

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0088
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Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 420 DP 19651, 28 Pacific Road PALM BEACH NSW 2108
Proposed Development:	Alterations and additions to a dwelling house including a swimming pool
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Danielle Cox
Applicant:	JJ Drafting

Application Lodged:	08/02/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	15/02/2021 to 01/03/2021
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 850,750.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal is for alterations and additions to the existing dwelling. In detail, this involves:

Garage Level

- Demolition of carport and construction of new double garage
- New stairs

Lower Ground Floor Level

- New portico
- New stairs
- Extensions to bedroom

- A new swimming pool
- New retaining wall to eastern boundary

Ground Floor Level

- An addition to the east with butlers pantry and extension to kitchen
- An addition to the west with bedroom and laundry area
- Reconfiguration of existing balcony
- Replacement of roof above balcony

First floor Level

- Bedroom 2 to be removed and form part of kitchen
- Bedroom 3 widened
- New hallway
- Extension and alterations of bedrooms
- New main bedroom and ensuite

Amended plans were provided and these involved removal of a portico at the north eastern boundary, removal of the inclinator (replacement with a lift), deletion of window 19, a reduction in size of window 7, a new privacy screen to the western boundary, and internal alterations including a new ensuite.

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 - D12.5 Front building line
Pittwater 21 Development Control Plan - D12.6 Side and rear building line
Pittwater 21 Development Control Plan - D12.8 Building envelope

SITE DESCRIPTION

Property Description:	Lot 420 DP 19651 , 28 Pacific Road PALM BEACH NSW 2108
Detailed Site Description:	<p>The subject site consists of an allotment located on the southern side of Pacific Road.</p> <p>The site is irregular in shape with a frontage of 13.14m along Pacific Road and a depth of 36.06m. The site has a surveyed area of 904.4m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates dwelling house on site.</p> <p>The site a slope from the rear of the site down to the front of the site with a crossfall of approximately 14m.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by residential development.</p>

Map:



SITE HISTORY

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

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.

Section 4.15 Matters for Consideration'	Comments
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 15/02/2021 to 01/03/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Storm Seymour Jacklin	26 Pacific Road PALM BEACH NSW 2108
Colco Consulting Pty Ltd	20 Amiens Road CLONTARF NSW 2093

The matters raised within the submissions are addressed as follows:

- Visual Privacy in relation to ground floor balcony; visual privacy along the eastern boundary; setbacks

Comment:
There are no extensions to the existing ground floor balcony at the south-east elevation. However, amended plans have provided a privacy screen in this location which will provide an improvement by reducing opportunity for overlooking.

The eastern boundary is well articulated and setback from the neighbour to ensure adequate physical separation to minimise privacy impact. Further to this, vegetation is proposed along a substantial section of this boundary to provide a further buffer.
- Concern for removal off drainage pipe

Comment:
There proposal does not involve any removal of a drainage pipe. However, works to satisfy the conditions imposed by Council's Stormwater officer will be required to ensure an appropriate outcome for stormwater drainage.
- Request for dilapidation report

Comment:
A condition requiring a dilapidation report for the two neighbouring properties has been imposed.

- Request for muted tone rather than white; Inadequate details provided for colour scheme
Comment:
 A condition has been imposed to ensure that colours provided are consistent with the control under the Pittwater DCP for this locality.
- Proposal does not comply with Pittwater LEP objectives; the proposal is not low impact
Comment:
 As further discussed in this report, the proposal complies with the development standard for building height under Clause 4.3 (2D). The use is also permissible in the zone, and does not increase the density of the site (being one dwelling). The proposal complies with the requirement for landscaped area, and the dwelling is well articulated. As such, the proposal is considered to be low impact.
- Lack of stepping with topography
Comment:
 The proposal for alterations and additions involves a well articulated form, and stepping with the topography so that only a minor section of the roof at the front of the dwelling breaches the 8.5m numerical requirement. Further, a condition to reduce the size of the privacy wall at the north-east elevation will ensure that the building bulk suitably steps down with the topography of the site.
- Impact of masonry walls; height of wall for privacy; Building bulk
Comment:
 A condition is imposed to reduce the height of the wall for privacy at the north east elevation to be 1.8m from the pool level. Along with substantial articulation of the dwelling, this will appropriately minimise overall impact of building bulk to a reasonable level.
- Non-compliance with building envelope
Comment:
 Despite the numerical non-compliance with building envelope, the proposal is consistent with the outcomes of the clause (as further discussed in this report. In particular, the varied setbacks, articulation, and sufficient physical separation ensures that the proposal would not have any unreasonable visual or amenity impact as a result of the envelope non-compliance.
- Non-compliance with building height; excessive height of various parts of the built form on site; Lack of Clause 4.6 application
Comment:
 The proposal complies with 2D of the building height clause under the Pittwater LEP, and this is further discussed in the report. Due to compliance with 2D, a clause 4.6 application is not required. It has been determined that the height of the wall at the north-eastern boundary is excessive (in regard to visual impact). In this regard, a condition is imposed to reduce the height of the wall.
- Inaccurate drawings and inability to determine building height and building envelope
Comment:
 The drawings and information (including survey) provided has been sufficient to enable to assess the application (including the determination of building height and building envelope).
- Non-compliant front setback (requirement is somewhere between 10m and 22m)

Comment:

The proposal does not comply with the numerical requirement for front setback. It is also noted that due to the unusual subdivision pattern a constant established building line does not exist. Despite numerical non-compliance, an assessment has found the proposal is consistent with the overlying outcomes of the control. This is further discussed in this report.

- Lack of Landscaped area in frontage; lack of open space

Comment:

The proposal complies with the control for landscaped area under the Pittwater DCP. Further, the swimming pool area to the front of the site is surrounded by landscaped area. This provides a sufficient outcome for the frontage as well as the whole site.

- Inclinor

Comment:

Amended plans have been provided and these include deletion of the inclinor.

- Incomplete documentation; Inadequate Statement of Environmental Effects

Comment:

The documentation submitted (including SEE) is sufficient to enable assessment of the application, and complies with the requirements of the Act and Regulations.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The proposed development is for alterations to the existing dwelling including a new pool.</p> <p>Councils Landscape Referral section has considered the application against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP controls: B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping</p> <p>An Arboricultural Impact Assessment is provided with the development application. Seven existing trees are proposed to be removed as part of this proposal, majority being palm species which are exempt from Council's tree preservation provisions. Three trees may require selective pruning to facilitate works. Recommendations have been made regarding tree protection measures to limit the potential for impact on retained trees. These recommendations will be utilised and shall be imposed as a condition of consent along with tree replacement.</p>
NECC (Development Engineering)	<p>The proposal increases the impervious area by more than 50m². Hence OSD is required in accordance with Council's Water Management Policy as conditioned. No objections to approval subject to conditions as recommended.</p>

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A400982).

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

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

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 or 10m (under Clause 2D)	8.9m	N/A	Yes under Clause 2D (see comments)

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

4.3 Height of buildings

In accordance with subclause (2D) of the under Clause 4.3 of the Pittwater LEP, the proposal provides a height of 8.9m and the following 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, and

Comment:

The proposal involves a non-compliance of up to 0.4m for a sections of the roof at the front north-west corner of the dwelling. This section makes up a small proportion of the total roof coverage and total built form.

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

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 will maintain a well stepped and articulated presentation for building height at the front of the site, including a step down of building bulk with the topography of the site to provide a height and scale that is 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 steps down with the topography of the site to be generally comparable with neighbouring and nearby dwellings. As such, the development will maintain compatibility with surrounding development.

(c) to minimise any overshadowing of neighbouring properties,

The proposal maintains articulation in the dwelling at the southern elevation to allow for appropriate access to sunlight. Furthermore, the proposal complies with rear setback control (to allow sunlight from the north) and the controls for Solar Access under the Pittwater DCP.

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

The proposed dwelling maintains a compliant rear building line and significant setback from the street to allow for adequate view corridors over the side boundaries of the subject site.

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

The proposed dwelling steps down with the topography and limits excavation to a the garage level, and to less than half a storey for the floor levels. This provides an appropriate response to the topography of the land.

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

The proposal provides appropriate stepping, modulation and articulation to ensure there would be no unreasonable visual or any other impact on the natural environment.

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

Comment:

The building footprint is situated on a slope 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 dwelling steps down with the topography and limits excavation to the garage level (which is required for parking), and to part of the floor levels. This provides a limitation of cut and fill.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	4.5m (garage)	N/A	No (see comments)
Rear building line	6.5m	11m	N/A	Yes
Side building line	2.5m	2.4m	N/A	No (see comments)
	1m	0.9m-3.4m	N/A	No (see comments)

Building envelope	3.5m	North-West: Outside	N/A	No (see comments)
	3.5m	South-East: Within	N/A	Yes
Landscaped area	60% (545m ²)	60% (545m ²)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.12 Palm Beach Locality	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.19 Incline Passenger Lifts and Stairways	Yes	Yes
C1.23 Eaves	Yes	Yes
D12.1 Character as viewed from a public place	Yes	Yes
D12.3 Building colours and materials	Yes	Yes
D12.5 Front building line	No	Yes
D12.6 Side and rear building line	No	Yes
D12.8 Building envelope	No	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

D12.5 Front building line

Description of non-compliance

The proposal involves a front setback of 4.5m to the garage. This does not comply with the requirement of 6.5m (noting that an established building line does not exist).

Merit Consideration

Notwithstanding, the proposal is considered to be acceptable, subject to the following merit assessment:

Achieve the desired future character of the Locality.

The proposal maintains landscaping at the front of the site, and also has a relatively large landscaped road reserve. Along with the significant setback to the dwelling, and the articulation of the built form, this provides a situation in which the proposal will meet the desired future character.

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

The proposal steps down the topography of the site, and the dwelling is well setback from the street. This provides a situation in which adequate view corridors are maintained through the front of the site.

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

The proposal dwelling and living spaces remain well separated from the road due to the landscaped road reserve, and the compliant front setback to the front of the dwelling (living areas).

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

The application is supported by a detailed landscape plan, which proposes dense vegetation along all boundaries to assist in visually reducing the built form, as viewed from adjoining properties and Pacific Road. Further, the proposal complies with with the numerical requirement for landscaped area under the Pittwater DCP.

Vehicle manoeuvring in a forward direction is facilitated.

Opportunity for vehicle manoeuvring is sufficient due to the large road reserve and the relatively wide frontage.

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

The landscaped setting will be maintained through the provision of extensive landscaping, and

complete landscaped area.

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

The existing streetscape will not be unreasonably impacted by the encroachment of the built form into the setback and will ensure an appropriate scale and density is provided for and that is in keeping with the height of the natural environment.

To encourage attractive street frontages and improve pedestrian amenity.

The street frontage to maintains landscaping and vegetation as well as stepping of the built form up the slope of the site. As such, the proposal will maintain an attractive street frontage.

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

The proposal respond to the spatial characteristics of the existing environment by providing sufficient building articulation, and landscaped features across the site.

In light of the above, the proposed variation is considered appropriate and supported on merit.

D12.6 Side and rear building line

Description of non-compliance

The proposed development does not comply with the requirement for side building line (2.m and 1m). The proposal involves varied setbacks with a minimum of 2.4m and 0.9m-3.4m at each boundary. It is noted that large sections of the side elevations comply with the setback controls due to articulation, stepping, and the angle of the side boundaries.

Merit consideration

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

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

The proposal maintains landscaping at the front of the site, and also has a relatively large landscaped road reserve. Along with the significant setback to the dwelling, and the articulation of the built form, this provides a situation in which the proposal will meet the desired future character.

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

The proposed height of the development complies with the exception under 2D for the development standard, and the articulation at allelevations provides a reasonable openness so as to not have any unreasonable impact on amenity or visual presentation to the street. Additionally, the maintenance of trees to the front of the site, further screens the presentation of bulk.

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

The proposed development is adequately designed and sited so as to preserve views and vistas to and from the subject site and adjacent sites. This includes corridors to the sides of the development that adequately preserve views and vistas.

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

positioned landscaping.

The proposed development is adequately designed and sited so as to preserve views and vistas to and from the subject site and adjacent sites. This includes an appropriate building height and sufficient side setbacks that allow for reasonable retention of views corridors to the side of the proposed dwelling.

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

The proposed development is sufficiently separated and screened from living areas and private open space of neighbouring properties so as to ensure a reasonable level of privacy, amenity and solar access is provided. The proposal also complies with the requirements for Solar Access under the Pittwater DCP.

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

The proposed development includes substantial vegetation in the front yards, and maintains street vegetation to provide an appropriate outcome for the streetscape.

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

The proposed development is adequately sited to ensure a reasonable level of amenity and a reasonable visual presentation for the subject site and adjacent sites, while also maintaining vehicular access to the front of the site.

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

The proposed development includes adequate vegetation as well as street trees to the front and rear yards in order to reduce the visual impact of the proposed dwelling and garage.

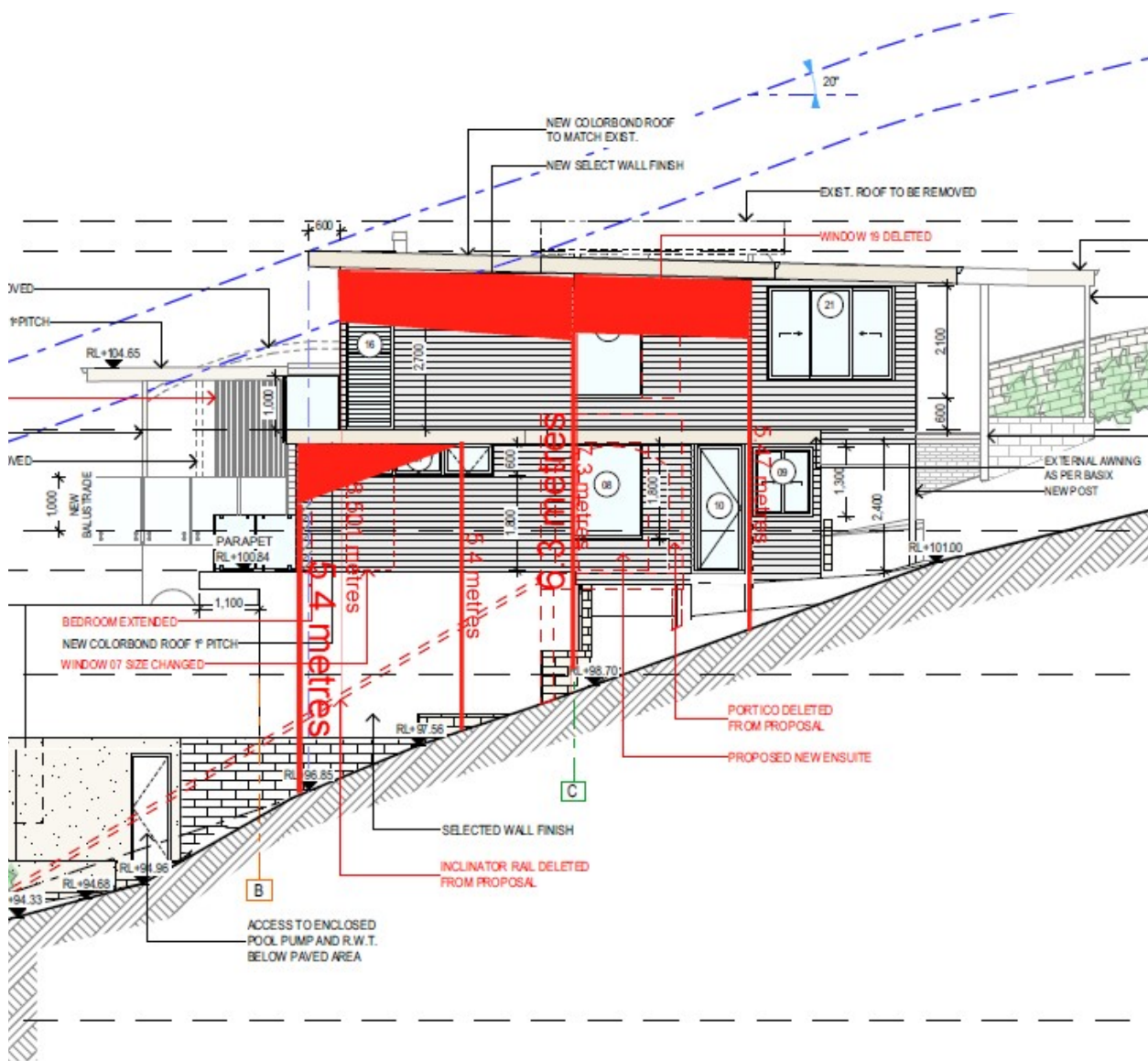
To ensure a landscaped buffer between commercial and residential zones is established.

Not applicable. The subject site does not adjoin commercially-zoned land.

D12.8 Building envelope

Description of non-compliance

The proposed development does not comply with the requirement for side boundary envelope. In this regard, the proposal provides a non compliance at the north-west elevation (as demonstrated below).



Merit consideration

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

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

The proposal maintains landscaping at the front of the site, and also has a relatively large landscaped road reserve. Along with the significant setback to the dwelling, and the articulation of the built form, this provides a situation in which the proposal will meet the desired future character.

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

The proposed setbacks and articulation of the development are sufficient to provide a reasonable presentation in the streetscape. The proposal also complies with the standard for building height (under 2D) and this is at a level that is lower than a number of surrounding trees.

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

The proposed development is adequately designed and sited to respond to the spatial characteristics of the subject site and the surrounding area. The proposal steps with the topography of the land and minimises earthworks.

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

The proposed bulk is well articulated with side elevations providing a reasonable sense of openness so as to not have any unreasonable impact on amenity or visual presentation. Additionally, the maintenance of the landscaping to the front and sides of the site, further screens the presentation of bulk.

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

The proposed development is adequately designed and sited so as to preserve views and vistas to and from the subject site and adjacent sites.

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

The proposed development is sufficiently separated and screened from living areas and private open space of neighbouring properties (as well as from the dwelling on site) so as to ensure a reasonable level of privacy, amenity and solar access is provided.

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

The proposed development includes adequate vegetation within the front and rear yards in order to reduce the visual impact of the proposed dwelling and garage.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

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

A monetary contribution of \$8,508 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$850,750.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/0088 for Alterations and additions to a dwelling house including a swimming pool on land at Lot 420 DP 19651, 28 Pacific Road, PALM BEACH, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA.01 - Site Analysis - Rev E	9.7.21	JJ Drafting
DA.08 - Proposed Garage Floor Plan- Rev E	9.7.21	JJ Drafting
DA.09 - Proposed Lower Ground Floor Plan- Rev E	9.7.21	JJ Drafting
DA.10 - Proposed Ground Floor Plan- Rev E	9.7.21	JJ Drafting
DA.11 - Proposed First Floor Plan- Rev E	9.7.21	JJ Drafting
DA.12 - Proposed North-West Elevation- Rev E	9.7.21	JJ Drafting
DA.13 - Proposed North-East Elevation - Rev E	9.7.21	JJ Drafting
DA.14 -Proposed South-East Elevation -	9.7.21	JJ Drafting

Rev E		
DA.15 - Proposed South-West Elevation- Rev E	9.7.21	JJ Drafting
DA.16 - Section A-A- Rev E	9.7.21	JJ Drafting
DA.17 - Section B-B/ BASIX Notes - Rev E	9.7.21	JJ Drafting
DA.18 - Roof Plan and Stormwater Concept Plan- Rev E	9.7.21	JJ Drafting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Risk Analysis & Management	25 January 2021	Hodgson Consulting Engineers
Arboricultural Impact Assessment	January 2021	Bluegum Tree Care and Consultancy

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
DA.20 - Landscape Concept Plan - Rev E	9.7.21	JJ Drafting

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
DA.21 - Erosion and Sediment Control & Waste Management- Rev E	9.7.21	JJ 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.

2. Prescribed Conditions

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

hours, and

(iii) stating that unauthorised entry to the work site is prohibited.

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

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

(i) in the case of work for which a principal contractor is required to be appointed:

- A. the name and licence number of the principal contractor, and
- B. the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

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

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

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative requirement.

3. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

The person responsible for the development site is to erect or install on or around the

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$8,507.50 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$850,750.00.

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

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

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

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

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

5. **Security Bond**

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

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

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

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

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

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

6. **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 Hodgson Consulting Engineers dated 25/01/2021 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.

7. **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.

8. **Boundary Identification Survey**

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

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

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

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

9. **On-site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

i. OSD to be provided in accordance with Clause 9.3.1 of Council's Water Management for Development Policy

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

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

10. **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.

11. **External Finishes to Roof**

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

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

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

12. **Sydney Water "Tap In"**

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

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

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

13. **Building Colours and materials**

Building colours and materials are to be provided so as to be consistent with the controls under *D12.3 Building Colours and materials* under the Pittwater DCP.

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

Reason: To provide suitable colours for the desired character of the area.

14. **Wall for privacy**

The wall for privacy at the north-east elevation is to be reduced in height so as to be 1.8m from the pool level.

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

Reason: To minimise visual impact of building bulk.

15. **Pre-Construction Dilapidation Report**

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

Property / Properties: 26 Pacific Road, Palm Beach and 30 Pacific Road, Palm Beach.

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

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. **Tree and Vegetation Protection**

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

- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
 - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,

- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
 - vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
 - viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
 - ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
 - x) tree pruning from within the site to enable approved works shall not exceed 15% 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 prepared by Blue Gum Tree Care and Consultancy dated January 2021 as listed in the following sections:
- i) section 6 Recommendations

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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

Reason: Tree and vegetation protection.

17. **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.

18. **Survey Certificate**

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

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

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

19. **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.

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

20. **Required Tree Planting**

Trees shall be planted in accordance with the following:

- i) 1 x tree, suitable location within the property, 200mm pot size and capable of attaining a height of 5 metres at maturity

Tree planting shall be located within a 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings and other trees.

Tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight or where the proposed tree location may impact upon significant views.

Native tree planting species shall be selected from Council's list:

www.northernbeaches.nsw.gov.au/environment/native-plants/native-plant-species-guide.

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

Reason: To maintain environmental amenity.

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

The Applicant shall lodge a Legal Documents Authorisation Application with Council. The application is to include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan by a Registered Surveyor) and Hydraulic Engineers' certification for the completed on-site stormwater detention system works. A guide to the process can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/guide-submitting-ldaa-nov19.pdf>

The form for the application can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/4023-legal-documents-authorisation-oct19.pdf>

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

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

Reason: To ensure the on-site stormwater detention system is maintained to an appropriate operational standard and not altered.

22. **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.

23. **Swimming Pool Requirements**

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

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

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety

- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

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

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

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

(e) Signage showing resuscitation methods and emergency contact

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

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

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

Reason: To protect human life (DACPLF09)

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

Signed



Thomas Prosser, Planner

The application is determined on 16/07/2021, under the delegated authority of:



Lashta Haidari, Acting Development Assessment Manager