

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/2651
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Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 70 DP 24563, 92 Riverview Road AVALON BEACH NSW 2107
Proposed Development:	Demolition works and construction of a dwelling house including a swimming pool and use of an existing outbuilding as a home office/studio
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Harmen Sicco Pieter Fredrikze
Applicant:	Harmen Sicco Pieter Fredrikze

Application Lodged:	11/01/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	21/01/2022 to 04/02/2022
Advertised:	Not Advertised
Submissions Received:	7
Clause 4.6 Variation:	Nil
Recommendation:	Deferred Commencement Approval

Estimated Cost of Works:	\$ 925,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal is for demolition of an existing dwelling, construction of a new dwelling and use of an outbuilding.

In detail, the proposal involves:

Ground Floor

- Open Plan lounge
- Rumpus
- Wet bar

- Fireplace
- Storeroom
- Powder room
- Three bedrooms with an ensuite
- Bathroom
- External Access stairs and deck

First Floor

- Three bedrooms
- Ensuite
- Bathroom
- Open plan kitchen

External

- Swimming pool and decking
- Stairs
- Landscaping
- New Carport and associated access stairs
- Tree removal

Use of Outbuilding

- Use of the existing detached outbuilding as a studio

Amended Plans

Amended Plans were lodged on 17 June 2022, which involve a greater front setback to the first floor level, a reduction in height at the front of the dwelling, and further landscape details. These plans did not require re-notification in accordance with Council's Community Participation Plan.

ASSESSMENT INTRODUCTION

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

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

- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings
Pittwater 21 Development Control Plan - D1.8 Front building line
Pittwater 21 Development Control Plan - D1.9 Side and rear building line
Pittwater 21 Development Control Plan - D1.11 Building envelope

SITE DESCRIPTION

Property Description:	Lot 70 DP 24563 , 92 Riverview Road AVALON BEACH NSW 2107
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Riverview Road.</p> <p>The site is irregular in shape with a frontage of 18.89m along Riverview Road and a depth of 72.9m. The site has a surveyed area of 1024m².</p> <p>The site is located within the C4 Environmental Living zone and accommodates portions of a fire damaged dwelling, including a partially damaged verandah and a driveway and front hardstand parking area. The site also contains detached outbuilding and timber deck which has been constructed without development approval.</p> <p>The site has a crossfall of approximately 27m from the north-eastern (rear) boundary to the south-western (street frontage) boundary.</p> <p>Vegetation on the site has been identified as Pittwater Spotted Gum Forest Endangered Ecological Community (EEC) and the entirety of the property is located within the NSW Biodiversity Values Map.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by one, two and three storey dwellings of varying architectural styles within landscaped settings.</p>

Map:



SITE HISTORY

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

- **PLM2020/0056** - Pre-Lodgement meeting for demolition Works and construction of a dwelling house including a swimming pool - 2020
- **BC0140/06** - Building Information Certificate for a one and two storey fibrous clad sole occupancy dwelling with a metal roof - Issued 2007
- **BC2022/0139** - Building Information Certificate for "As Built" works for the construction of a detached timber outbuilding/studio - lodged 22 June 2022 (not issued at the time of finalising this report)

PLM2020/0056

Under this application, advice was provided in the Pre-lodgement meeting held on 7 April 2020. In the development application, the following responses have been made to the advice:

- **A recommendation was made for the dwelling to comply with front, side setback controls and side boundary envelope**

Comment:

The proposal complies with the front building line control to the dwelling. The variation to the setback and envelope controls are acceptable for the reasons outlined in this report.

- **A recommendation is made for hard stand car parking area to wholly on the site and to be setback from the front**

Comment:

The car parking has been provided to be wholly on the site. Further analysis of the site and area has found that, the proposed design is suitable for this site for the reasons outlined in this report.

- A recommendation is made for appropriate privacy screening to be provided to the pool area

Comment:

The pool area is well separated from neighbouring properties, and has landscaping to assist with a screening buffer.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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

Section 4.15 Matters for Consideration	Comments
	<p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 21/01/2022 to 04/02/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 7 submission/s from:

Name:	Address:
Withheld	AVALON BEACH NSW 2107
Mr Harold John Andrews	99 Riverview Road AVALON BEACH NSW 2107
Richard Alexander Field David Field	71 Trappers Way AVALON BEACH NSW 2107
Mr Christopher Colin Gregory Mrs Anne Debjani Majumdar	96 Riverview Road AVALON BEACH NSW 2107
Mr Peter Brukhard Goodrich	6 Trappers Way AVALON BEACH NSW 2107
Brent Williams	6 / 63 Old Barrenjoey Road AVALON BEACH NSW 2107
Turnbull Planning International Pty Ltd Mr Jeremy Michael Kirk	5 / 1070 - 1076 Barrenjoey Road PALM BEACH NSW 2108

The above seven (7) submissions comprise; three (3) indicating objections and four (4) indicating support.

The above issues are addressed as follows:

- **Concern with staged consent**

The submissions raised concerns with the staged proposal and queries which part of the consent will proceed to CC and OC.

Comment:

The consent would require a Construction Certificate and Occupation Certificate for the entire development, except the works already undertaken in relation to the outbuilding, which will be covered by the Building Information Certificate.

- **Unauthorised Rear studio**

The submissions raised concerns that Council has no power to retrospectively approve the studio structure under a Development Application. Concern is also raised in relation to the unauthorised work, in that an adequate opportunity for a planning assessment is not given. Concerns are also raised with the safety of the structure. Further, concern is also raised with the orientation of the studio building being incorrect on plans.

Comment:

This application does not approve the construction of the studio. However, the proposal involves the use of the studio as a habitable structure. There are no planning concerns with the use being a habitable space as long as it is not a separate occupancy or capable of being used as such. This is due to the sufficient physical separation of the use from adjoining uses. Conditions are imposed with regard to ensuring the use is for a habitable space and not a separate occupancy.

The orientation of the studio structure is not correct on select plans and so a condition will be imposed to correct this prior to release of the Construction Certificate.

- **Height, bulk and scale; lack of building articulation; not in keeping with desired character**

The submissions raised concerns with regard to height, bulk and scale. It is suggested a clause 4.6 application should have been submitted for the breach of height.

A request for height poles is also made, to assist in assessing this.

Comment:

The proposal complies with the requirement for Building Height under Clause 4.3 (2D) of the PLEP 2014. This is further detailed in this assessment report. As a result of compliance with Clause 4.3(2D), a clause 4.6 application is not required. The proposal also provides a reasonable bulk and scale with sufficient articulation of the built form through the provision of open deck areas and built form which steps down with the topography of the site.

Height poles are not generally required to assess the bulk and scale of a development. In this case, the information submitted with the application is sufficient to make an assessment of the impact of the building including impact of bulk scale, and impact on outlook. As such, height poles are not required in this instance.

- **Solar access**

The submissions raised concerns that neighbouring private open space will be impacted. Concern is also raised that the height of the building will exacerbate this impact.

Comment:

The proposal is well separated from the neighbouring property to the south, partially due to the battle-axe style lot configuration. The proposal also complies with the requirements for Solar Access under Pittwater 21 DCP. As such, the built form and height of the building will not have any unreasonable impact on the solar access.

- **Setbacks and envelope**

The submissions raised concerns in regards to non-compliances with the planning controls, including the building being forward of the front building line.

Comment:

The numerical non-compliances with the built form controls have been considered with regard to the overarching objectives/outcomes of the relevant clauses. This consideration has found the numerical non-compliances to be reasonable, due to a design that will be consistent with the desired future character and will not have any unreasonable impact on amenity.

- **Lack of built form integration with natural environment**

Comment:

The proposal provides a compliant landscaped area to allow for sufficient opportunities for planting to appropriately integrate with the built form. Council's Landscape Officer is also satisfied with the proposal, subject to conditions.

- **Privacy**

The submissions raised concerns that with privacy, including noise impact from balconies.

Comment:

The proposal complies with the controls and requirements outlined for privacy under the relevant clause of the Pittwater 21 DCP, *C1.5 Visual Privacy and C1.6 Acoustic Privacy*. This is assisted by the physical separation between the proposal and neighbouring uses, and by the design and orientation of windows and open space areas.

- **Biodiversity**

The submission provides an assumption that the BDAR has appropriately dealt with ecological diversity preservation.

Comment:

Council's Biodiversity Officer is satisfied with the application, including the submitted BDAR, subject to conditions including a requirement for compliance with the BDAR. As such, the proposal (subject to conditions) appropriately addresses the ecological issues.

- **Concern with stonewall and deck encroaching access of 90 Riverview Road; concern is also raised that the proposed house and landscaping is not within the property boundary**

Comment:

A condition is imposed to confirm that no part of the building or landscaping shall be located outside the property boundaries.

- **Concern with removal of trees**

The submissions raised concerns with removal of trees, including a significant gum tree.

Comment:

Council's Landscape Officer has carried out a review of the tree removal for this development and is satisfied with the application, subject to an amended Landscape Plan. A condition has also been imposed to require tree protection.

- **Concern with fire places and pollution**

Comment:

The proposal was referred to Council's Environmental Health (solid fuel) Officer who supports the proposal, subject to conditions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of

Internal Referral Body	Comments
	<p>the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Solid Fuel/Oil Heater)	<p>General Comments</p> <p>Environmental Health reviewed the development aspect of a solid fuel heater which is being re-used following fire damage to the dwelling. All domestic oil or solid fuel heating appliances require Council review and approval when being installed, as defined under Part F4, Section 68 of the Local Government Act 1993. The installation must be one that is compliant with Australian emission standards 4012 and 4013, and done in accordance with Australian Standard 2918. The re-installation of the fireplace is supported.</p>
Landscape Officer	<p>The development application is for the construction of a new dwelling, and use of an existing outbuilding for a home office/studio, and a proposed swimming pool within an elevated attached deck. The proposed works involve the partial demolition of an existing fire damaged dwelling.</p> <p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause C4 zone Environmental Living, and the following Pittwater 21 DCP controls (but not limited to):</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D1 Avalon Locality <p>The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.</p> <p>In terms of impact to existing trees from excavation, the demolition works include the removal of the existing driveway, the majority of what remains of the existing dwelling, and additional structures, whilst sections of the existing dwelling footings are to be retained. Proposed works impacting existing trees includes the construction of a new driveway, parking area, two-storey dwelling, pool, decking, stairs and additional structures.</p> <p>The Statement of Environmental Effects determines that the built form will be complemented with the existing significant landscaping which helps soften the built form. However, much of the existing vegetation within the front setback is proposed for removal, as well as within the road reserve, and landscape planting shall reinstated to provide adequate softening of the built form. The submitted Landscape Plan is inadequate and conditions shall be imposed for an amended</p>

Internal Referral Body	Comments
	<p>landscape plan that shall incorporate small native trees and understorey planting. Development shall ensure that at least 80% of any new planting incorporates native vegetation as selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward.</p> <p>With the nature of the steep site and the alignment of the existing and proposed dwelling at a front setback that is less than the development control plan guide, the front setback landscape area shall be mass planted with vegetation to enable softening of the built form. Additionally, the removal of a native Cheese Tree within the road reserve verge for the widened driveway is subject to street tree replacement as adequate ground area is available.</p> <p>The submitted Arboricultural Impact Assessment contains recommendations for existing vegetation required for removal and without any design alternative for retention should the application be approved, and additionally provides tree protection measures for existing trees to be retained, and no concerns are raised.</p>
NECC (Bushland and Biodiversity)	<p>The proposed development has been assessed against the following applicable legislation and planning provisions:</p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 • Pittwater LEP Clause 7.6 Biodiversity Protection • Pittwater DCP Clause B4.7 Pittwater Spotted Gum Forest Endangered Ecological Community <p>The application seeks consent for partial demolition of the existing fire-damaged dwelling, additions and alterations to existing structures to facilitate construction of a new dwelling, new swimming pool and parking, and use of an existing outbuilding for an office/studio.</p> <p>Vegetation on the site has been identified as Pittwater Spotted Gum Forest Endangered Ecological Community (EEC) and the entirety of the property is located within the NSW Biodiversity Values Map (BV Map). As such, the proposed development triggers entry into the Biodiversity Offsets Scheme (BOS) and the subsequent requirement for a Biodiversity Development Assessment Report (BDAR).</p> <p>A BDAR (Ecological Consultants Australia, December 2021) confirms vegetation on the site as Pittwater Spotted Gum Forest (PSGF) EEC of varying condition, and determines that the proposal will result in impacts to 0.03 ha of PSGF EEC. Proposed impacts as identified in the submitted arborist report (Hugh the Arborist, 13 December 2021) include removal of two prescribed* native trees, one of which (Tree 17 - <i>Ilocasuarina torulosa</i>) is diagnostic of Pittwater Spotted Gum Forest.</p> <p>Residual impacts of the proposal are to be offset under the BOS by way of retirement of one (1) ecosystem credit for Pittwater and Wagstaffe Spotted Gum Forest EEC (PCTs 1214 or 1589).</p>

Internal Referral Body	Comments
	<p>In addition, Council's Landscape referrals body have recommended consent conditions requiring replacement tree plantings and new understory landscaping comprising a minimum 80% species from the Pittwater Spotted Gum EEC. This will further assist in mitigating impacts to biodiversity and addressing compliance with local biodiversity controls.</p> <p>* Prescribed trees are those protected under Pittwater DCP Clause B4.22 Preservation of Trees and Bushland Vegetation.</p>
NECC (Development Engineering)	No objections to approval subject to conditions as recommended.
NECC (Water Management)	<p>This application has been assessed against relevant legislation and policy relating to waterways, riparian areas, and groundwater. The project is increasing the site impervious area and triggers water quality controls under Council Water Management for Development Policy (refer pre lodgement detail topographical survey from LCG 201143 issue A dated 03.03.2020 for pre/post comparison). The proposed stormwater system is subject to conditions.</p>
Road Reserve	<p>The new proposed driveway crossing does not impact existing road infrastructure assets. A Road Act Application for civil works will be required for the driveway crossing and associated retaining walls to support excavation through the road embankment whilst maintaining sufficient clearance from the kerb. Development Engineering team to provide conditions as appropriate.</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>The proposal has been referred to Heritage as the subject property is within the vicinity of a heritage item</p> <p>Lochhead House - 99 Riverview Road, Avalon Beach</p>
	Details of heritage items affected
	<p>Details of the item as contained within the Pittwater inventory is as follows:</p> <p><u>Statement of Significance</u> Lochhead House, built in 1965 at 99 Riverview Road, Avalon Beach to the design of Allen, Jack & Cottier, demonstrates a high level of historic, technical and aesthetic significance as an early example of the Late Twentieth-Century Sydney Regional style and as part of the body of the residential works of the Sydney office Allen, Jack & Cottier.</p> <p><u>Physical Description</u> The house is located on a steep slope stepping down to the west. It is set on a difficult partially</p>

Internal Referral Body	Comments		
	<p>excavated bush site with large rocks, trees and ferns. View from the street is screened by luxuriant vegetation creating a natural bush setting. It is set up above the ground on a framework of posts and beams. Within this framework three floor 'platforms' are formed stepping up the hill. All external walls are set a minimum of 0.93m back from the outer face of the frame along all sides to allow legibility of the framework, eaves protection and decks along the northern, western and southern sides. There is a full width living/dining room opening onto an encircling timber deck.</p>		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register		
	RAIA Register of 20th Century Buildings of Significance	Yes	Lochhead House in on this register
	Other	N/A	
	Consideration of Application		
	<p>The proposal seeks consent for a new part 2 part 3 storey dwelling on the subject site with a carport at the front boundary. The heritage item is located to the west of the site across Riverview Road. However only the garage is readily viewable from the street with the rest of the house being located below the road level. Given that the dwelling is not visable from the street as well as the physical separation of the site from the item via the roadway, the proposal is considered to not impact upon the heritage item or its significance.</p>		
	<p>Therefore Heritage raises no objections and requires no conditions.</p>		
	<p>Consider against the provisions of CL5.10 of PLEP.</p>		
	<p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p>		

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
Aboriginal Heritage Office	<p>Reference is made to the proposed development at the above area and Aboriginal heritage.</p> <p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1213718S_05).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	54

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

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 (10m under Subclause 2D)	9.46m	N/A	Yes (under Clause 2D - see comments)

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.1 Land use zones	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes

Clause	Compliance with Requirements
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

4.3 Height of buildings

In accordance with subclause (2D) of Clause 4.3 of the Pittwater LEP, the proposal involves a height of 9.46m and the following subclause 2D matters have been satisfied as follows:

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

Comment:

The proposal involves a minor section of the dwelling toward the rear of the envelope that does not comply with the building height standard. This is limited mainly to the roof form.

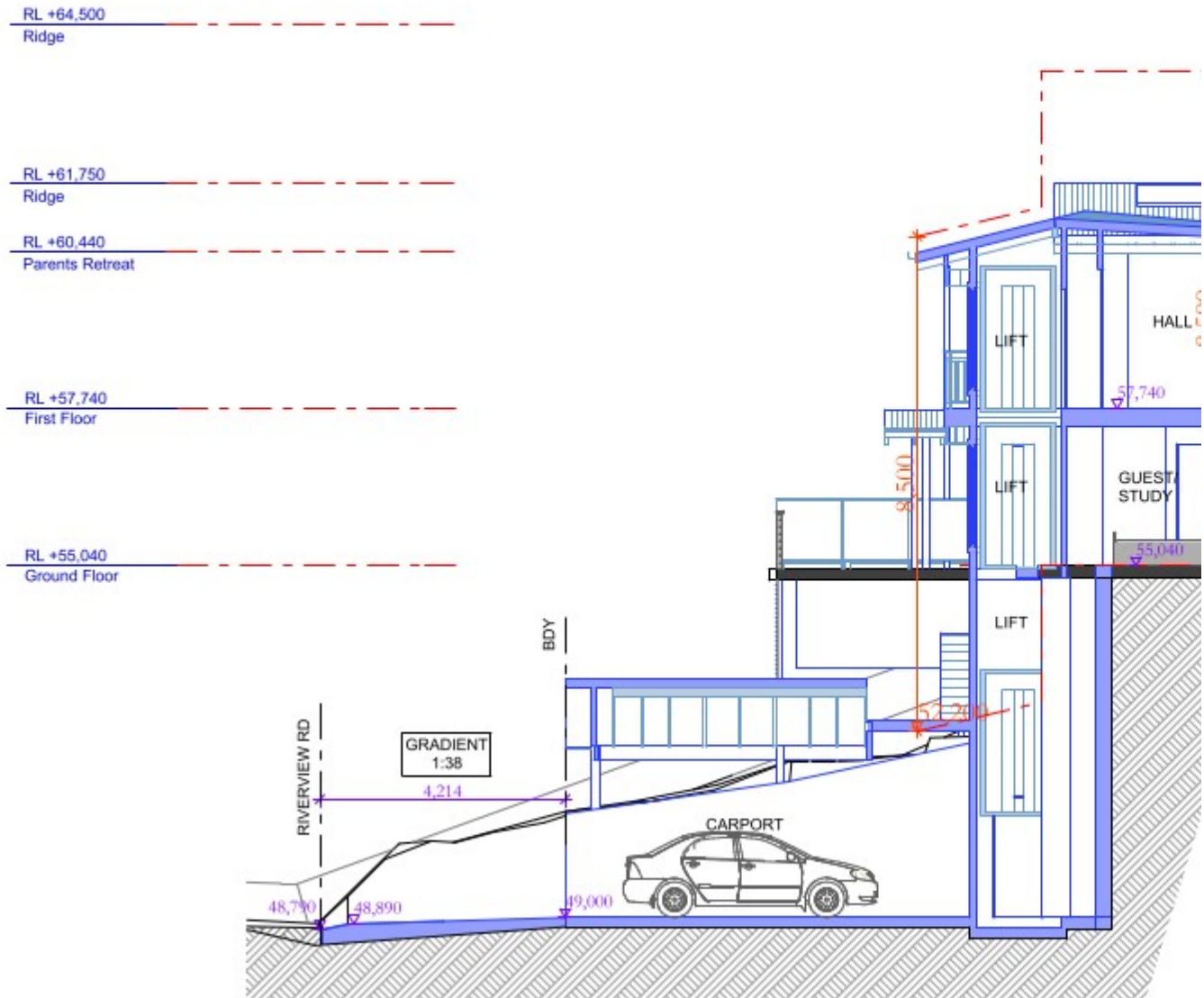


Figure 1: Section indicating Height non-compliance (of up to 9.46m).

(b) the objectives of this clause are achieved.

Comment:

The proposal meets the objectives as follows:

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

The proposal provides a presentation of the dwelling at the frontage that is well articulated and stepped, and also provides deck areas that are open in nature. This provides an appropriate presentation to

ensure height and scale are consistent with the desired character of the locality.

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

The proposal is stepped with the topography of the land to correspond with the character of built form in the area. As such, the development will maintain compatibility with surrounding development.

(c) to minimise any overshadowing of neighbouring properties

The proposal provides articulation and stepping in the built form at each elevation to allow for appropriate access to sunlight. Furthermore, the proposal complies with the controls for Solar Access under the Pittwater 21 DCP.

(d) to allow for the reasonable sharing of views

The proposed dwelling provides a compliant rear building line, a built form which steps down with the topography and a roof design to allow for adequate view corridors. Further, the topography of the surroundings allows nearby dwellings to have views over the top of the subject site.

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

The proposed roof form and dwelling adequately steps down with the topography of the site.

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

The proposal provides appropriate stepping and articulation to ensure there will be no unreasonable visual or any other impacts on the natural environment.

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

Comment:

The building footprint is situated on a slope that exceeds 16.7 degrees.

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

Comment:

The proposed alterations and additions to the dwelling maintain appropriate stepping, and there is no significant excavation.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	0m (car parking) 6.9m (dwelling)	N/A	No (see comments)
Rear building line	6.5m	29m (studio use)	N/A	Yes

		45m (dwelling)		
Side building line	2.5m	1.0m	N/A	No (see comments)
	1.0m	1.0m	N/A	No (see comments)
Building envelope	3.5m	North: Outside envelope	N/A	No (see comments)
	3.5m	South: Within envelope	N/A	Yes
Landscaped area	60% (614.4sqm)	65.8% (673.9sqm)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.6 On-Street Parking Facilities	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.14 Separately Accessible Structures	Yes	Yes
C1.19 Incline Passenger Lifts and Stairways	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.5 Building colours and materials	Yes	Yes
D1.8 Front building line	No	Yes
D1.9 Side and rear building line	No	Yes
D1.11 Building envelope	No	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D1.16 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D1.20 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

D1.8 Front building line

Description of Non-compliance

The Pittwater 21 DCP has a numerical control which requires buildings to be setback 6.5m from the front boundary or an established building line.

The proposed car parking has a setback of 0m. The dwelling has a setback of 6.9m to the ground floor level.

Merit Consideration

With regard to the consideration for the variation, the development is considered under the outcomes of the control below:

To achieve the desired future character of the Locality.

Comment:

The proposal involves a carport to the front of the site, decking, and a pool area. The landscaping which surrounds the front of the site, the front setback of the principal dwelling, landscaped road reserve and the open nature of the carport ensures that the works will not be visually dominant. As such, the proposal will meet the desired character of the locality.

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

Comment:

The dwelling is sufficiently separated from the road and buffered by landscaping to ensure amenity is appropriately maintained.

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

Comment:

The proposal does not involve the removal of any significant vegetation and involves a total amount of landscaped area that complies with the 60% numerical control under the Pittwater 21 DCP. Further, Council's Landscape Officer has imposed suitable conditions to enhance the landscape and tree canopy. This ensures natural features will appropriately visually mitigate the built form.

Vehicle maneuvering in a forward direction is facilitated.

Comment:

The car parking situation provides appropriate opportunities for vehicle maneuvering, given the topographical context of the site.

To encourage attractive street frontages and improve pedestrian amenity.

Comment:

The proposal will provide an attractive street frontage by integrating natural features with a well stepped built form to provide an appropriate bulk and style for the streetscape.

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

Comment:

The proposed front setbacks and building design appropriately respond to the spatial characteristics of the existing urban environment by providing sufficient integration of landscaping and sufficient distribution of built form.

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

D1.9 Side and rear building line

Description of Non-compliance

The proposal involves a new dwelling that does not comply with the numerical control for side building line (1m & 2.5m). In this regard, the setback is 1m at each side boundary.

Merit Consideration

To achieve the desired future character of the Locality.

Comment:

The proposal involves a carport to the front of the site, decking, and a pool area. The landscaping which surrounds the front of the site, the front setback of the principal dwelling, landscaped road reserve and

the open nature of the carport ensures that the works will not be visually dominant. As such, the proposal will meet the desired character of the locality.

The bulk and scale of the built form is minimised.

Comment:

The proposed development is of a bulk and scale that is consistent with development in the surrounding locality. The proposed dwelling complies with the front and rear boundary setback controls, and the building bulk is sufficiently distributed across the site. Along with articulation and stepping, this provides an appropriate minimisation of building bulk.

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

Comment:

The proposed development is adequately articulated and sited so as to preserve views and vistas to and from the subject site and the surrounding area.

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

Comment:

The proposed development involves adequate spacing and articulation to allow for view corridors encourage view sharing.

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

Comment:

The additions are sufficiently screened and separated from neighbouring living spaces and private open spaces. Along with proposed and existing vegetation, this provides a situation in which the proposal will not have any unreasonable impact on surrounding amenity. Further, the proposal complies with the requirements for solar access under the Pittwater 21 DCP.

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

Comment

The proposed development retains substantial vegetation to surround the site and allow for an attractive streetscape.

Flexibility in the siting of buildings and access.

Comment:

Flexibility is warranted in allowing the proposed setbacks to be non-compliant with the numerical controls due to the lack of unreasonable visual impact and lack of amenity impact. The adequate separation of the works from the streetscape and sufficient separation from the neighbouring living spaces further warrants this flexibility.

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

Comment:

The proposal maintains landscaping and vegetation to the front and rear of the site. As such, there is sufficient landscaping and vegetation on site to enhance the site and visually reduce the presentation of building bulk.

A landscaped buffer between commercial and residential zones is achieved.

Comment:

Not applicable. The subject site does not adjoin commercial land.

The proposal is consistent with the outcomes of this clause.

D1.11 Building envelope

Description of non-compliance

The proposal does not comply with the building envelope at the northern elevation. This is represented with the red highlighting in the diagram below:

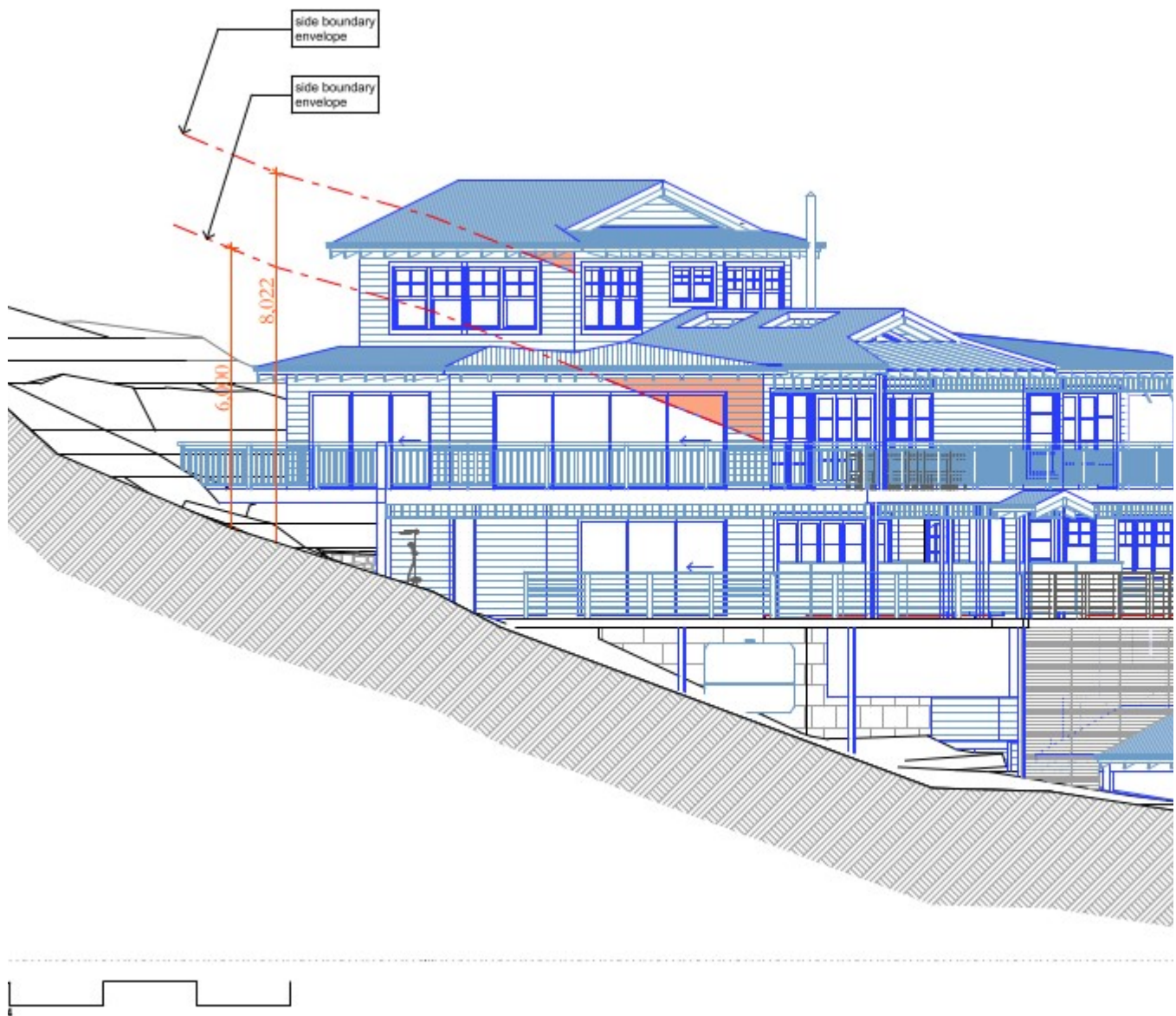


Figure 1: Representation on numerical non-compliance with building envelope control.

Merit Consideration

With regard to the consideration for the variation, the development is considered under the objectives of the control below:

To achieve the desired future character of the Locality.

Comment

The proposal involves a carport to the front of the site, decking, and a pool area. The landscaping which surrounds the front of the site, the front setback of the principal dwelling, landscaped road reserve and the open nature of the carport ensures that the works will not be visually dominant. As such, the proposal will meet the desired character of the locality.

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

Comment

The proposed building will be below the height of the nearby trees and includes existing vegetation on site. The proposal will not result in any unreasonable impacts on the streetscape of the locality.

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

Comment

The proposal is of a suitable design to respond to the natural environment within the locality. Despite the envelope non-compliance to a section of the northern elevation, the articulation and stepping of the built form ensures that the proposal adequately responds to the natural environment and surrounding area.

The bulk and scale of the built form is minimised.

Comment

The proposed development is of a bulk and scale that is consistent with development in the surrounding locality. The proposed dwelling complies with the front and rear boundary setback controls, and the building bulk is sufficiently distributed across the site. Along with articulation and stepping, this provides an appropriate minimisation of building bulk.

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

Comment

The proposal will not result in any unreasonable impact to views due to sufficient setbacks and open corridors through the site.

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

Comment

The proposed additions are well separated from neighbouring living spaces and have window openings that are minimised in size to reduce overlooking opportunity. As such, the proposal will not have any unreasonable amenity impact to surrounding properties.

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

Comment

The proposal maintains significant landscaped area, and Council's Landscape officer has provided conditions for suitable tree retention and new planting. As such, vegetation is sufficiently provided to reduce the presentation of building bulk.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$9,250 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$925,000.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within Clause 76 of the Environmental Planning and Assessment Regulation 2021 to DA2021/2651 for Demolition works and construction of a dwelling house including a swimming pool and use of an existing outbuilding as a home office/studio on land at Lot 70 DP 24563,92 Riverview Road, AVALON BEACH, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

DEFERRED COMMENCEMENT CONDITIONS

1. Deferred Commencement - Authorisation for Studio/Outbuilding

Evidence is to be provided to show one of the following:

- Authorisation for the studio/outbuilding at the rear of the site, in the form of a Building Information Certificate (BIC) issued by Council.

Evidence required to satisfy these conditions must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with the Environmental Planning and Assessment Regulation. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Clause 76 of the Environmental Planning and Assessment Regulation 2021. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA1 - Perspectives, Materials and Finishes	09/09/22	Northern Beaches Drafting
DA4 - Site, Site Analysis, Waste Management & Stormwater Concept Plan	09/09/22	Northern Beaches Drafting

DA5 - Site, Site Analysis, Waste Management & Stormwater Concept Plan	09/09/22	Northern Beaches Drafting
DA6 - Carport Floor Plan	09/09/22	Northern Beaches Drafting
DA7 - Ground Floor Plan Stage 1	09/09/22	Northern Beaches Drafting
DA8 - Ground Floor Plan Stage 2	09/09/22	Northern Beaches Drafting
DA9 - First Floor Plan Stage 1	09/09/22	Northern Beaches Drafting
DA10 - First Floor Plan Stage 2	09/09/22	Northern Beaches Drafting
DA11 - Parents Retreat Plan Stage 1	09/09/22	Northern Beaches Drafting
DA12 - Roof Plan	09/09/22	Northern Beaches Drafting
DA13 - Elevations, N, S	09/09/22	Northern Beaches Drafting
DA14 - Elevations, E, S	09/09/22	Northern Beaches Drafting
DA15 - Elevations, W	09/09/22	Northern Beaches Drafting
DA16 - Elevations, Street	09/09/22	Northern Beaches Drafting
DA17 - Elevations, North	09/09/22	Northern Beaches Drafting
DA18 - Cabana Floor and Roof Plan	09/09/22	Northern Beaches Drafting
DA19 - Cabana Elevations, Section	09/09/22	Northern Beaches Drafting
DA20 - Sections A-A	09/09/22	Northern Beaches Drafting
DA21 - Section B-B	09/09/22	Northern Beaches Drafting
DA22 - Section C-C , Pool, Driveway	09/09/22	Northern Beaches Drafting
DA28 - Sediment & Erosion Control Plan	09/09/22	Northern Beaches Drafting

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Biodiversity Development Assessment Report	December 2021	Kingfisher Urban Ecology
Geotechnical Assessment	10 December 2021	Ascent Geotechnical Consulting

Arboricultural Impact Assessment	13 December 2021	Hugh the Arborist
Landscape Plan (details report)	June 2022	Kingfisher Urban Ecology

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
DA24 - Landscape Plan	09/09/22	Northern Beaches Drafting

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management	24 June 2021	Northern Beaches Drafting

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.

3. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house and the studio (subject to the BIC).

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

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

4. **No approval for Secondary Dwelling**

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

In particular, the rear studio use is not to be a separate occupancy.

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

5. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments

specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

6. 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 an 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

7. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$9,250.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$925,000.00.

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

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

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

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

8. Security Bond

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

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

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

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

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

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

9. Amended Landscape Plan

An Amended Landscape Plan shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details:

- i) identification of existing trees to be retained and removed in accordance with the Arboricultural Impact Assessment,
- ii) the front setback shall be mass planted with small trees, shrub and groundcovers, consisting of at least 80% native vegetation as selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward,
- iii) inclusion of one (1) small native tree forward of the proposed pool location to replace existing tree 5 required for removal, and one (1) small native tree to replace existing tree 7 required for removal, and both shall achieve a mature height of at least 6 metres, installed at a minimum pre-ordered planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, and shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 3.0 metres from buildings,
- iv) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- v) a street tree replacement within the road reserve verge shall be installed consisting of one (1) Glochidion ferdinandi (Cheese Tree) installed at a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, including a four post and top and mid rail timber tree guard, and watered until established, and shall be located at least 2.0 metres from any structures including driveways, kerbs, and paths, and otherwise shall generally be centralised within the road verge.

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

Reason: Landscape amenity.

10. **Stormwater Disposal**

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

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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Ascent Geotechnical Consulting dated 10/12/2021 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 Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

12. **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.

13. **Notification of determination to which the Biodiversity Offset Scheme applies**

The applicant or Project Ecologist, on behalf of the applicant, must download and complete the "Biodiversity Offsets Scheme – Notification of Determination" form.

The completed form and attachments, including a copy of the determination and any conditions of approval, must be emailed to the LMBC Service Centre bam.support@environment.nsw.gov.au. The LMBC Service Centre arranges for determination outcomes to be recorded in the Biodiversity Offset and Agreement Management System (BOAMS).

Council's Manager Bushland and Biodiversity and the Certifying Authority must be copied into the notification email to confirm compliance.

Reason: To ensure the NSW Department of Planning, Industry and Environment are notified of determinations where the Biodiversity Offsets Scheme applies and Council are notified for compliance.

14. **Like for like credit retirement conditions - Ecosystem credit retirement conditions**

Prior to issue of the relevant Construction Certificate the class and number of ecosystem credits in Table 1 must be retired to offset the impacts of the development.

The requirement to retire credits outlined in Table 1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and to the Certifying Authority prior to release of construction certification.

Table 1. Ecosystem credits required to be retired – like for like

Impacted Plant Community Type	TEC	Number of ecosystem credits	Containing HBT	IBRA sub-region	Plant community type(s) that can be used to offset the

					impacts from development
PCT 1214 - Pittwater Spotted Gum Forest	Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion	1	N	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion. This includes PCTs: 1214, 1589

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

15. **Variation rule credit retirement conditions - Ecosystem credit retirement conditions**
Prior to issue of the relevant Construction Certificate the class and number of species credits in Table 2 must be retired to offset the impacts of development.

Evidence of the retirement of credits in satisfaction of Table 2 requirements is to be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and the Certifying Authority prior to release of construction certification.

Table 2 Ecosystem credits required to be retired – variation rules

Impacted plant community type	Number of ecosystem credits	Containing HBT	IBRA sub-region	Approved variation plant community type(s) that be used to offset the impacts from development
PCT 1214 - Pittwater Spotted Gum Forest	1	N	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. or Any IBRA subregion that is	Any PCT from Wet Sclerophyll Forests (Grass sub-formation), Tier 3 status or higher

			within 100 kilometers of the outer edge of the impacted site.	
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Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

16. **Compliance with approved BDAR impact mitigation recommendations – Prior to Construction**

Section 10 of the approved BDAR provides mitigation measures which must be implemented before, during and after construction to avoid and minimise the impacts of the proposal, including action, outcome, timing and responsibility.

All biodiversity-related measures are to be implemented prior to construction, as specified in the approved BDAR and these conditions of consent.

The Project Ecologist is required to provide details of compliance, including written and photographic evidence, and provide to the Certifying Authority and Council prior to issue of Construction Certificate.

Reason: To achieve compliance with the approved BDAR.

17. **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.

18. **Stormwater Treatment Measures – Minor**

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

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

Reason: Protection of the receiving environment.

19. **Amendments to the approved plans**

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

- All plans are to show the correct location of the existing outbuilding (based off the survey).

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

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

20. **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 referenced in Condition 1 of this consent 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 Principal Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

21. **Boundary Identification Survey**

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

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

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

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

22. **Submission Roads Act Application for Civil Works in the Public Road**

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of vehicular crossing and associated retaining structures in the road reserve which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer.

The design must include the following information:

1. A vehicular crossing 5 meters wide at the kerb and 6m wide at the boundary should be constructed in accordance with Council's standard drawing A4/3330/1N. The first 1.5m of the driveway crossing to be without a barriers to maintain pedestrian access along the road reserve.
2. Structural details of the associated retaining walls.
3. A services plan indicating all services in the road reserve. Where any services are to be adjusted as a result of the works, approval from the relevant service authority is to be provided
4. Sight distances are to be in accordance with AS/NZS 2890.1:2004
5. The proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation.

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

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

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

23. 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.

24. Engagement of Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with the submitted BDAR (Ecological Consultants Australia, December 2021).

The Project Ecologist must have one of the following memberships / accreditation:

- o Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- o Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Certifying Authority Prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

25. Building Certificate - Unauthorised Works (Studio/outbuilding) on site

An application for a Building Information Certificate is to be lodged and approved for the unauthorised studio/outbuilding within the rear yard prior to approval of any Development Consent.

Reason: To regularise unauthorised development.

26. 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 Principal Certifier demonstrating the works are in compliance with Sydney Water requirements.

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

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

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

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

27. All works within the property boundary

All works are to be within the p[roperty boundary.

Reason: To ensure compliance with consent.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

28. 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, and the recommendations of the Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular but not limited to:

- i) section 7 Assessment of Construction Impacts, for tree numbers 10, 21 and 22,
- ii) section 8.2, 8.2.1, 8.2.2, and 8.2.3 Construction Design/Specification Requirements for tree numbers 21 and 22,
- iii) works as listed under section 10.5 Table 5: Site Specific Tree Protection Recommendations,
- iv) section 11 Hold Points, and
- v) all other recommendations.

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

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.

29. Tree Removal Within the Property

This consent approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- i) tree 7 - *Acacia baileyana*; tree 17 - *Allocasuarina torulosa*; and tree 18 - *Ficus rubiginosa*.
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

It is noted that the following trees/palms are Exempt Species, and do not require Council consent: tree numbers 5, 11, 19, and 20, and a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

30. Tree Removal Within the Road Reserve

This consent approves the removal of the following tree(s) within the road reserve (as recommended in the Arboricultural Impact Assessment):

- i) tree 4 - *Archontophoenix cunninghamiana*,
- ii) tree 6 - *Glochidion ferdinandi*, subject to tree replacement within the road reserve verge fronting the property.

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services Section prior to removal.

Reason: Public liability.

31. Compliance with approved BDAR impact mitigation recommendations – During Construction

Section 10 of the approved BDAR includes mitigation measures which must be implemented before, during and after construction to avoid and minimise the impacts of the proposal, including action, outcome, timing and responsibility.

All biodiversity-related measures are to be implemented during construction, as specified in the approved BDAR and these conditions of consent.

The Project Ecologist is required to keep details of compliance, including written and photographic evidence.

Reason: To ensure compliance with the approved BDAR.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

32. Tree and Vegetation Protection

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

- i) all trees and vegetation within the site proposed for retention in the Plans and Reports, 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,
- iv) any exempt species tree(s) to be removed as referred above in item i) shall be replaced at a ratio of 1:1 with a locally native tree species,

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) or vi) 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.

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.

33. 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.

34. Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

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

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

35. 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.

36. Geotechnical Requirements

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

37. Survey Certificate

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

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

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

38. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance

with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

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

39. Civil Works Supervision

The Applicant shall ensure all civil works approved in the Section 138 approval are supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works.

40. Notification of Inspections (infrastructure works to be handed over to Council)

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Prior to pouring of footings for retaining walls
- (b) Prior to pouring driveway slab

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification.

Reason: To ensure new Council infrastructure is constructed in accordance with Auspec 1 Council's design and specification standards.

41. 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.

42. Wildlife protection

Habitat for native wildlife including is to be inspected for native wildlife by the Project Ecologist prior to removal. If native wildlife is found within habitat to be removed, the wildlife is to be safely relocated by the Project Ecologist.

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

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native wildlife.

OCCUPATION CERTIFICATE

43. **Landscape Completion**

Landscaping is to be implemented in accordance with the approved Amended Landscape Plan for the works within the property and for the street tree replacement within the road reserve verge.

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

Reason: Environmental amenity.

44. **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:

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

Reason: Tree protection.

45. **Stormwater Disposal**

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

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

46. **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.

47. **Fauna and Tree Hollow Relocation**

The Project Ecologist is to certify in writing that:

- a) any fauna that was displaced or disturbed during tree clearing and/or construction works was safely and appropriately relocated; and
- b) any tree hollows were salvaged from trees by the project arborist and placed within areas of retained native vegetation on the site.

Written certification of compliance is to be prepared by the Project Ecologist and provided to the

Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To protect native wildlife.

48. Fencing for Wildlife Passage

Any new permanent fencing (with the exception of swimming pool fencing) is to be made passable to native fauna through the provision of access gaps or raised fencing to provide appropriate ground clearance. Any access gaps are to be a minimum of 150mm wide x 100mm high at ground level and spaced at a minimum of 6m intervals.

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

Reason: To preserve wildlife corridors.

49. 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.

50. Priority Weed Removal and Management

All Priority weeds as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) within the development footprint are to be removed.

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 weeds.

51. Compliance with approved BDAR impact mitigation recommendations – Occupation Construction

Section 10 of the approved BDAR includes mitigation measures which must be implemented before, during and after construction to avoid and minimise the impacts of the proposal, including action, outcome, timing and responsibility.

All biodiversity-related measures are to be implemented immediately after construction, as specified in the approved BDAR and these conditions of consent.

The Project Ecologist is required to provide details of compliance, including written and photographic evidence, and provide to the Principal Certifying Authority and Councils Bushland Manager prior to issue of Occupation Certificate.

Reason: To ensure measures required to avoid and minimise residual biodiversity impacts are undertaken in accordance with the approved BDAR.

52. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to

the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

53. **Retaining wall**

The retaining wall works shall be certified as compliant with all relevant Australian Standards and Codes by a Structural Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: Public and Private Safety

54. **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.

55. **Installation and certification of solid/fuel burning heater**

The solid fuel heater must be certified to comply with Australian Standards 4012 and 4013.

Provide the Principal Certifying Authority certification that the solid fuel heater has been installed by an appropriately experienced and qualified person, in accordance with the relevant provisions of AS2918 – Domestic Solid Fuel Burning Appliances – Installation.

Reason: To ensure the installation is completed in a legislatively compliant manner

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

56. **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.

57. **Compliance with approved BDAR impact mitigation recommendations – Post Construction/Ongoing**

Section 10 of the approved BDAR includes of mitigation measures which must to be implemented before, during and after construction to avoid and minimise the impacts of the proposal, including action, outcome, timing and responsibility.

All biodiversity-related measures are to be implemented prior to construction, as specified in the approved BDAR and these conditions of consent.

The Project Ecologist is required to provide details of compliance, including written and photographic evidence, and provide to Councils Manager of Bushland as per the mitigation table.

Reason: To ensure measures required to avoid and minimise residual biodiversity impacts are undertaken in accordance with the approved BDAR.

58. **Maintenance of Stormwater Treatment Measures - Minor**

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

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

Reason: Protection of the receiving environment.

59. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

60. **Operation of solid fuel burning heaters**

The owner/operator must take all practicable measures to prevent the likelihood of causing smoke and/or odour nuisances. Such measures must include:

- Using dry seasoned hardwood
- Storing wood in a dry well-ventilated place
- Having a hot and well oxygenated fire
- Ensuring that the chimney flue is clean
- Checking the chimney at different stages of the fire to see if there is any smoke
- Maintenance according to the manufacturer's specifications

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

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

Signed



Thomas Prosser, Planner

The application is determined on 10/10/2022, under the delegated authority of:



Steven Findlay, Manager Development Assessments