:

Not applicable to the application, as no tree removal is proposed.

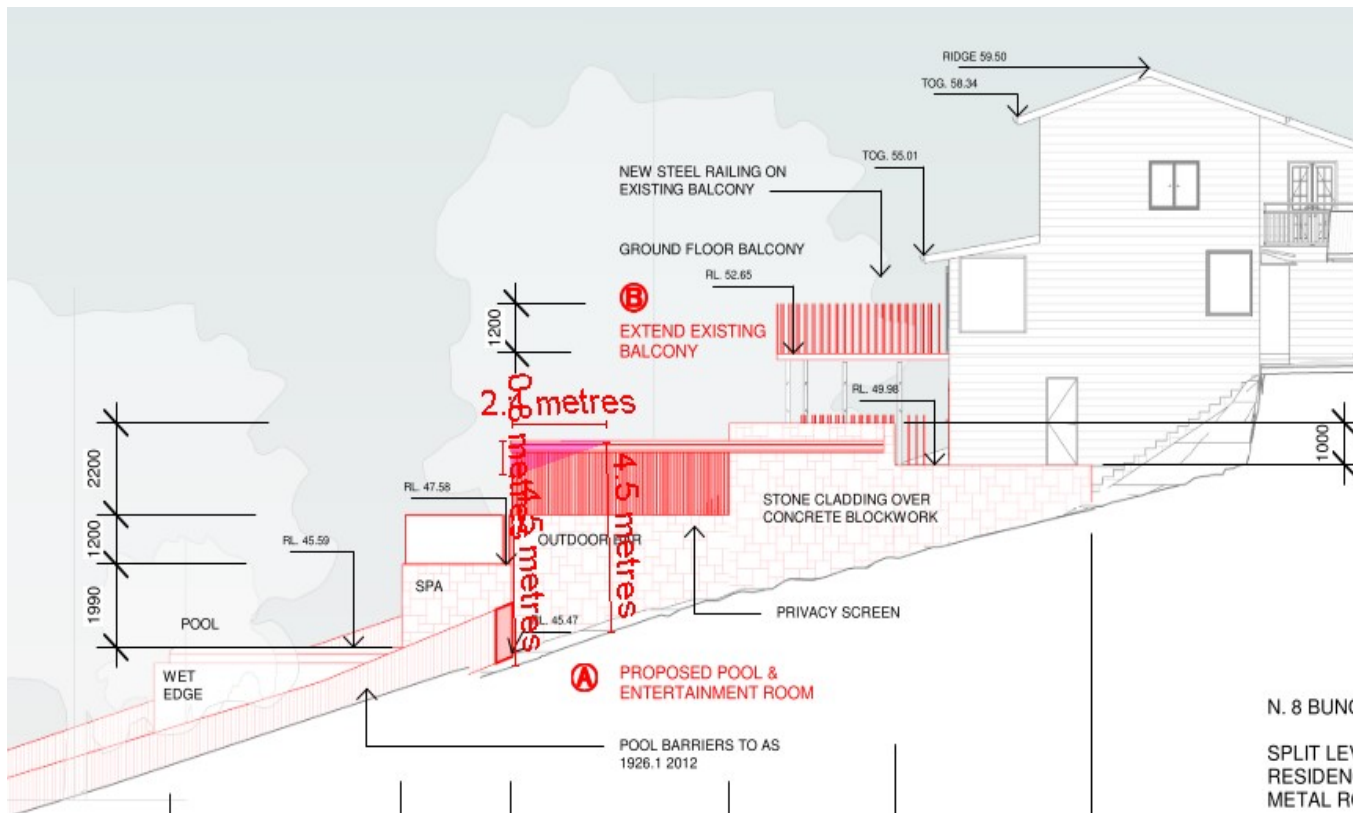
Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported,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

D10.11 Building envelope (excluding Newport Commercial Centre)

Description of non-compliance

The control requires a building envelope to be projected 45 degrees from a height of 3.5m above ground level at the side boundaries to the maximum building height.

The proposed pool & entertainment room encroaches into the building envelope along part of the west elevation to a max height of 0.8m over a length of 2.4m. This represents a variation of up to 22.9%.



Encroachment highlighted in purple

Merit consideration

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

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

Comment:

The proposed development is consistent with the overall intention of the desired future character of the Newport locality as it maintains a low-density residential nature of the area.

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

Comment:

The proposal will still have an appropriate scale when viewed from the street and adjoining properties given the non-compliant portions of the additions are appropriately set back from the front boundary. The proposed development compliments and enhances the existing and future built form of the locality. The development promotes a building scale and density that is below the surrounding tree canopy.

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

Comment:

No significant vegetation is required to be removed to facilitate the proposed works. It is considered the development responds to, reinforces and sensitively relates to the spatial characteristics of the existing natural environment.

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

Comment:

The breach in the side boundary envelope is the result of the siting of the existing dwelling and the retention of existing vegetation (including a native gum tree which the additions have been designed around to maintain, in conjunction with the consistency with the objectives of other built form controls, allows the proposed development to achieve a bulk and scale that is consistent with other dwellings in the area. The breach in the side boundary envelope will not result in the development becoming visually dominant by virtue of its height and bulk.

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

Comment:

No views or vistas will be unreasonably impacted as a result of the proposed development.

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

Comment:

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

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

Comment:

The proposal does not result in the removal of significant vegetation on the site. The existing canopy trees on the site will soften the built form.

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

D10.13 Landscaped Area - Environmentally Sensitive Land

Description of non-compliance

The control requires a minimum of 60% (485.4m²) of the site to be landscaped area.

The proposed development provides 53% (428.8m²) of the total site area as landscaped area, which represents a variation of 13.3% (56.6m²).

Provided the outcomes of this control are achieved, impervious areas less than 1 metre in width and up to 6% (48.4m²) of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only may be permitted on the landscaped proportion of the site.

When applying the above variations the total landscaped area (excluding undercroft areas) becomes 59% (428.8m² + 48.4m² = 477.2m²) of total site area, which represents a variation of only 1.7% (8.2 m²).

Merit consideration

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

- *Achieve the desired future character of the Locality*

Comment:

The proposed works are not considered to impact upon the existing and desired streetscape character. While the proposal includes some significant numerically non-compliant built form elements, the bulk and scale of the development is considered to be reasonably managed to limit impact on other properties or the public domain given the geographical characteristics of the site and surrounds. Therefore it is considered the desired future character of the Newport locality will be achieved.

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

Comment:

The proposed development generally complies with the built form control requirements and is considered to appropriately respond to the geographical characteristics of the site. Variety in finish materials and façade articulation assist in reducing the visual dominance of the bulk and scale of the development. The proposed works are generally below the height of surrounding canopy trees. Existing and new vegetation is expected to soften the impact of the built form of the structure on adjacent properties and the public domain.

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

Comment:

The proposal is not expected to cause any unreasonable privacy, amenity or solar access impact to adjacent properties (subject to conditions). The provision of new landscaping and vegetation is expected to mitigate potential overlooking impacts caused by the proposal.

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

Comment:

Existing and new canopy trees and vegetation on the site will assist in softening the proposed built form.

- *Conservation of natural vegetation and biodiversity*

Comment:

The proposal includes the planting of native vegetation and trees. The conservation of natural vegetation and biodiversity will therefore be achieved.

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

Comment:

The proposal is not expected to unreasonably impact upon stormwater management on site. The reduction in landscaped area is minor to the existing conditions and there are sufficient portions of soft, permeable surfacing which will assist in stormwater runoff, preventing soil erosion and siltation of natural drainage channels.

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

Comment:

The bushland character of the area will be maintained and enhanced as a result of the proposed development through the planting of new native tree species.

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

Comment:

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

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

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

A monetary contribution of \$ 1,000 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 200,000.

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 DA2021/1673 for Alterations and additions to a dwelling house including swimming pool on land at Lot 1 DP 392257, 8 Bungan Head Road, NEWPORT, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-02	15 January 2021	Arclab Pty Ltd

DA-03	15 January 2021	Arclab Pty Ltd
DA-04	15 January 2021	Arclab Pty Ltd
DA-05	15 January 2021	Arclab Pty Ltd
DA-06	15 January 2021	Arclab Pty Ltd
DA-07	15 January 2021	Arclab Pty Ltd
DA-08	15 January 2021	Arclab Pty Ltd
DA-09	15 January 2021	Arclab Pty Ltd
DA-10	15 January 2021	Arclab Pty Ltd
DA-11	15 January 2021	Arclab Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (A431232)	10 September 2021	Arclab Pty Ltd
Arboricultural Impact Assessment Report	9 September 2021	Raintree Consulting
Geotechnical Assessment	10 January 2022	Ascent Geotechnical Consulting

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:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Report	12 September 2021	Arclab Pty Ltd

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. 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.

3. 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

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$1,000.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$200,000.00.

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 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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.

5. Security Bond

A bond (determined from cost of works) of \$1,500 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

6. Tree Root Investigation and Tree Root Map

Prior to the issue of a Construction Certificate, a tree root mapping investigation (insert location and tree ID) shall be undertaken on the outside edge of proposed pool barriers/walling adjacent to Tree No. 1, and a Tree Root Map shall be documented that will be the basis for determining construction methodology near existing tree, identified as Tree No. 1.

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

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

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

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

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

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

7. Pier Footing Design Near Trees to be Retained

Pier footing structural layout plans for the external works including proposed decking shall be developed in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture, and a qualified Structural Engineer. The Arborist shall review, comment, recommend design revision as required and approve the pier footing layout, to ensure the locations of piers will be manageable in terms of tree protection measures.

The Arborist shall submit certification to the Certifying Authority, that the locations of the pier footings are accepted. The agreed pier footing structural layout plans shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.

Reason: Tree protection.

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 Ascent Geotechnical Consulting, reference AG 21277, dated 10 January 2022 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. No Clearing of Vegetation

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

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

Construction Certificate.

Reason: To protect native vegetation.

10. Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

11. Amendments to the approved plans

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

- Chicken coop is to be removed/demolished;
- Ground floor extension to the balcony is to be deleted;
- A 1.65 metre high privacy screen (measured from the finished floor level) is to be erected for the entire length of the outermost western edge of the extended lower floor balcony and a 1.5 metre high privacy screen (measured from the finished floor level) is to be erected for the entire length of the outermost northern edge of the outdoor bar/entertainment room as shown on the approved plans. The privacy screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.
- Swimming pool and spa filtration system(s) are located under the pool entertainment room, swimming pool and spa.
- A barrier (minimum 100mm in height) and/or surface inlet grate is to collect surface water is to be positioned along the western side boundary. The barrier and/or surface inlet grate is to commence at the southern end in line with new pool entertainment room and cease at northern end of the wall for the pool entertainment room. If a surface inlet grate is installed it must be connected to the approved stormwater system.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

12. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Broadcrest Engineering and Environmental Consultants, drawing number 1576-SW Sheets 1, 2, 3 and 4 Revision A-01, dated 23/11/2021. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

13. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, 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 Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

14. Compliance with Standards

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

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

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

15. External Finishes to Roof

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

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

16. Sydney Water "Tap In"

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

17. Project Arborist

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

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

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

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

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

All tree protection measures specified must:

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

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

Note:

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

Reason: Tree protection.

18. 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.

Property / Properties: 6 Bungan Head Road (eastern half and side)

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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. Tree and Vegetation Protection

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

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

b) Tree protection shall be undertaken as follows:

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

and iii) remain in place for the duration of the construction works.

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

i) Section 2 - Conclusions & Recommendations.

The Certifying Authority must ensure that:

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

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

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

Reason: Tree and vegetation protection.

20. **Road Reserve**

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

Reason: Public safety.

21. **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.

22. **Demolition Works - Asbestos**

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

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

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

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

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

23. **Survey Certificate**

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

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

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

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

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

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

25. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

26. **Right of Carriageway/Driveway**

The right of carriageway/driveway located on the eastern side boundary is to be free of any demolition and construction materials. Any use and/or access to this carriageway/driveway will need to undertaken with the owner(s) consent and including any party that have access right to this right of carriageway/driveway.

Reason: Access to Neighbouring Land Act 2000 (NSW)

27. Condition of Retained Vegetation - Project Arborist

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

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

Reason: Tree protection.

28. Protection of Habitat Features

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

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

Reason: To protect wildlife habitat.

29. New Vegetation Planting

Any new landscaping is to incorporate a minimum 60% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Gardening Booklet available on Council's website.

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

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

30. No Weeds Imported On To The Site

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

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

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

31. 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.

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

The Applicant shall lodge the Legal Documents Authorisation Application with Council. The application shall include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), and Hydraulic Engineers' certification.

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

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

34. **Swimming Pool Requirements**

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

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

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

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

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in

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

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

(e) Signage showing resuscitation methods and emergency contact

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

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

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

Reason: To protect human life.

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

35. **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

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

The swimming pool / spa motor shall not produce noise levels that exceed 5dB(A) 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



Phil Lane, Principal Planner

The application is determined on 21/02/2022, under the delegated authority of:



Rodney Piggott, Manager Development Assessments