

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/1289
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Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 9 DP 15762, 11 Bruce Street MONA VALE NSW 2103
Proposed Development:	Demolition works and construction of a dwelling including 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:	Barry Norman Edward Hastie Cynthia Marion Handley
Applicant:	James de Soyres & Associates Pty Ltd

Application Lodged:	16/10/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	29/10/2020 to 12/11/2020
Advertised:	Not Advertised
Submissions Received:	3
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 3,234,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the demolition of the existing dwelling and the construction of a two (2) storey dwelling with associated landscaping. In detail, the development proposal seeks consent for the following:

Basement Level (RL 25.51)

- Two bedrooms;
- Lounge room;
- Laundry,
- Bathroom,
- Store and Shed;

- WC and
- Lift and stair access.

Ground Floor (RL 28.41)

- Open plan living, kitchen and dining room and adjoining deck with privacy screen to the southern edge;
- Bedroom with Walk in Wardrobe (WIR) and ensuite;
- Study,
- Foyer and powder room, and
- Lift and stair access.

First Floor (RL 31.31)

- Double Garage;
- Workshop and store,
- Entry, stairs and lift access.

External

- Plunge pool and associated deck;
- Elevated driveway with driveway safety barrier on either side. (The driveway is located partially in the road reserve);
- East facing verandah and courtyard to north-west;
- Drying area to north;
- Raised planter beds;
- Removal of one exempt species tree and new planting;
- Retaining walls and external steps;
- 1.1m high timber fence to east and 1.8m high timber fence to the west, and
- Solar roof panels.

Materials and colours

Natural stone and charred timber cladding, rendered walls (colour - half pravda) and aluminium roof (colour - quartz grey).

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 - 7.2 Earthworks

Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards

Pittwater Local Environmental Plan 2014 - 7.8 Limited development on foreshore area

Pittwater 21 Development Control Plan - B6.1 Access driveways and Works on the Public Road Reserve

Pittwater 21 Development Control Plan - C1.1 Landscaping

Pittwater 21 Development Control Plan - C1.3 View Sharing

Pittwater 21 Development Control Plan - C1.4 Solar Access

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - D14.1 Character as viewed from a public place

Pittwater 21 Development Control Plan - D14.7 Front building line

Pittwater 21 Development Control Plan - D14.8 Side and rear building line

Pittwater 21 Development Control Plan - D14.11 Building envelope

Pittwater 21 Development Control Plan - D14.13 Landscaped Area - Environmentally Sensitive Land

Pittwater 21 Development Control Plan - D14.15 Fences - General

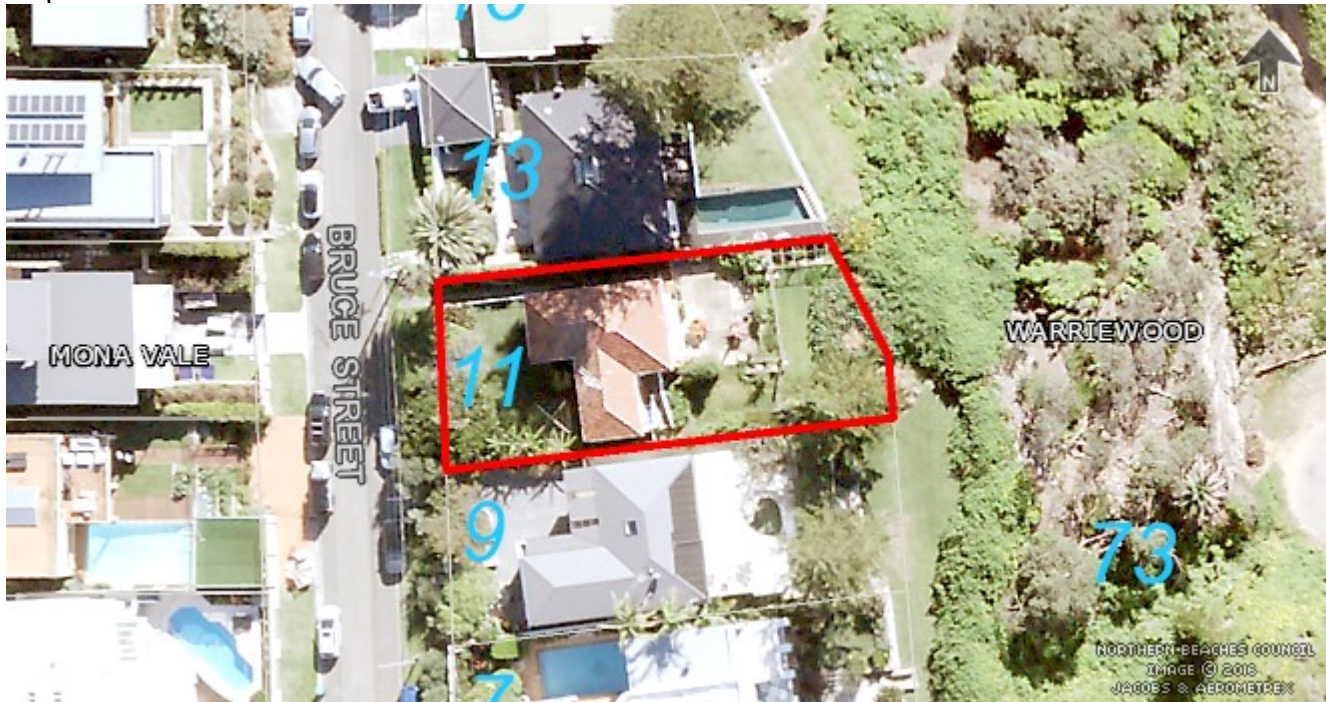
SITE DESCRIPTION

Property Description:	Lot 9 DP 15762 , 11 Bruce Street MONA VALE NSW 2103
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Bruce Street.</p> <p>The site is regular in shape with a frontage of 17m along Bruce Street and a depth of between 33.6m and 43.3m. The site has a surveyed area of 588m².</p> <p>The site is located within the E4 Environmental Living zone from the Pittwater LEP and accommodates a part one part two storey brick and tiled hipped roof dwelling which faces toward Warriewood Beach to the east.</p> <p>The site slopes approximately 3m from west to east. There are three (3) trees on the site, a Norfolk Pine tree is located to the south-east of the site within the reserve.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by one, two and three storey dwellings. The dwellings on the eastern side of Bruce Street face the ocean to the east and sit at a lower level than the dwellings on the western side. The dwellings to the west side of Bruce Street and along Narrabeen Parade sit at a elevated level and primarily</p>

comprises large detached three storey properties.

To the immediate east of the site is an area of vegetated reserve beyond this are beach dunes and Warriewood Beach.

Map:



SITE HISTORY

A search of Council's records has revealed the following:

Pre-lodgement Meeting PLM2020/0117 was held on 18/06/2020 for Demolition Works and construction of a dwelling house. The plans tabled at the PLM are similar to those lodged with the subject DA. The followings issues were raised at the PLM that required further resolution:

Privacy - It was recommended that the screens be designed to include horizontal louvres (as opposed to vertical louvres) so as to prevent downward viewing into the neighbouring private open space areas. This has been achieved in the submitted proposal.

Building envelope - The minor breach must be considered in connection to the broader issues of visual impact of bulk and scale (to neighbouring properties, including the adjacent public Reserve) and view sharing. This has been considered and the minor breach in the envelope controls will have minimal impacts on view sharing and overshadowing.

Landscaping - Smaller sized canopy plantings located outside the view corridor. A condition requires a smaller tree to be planted along the northern side of the dwelling to protect the view corridor. A reduction of the building footprint / paving should be considered to achieve the required landscape area.

Driveway - Further design resolution required to address issues including a reduction in the retaining walls in the nature strip. The subject design reduces the extent of retaining walls and a condition requires further design amendments to the driveway where it traverses the nature strip.

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)(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 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 shadow diagrams and the driveway design.</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> <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 clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent</p>

Section 4.15 Matters for Consideration'	Comments
	<p>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 29/10/2020 to 12/11/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 3 submission/s from:

Name:	Address:
Mrs Margaret Irene Lingard	58 The Serpentine BILGOLA BEACH NSW 2107
Mrs Jenny-Lee Murphy	91 Narrabeen Park Parade MONA VALE NSW 2103

Name:	Address:
Turnbull Planning International Pty Ltd	2301 / 4 Daydream Street WARRIEWOOD NSW 2102

Multiple submissions have been received from one property resulting in a total of two (2) unique submissions have been received.

Additional information was submitted to address the concerns raised in the original submissions. In addition, the elevated driveway was amended to address issues raised by Council's Engineer. This information was made available to the two neighbours that made submissions to the original DA. One additional submission was received from the the neighbour at No. 9 Bruce Street which re-iterated issues raised in the original submissions.

A summary of the issues raised and a response is provided below

- Scale of building;
- Overshadowing;
- Privacy Impacts;
- Encroachments on both sides of the building envelope;
- Encroachment of 6.5 metre setback from the road;
- Design of driveway / location of the garage and visual impact on the streetscape and public safety issues;
- View loss;
- Building articulation, and
- Coastal management SEPP is not fully considered.

The matters raised within the submissions are addressed as follows:

- ***The scale and bulk of the building is overwhelming.***
Comment:
The height, scale and bulk of the dwelling has been assessed as acceptable as it generally complies with the built form control and is comparable to the scale of neighbouring dwellings.
- ***The shadow diagrams are insufficient to fully assess the impact. Despite the insufficient information it is expected that the proposal will result in shadowing impact / loss of sunlight to courtyard to the northern side of No 9 Bruce Street. Design modifications are required to lower the structure, increase the setback to the south by 2.5m and reduced to 1m to the north.***
Comment:
Additional shadow assessment confirms that the proposal will not result in unreasonable impacts on solar access to neighbouring properties in compliance with the solar access control, refer to discussion under Clause C1.4. As such, the modification requested are considered to be unreasonable and un-necessary. Refer to discussion under Clause C1.4 of this report.
- ***The proposed middle and upper floor terraces will result in privacy impacts especially when the approved extension of the existing balcony to No 9 Bruce Street is constructed. Reference is made to the planning principles established within the Meriton v City of Sydney LEC case which notes that building separation rather than landscaping is the main safeguard in the protection of privacy. It is requested that the***

footprint be shifted 2.5m from the southern boundary and reduced to 1m to the north to address this issue (as per the suggestion to address shadow impacts).

Comment:

In accordance with the advise provided at the PLM angled privacy screens have been included along the edges of the balconies and windows to habitable rooms to protect the privacy of neighbouring properties. The proposal has been designed to adequately address privacy and it is considered unreasonable and un-necessary to request the design modifications as suggested. Refer to discussion under clause C1.5 of this report.

- **Encroachments on both sides of the building envelope, including the upper garage level and roof apex level. The proposal should be amended to comply with the control especially to the south-eastern corner.**

Comment:

The proposal result in a minor breach of the envelope along to the southern elevation which will not result in unreasonable impacts on neighbouring amenity in terms of solar access or view sharing. Refer to discussion under Clause D14.11 of this report.

- **0.5m encroachments of front set back.**

Comment:

The ancillary structures that breach the front set back do not add to the bulk and scale of the dwelling but allow for improved articulation to the front elevation. Refer to discussion under Clause D14.7 of this report.

- **Height of dwelling exceeds the controls to the east and height poles are required to assess view loss. In addition, the current view will be replaced with a view of the garage and its roof.**

Comment:

The proposal complies with the 8.5m height limit. A view loss assessment has been carried out by the assessing Planner in addition to a view analysis by the applicant. Sufficient information and an on site view assessment allow view sharing to be assessed. As such, it is unreasonable and un-necessary to request height poles to be installed.

Given that the topography of the land to the west, the neighboring dwellings that are potentially affected by the development are sited in an elevated position above the subject site. As such, there be limited impact on view sharing and the existing view corridor along to the north of the dwelling is retained.

It is agreed that the presentation to the frontage will be of the garage, however, this is consistent with the character of the area and ocean views will be retained over the roof of the garage from the primary living areas and decks of the properties to the west. The proposal retains the large mature tree to the street frontage and includes additional planting which will help reduce any perceived adverse visual impacts of the garage and driveway from the street. Refer to discussion under clause C1.3 of this report.

- **The front of the development lacks articulation and is out of character with the streetscape. Issues including the elevated driveway, lack of windows in the front elevation, dominance of the garage (including excessive length) and high fencing and walls.**

The proposed driveway is inconsistent with the other street driveways, which are either level with the street or incline down from it. This will significantly change the streetscape and add unnecessary bulk to the side view north and south, with the elevated and rather

aesthetically unattractive driveway dominating the setback area.

As such the proposal is contrary to breaches Clause 14.1 of the PDCP "Character as viewed from a public place". The driveway should be lowered in order to ensure that it does not dominated the street.

Comment:

The character of the Bruce Street streetscape comprises garage, fences and driveways to the street frontage particularly for the properties to the east. As such, the garage being located on the upper floor is not inconsistent with the character of the area.

It is agreed that the elevated driveway is not a typical feature in the street, however, Council's Development Engineer has accepted that the low level driveway is not a feasible option due to site constraints. Subject to condition that require a refinement of the design to reduce the extent of the the concrete slab to the frontage the partially elevated driveway has been accepted as solution to the site constraints. Refer to discussion under Clause 14.1 of this report.

- ***The elevated driveway and stair obstructs public access along the nature strip and creates a trip hazard. The proposal is not in the public interest.***

Comment

Subject to conditions the driveway will not create issues with respect of public safety.

- ***Insufficient assessment of the proposal against the Coastal Management SEPP .***

Comment:

The SEE contains an adequate assessment of the proposal against the Coastal Management SEPP to the satisfaction of Council's Coastal Management Unit.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The development application is for the construction of a new dwelling, swimming pool and associated landscape works.</p> <p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause E4 zone Environmental Living, and the following Pittwater 21 DCP Controls:</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D9 Mona Vale Locality <p>The site is located in the E4 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.</p> <p>A Landscape Plan and an Arboricultural Impact Assessment is provided with the application. The existing site supports existing trees, boundary planting, gardens, lawn and outdoor paving. Three existing trees exist within the site, with the existing Norfolk Island Pine at the rear and existing Southern Magnolia at the front proposed for retention and protection, and removal of one exempt species</p>

Internal Referral Body	Comments
	<p>(Cotoneaster) proposed to accommodate the driveway.</p> <p>Additional landscape works including tree and mass planting along with the retention of existing trees are proposed such that the proposal is able to satisfy the objectives of E4 Environmental Living zone.</p> <p>The application includes a road reserve encroachment by the proposed footpath at the site entrance and shall be the subject of a formal application for the encroachment under Minor Encroachments/Constructions within Road Reserve 20/21.</p> <p>Landscape Referral raise no objections to the proposal, subject to conditions.</p>
NECC (Bushland and Biodiversity)	<p>The proposed development has been assessed against the following controls:</p> <ul style="list-style-type: none"> - Pittwater LEP Clause 7.6 (Biodiversity Protection) - Pittwater DCP Clause B4.17 (Littoral Rainforest EEC) - SEPP (Coastal Management) Littoral Rainforest Proximity Area. <p>The proposed works will not remove native vegetation or wildlife habitat and are therefore considered to comply.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Coastal Management) 2018 The subject land has been included on the 'Proximity to Littoral Rainforest Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 11, 14 and 15 of the CM SEPP apply for this DA.</p> <p>Requirements to Clause 11 will be assessed by another section of the Council.</p> <p>Comment:</p>

Internal Referral Body	Comments
	<p>On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by James de Soyres & Associates Pty. Ltd. dated 7 October 2020, the DA satisfies requirements under clauses 14 and 15 of the CM SEPP.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>Development on Foreshore Area</p> <p>However, a large section of the subject property is within the foreshore building line. Part 7, Clause 7.8 –Limited development on foreshore area of the Pittwater LEP 2014 applies for any development within the foreshore area.</p> <p>The DA proposes construction of a plunge pool. This proposed work is consistent with the Clause 7.8(2)(b).</p> <p>On internal assessment, the DA satisfies the objectives and requirements of Part 7, Clause 7.8 of the Pittwater LEP 2014.</p>
NECC (Development Engineering)	<p><u>Stormwater Disposal</u></p> <p>The location of the dispersion trench at the rear boundary is not supported. The proposed dispersion system shall be designed in accordance with Councils Water management for Development Policy Appendix 4. The dispersion system should have a minimum 3m setback from the side or rear boundary, as well as from any on-site building or neighboring buildings. It is suggested that the level spreader be located downstream of the u-shaped stone wall adjacent to the proposed pool.</p> <p><u>Driveway Access.</u></p> <p>The proposed elevated driveway in the road reserve is not supported. The proposed driveway profile is inconsistent with the adjacent driveways in Bruce Street. The slab level at the boundary is significantly higher than the existing ground level which raises safety concerns for pedestrian and cannot be supported. It is recommended that a low level driveway profile be utilized similar to the adjacent driveways. The driveway profiles must be in accordance with one of Council's standard profiles. The road reserve adjoining the</p>

Internal Referral Body	Comments
	<p>new crossing is to include maximum batters of 1 in 6 and the boundary levels to the adjacent properties in either side must match the existing levels.</p> <p>The proposed application cannot be supported by Development Engineering due to lack of information to address:</p> <ul style="list-style-type: none"> • Stormwater Management in accordance with Council's Water Management for Development Policy • Access and Parking in accordance with Clause B6.0 of Pittwater 21 DCP 2014. <p>Additional information provided 12/01/2021</p> <p><u>Driveway Access.</u> As the levels required for the low level policy is not achievable, the normal driveway profile shown in the amended plans is acceptable as long as the suspended slab does not extend to the carriageway. Conditions are included to this effect.</p> <p><u>Stormwater Disposal</u> Based on the letter provided by Crozier Geotechnical Consultants dated 5/01/2021 certifying that the geotechnical impact from the proposed location of the dispersion trench will be negligible, the design and location of the dispersion system is acceptable.</p>
NECC (Water Management)	The applicant has submitted a stormwater plan with a filtration device that meets water quality requirements for the lot, including a spreader to diffuse flows discharged to the cliff area. Sediment controls apply.
Parks, reserves, beaches, foreshore	<p>The development application is for the construction of a new dwelling, swimming pool and associated landscape works.</p> <p>Council's Parks Referral is assessed against the following Pittwater 21 DCP Controls:</p> <ul style="list-style-type: none"> • B8.2 Construction and Demolition - Erosion and Sediment Management <p>The site adjoins a Public Reserve known as Warriewood Beach Reserve that is located downslope of the development site. During the works surface sediment runoff and/or erosion is to be controlled, managed and contained to the immediate downslope of the works area and obstruct from entering the public reserve downslope.</p> <p>No encroachments are permitted upon public land and all works shall be confined within the legal boundaries.</p> <p>Subject to this requirement to satisfy clause B8.2, Parks Referral has</p>

Internal Referral Body	Comments
	no objections to the proposal, with conditions of consent.
Traffic Engineer	<p>A Construction Traffic Management Plan has been provided outlining measures to ensure pedestrian safety and the management of traffic during construction works. The CTMP must be submitted to the Northern Beaches Council Traffic Team for review and approval prior to issue of any Construction Certificate. Any required Council Permits and Authorities for Works in Road Reserve must also be submitted for approval prior to commencement.</p> <p>The proposal is acceptable, subject to conditions as recommended.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>Ausgrid does not have any objections for the proposed development. The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.</p> <p>Overhead Powerlines</p> <p>Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.</p> <p>The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au</p> <p>It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.</p> <p>"Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."</p>

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.1119269S dated 7 October 2020).

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

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

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. A response has been received offering no objections subject to conditions.

SEPP (Coastal Management) 2018

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

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

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

Comment:

The proposed works will not remove native vegetation or wildlife habitat and are therefore considered to comply with clause 11 of the SEPP.

13 Development on land within the coastal environment area

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

Comment:

The proposal will not impact on the coastal environment, water quality or native vegetation. The site is positioned to the west of the Warriewood Beach Reserve no native vegetation will be removed and existing public open space and safe access to the foreshore will not be impacted by the development.

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

Comment:

Given the position of the site the proposal will not impact on the coastal environment and Council's Coast and Catchment team have offer no objections to the development.

14 Development on land within the coastal use area

- (1)
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
 - (b) is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

As discussed above, the proposal will not impact on access to the foreshore. It will not result in overshadowing or loss of views to the foreshore from a public place. The proposal will not impact on the visual and scenic quality of the coast or cultural heritage.

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

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

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

Comment:

Given the set back of the development from the coastal zone the proposal is unlikely to increase the risk of coastal hazard.

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	8.5m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Detailed Assessment

7.2 Earthworks

The proposal includes excavation to a depth of 3m with the maximum depth occurring at the western end of the basement level with a set back of 1m to the southern boundary and 2.5m to the north . Excavation to a depth of 1.8m is also required for the pool which is proposed to be constructed within the rear of the site.

The application is supported with a geotechnical report which confirms that subject to recommendations that there is unlikely to be any disruption on drainage patterns and soil stability in the locality of the development or adverse impacts on the amenity of adjoining properties. The recommendation details on the design and construction, the needs for numerous inspections during and after the earthworks and the need for dilapidation surveys required within 5m of the excavation perimeter. Subject to compliance with the measures detailed in the geotechnical report the proposal has been assessed as complying with clause 7.2 of the PLEP.

7.7 Geotechnical hazards

The site is located within the H1 landslip hazard zone. A Geotechnical Report has been submitted which includes a landslide risk assessment to the methods of AGS 2007 for the site and proposed works, plans, geological sections and provides recommendations for construction and to ensure the "Acceptable Risk Management" criteria is maintained for a preferred design life of 100 years. The recommendations of the report will ensure appropriate measures are implemented to avoid, minimise or mitigate the impacts of the development on neighbouring land surrounding the development.

7.8 Limited development on foreshore area

Clause 7.8 states:

(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:

the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of

(a) the building extending further into the foreshore area,

(b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).

Comment

A portion of the existing dwelling, a small section of the ground level (at grade) verandah and the eaves of the dwelling breach the foreshore line. In addition, the plunge pool is wholly located within the foreshore building line. In accordance with Clause 7.8(2) these elements are permitted within the foreshore building line and the proposal complies with the objectives of the clause in that it will not impact on the natural foreshore processes or affect the significant amenity of the area of public access along the foreshore.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	Basement level - 6.1m -8.2m (slight breach to one corner for a length of 2m which is located below ground level)	6.2%	No
		Ground Floor - 6.2m - 6.9m to wall of dwelling (slight breach for a length of approx 2m) *ancillary structures - retaining walls to courtyard 4.3m *retaining walls are permitted within the front setback.	4.7%	No
Rear building	6.5m	4m to pool	38.5%	No

line		13.7m to wall of dwelling	N/A	Yes
Side building line	2.5m	North - 2.7m to the wall of the dwelling Ancillary structures: wall to WC 1.6m wall to drying area 0.4m to 0m	N/A 36%	Yes No
	1m	South - 1m	N/A	Yes
Building envelope	3.5m	Southern elevation Outside envelope in two areas: Area 1 - 0 - 1.3m in height for a length of 2.6m above the ground floor kitchen and Area 2 - 0 - 1.1m in height for a length of 4.6m above the first floor garage	Refer to details of breach	No
	3.5m	Northern elevation Within envelope	N/A	Yes
Landscaped area	60%	42.65% (250.8sqm)	17%	No

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B4.17 Littoral Rainforest - Endangered Ecological Community	Yes	Yes
B5.3 Greywater Reuse	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	No	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
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	No	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes
D14.3 Building colours and materials	Yes	Yes
D14.7 Front building line	No	Yes
D14.8 Side and rear building line	No	Yes
D14.11 Building envelope	No	Yes
D14.13 Landscaped Area - Environmentally Sensitive Land	No	Yes
D14.15 Fences - General	No	Yes
D14.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D14.18 Scenic Protection Category One Lands	Yes	Yes

Detailed Assessment

B6.1 Access driveways and Works on the Public Road Reserve

Clause B6.1 requires:

Ancillary structures within the Road Reserve will be supported for the purposes of structurally supporting the access driveway only. Ancillary structures include retaining walls.

Encroachment into the road reserve is to be minimised.

Where retaining walls and structures are visible from a public place, preference is given to the use of textured finishes of dark earthy tones or sandstone-like finishes.

All structural elements within the Road Reserve must be certified by a Structural Engineer.

In addition, where the land is identified on the Landslip Hazard Map, the design of all structural elements must satisfy the Landslip Hazard Controls.

Comment

The configuration of the 'bridged' crossover and driveway has been amended to remove the walls from the road reserve. Council's Development Engineer and Road Reserve team advise that the levels required for the low level policy is not achievable and the normal driveway profile shown in the amended plans is acceptable to Council's Traffic Engineers subject to a condition requiring the suspended slab not extending into edge of carriageway. The first 2m of the slab shall be at ground and battered off (between railing and road edge/kerb). A condition also requires ancillary structures within the road reserve to be dark earthy colours.

C1.1 Landscaping

Clause C1.1 requires development to provide 60% of the site area (i.e. 355.26m²) as soft landscaping.

Comments

The plans development would provide 42.65% (i.e. 250.8m²) of soft landscaping which represents a variation 17%. A further 48.8sqm of landscaping is provided in the form of terraces and paths. While the proposal does not comply with the numerical requirement for soft landscaping the proposal achieves the objectives of the provision as detailed below. It is also noted that the amount of soft landscaping retained is similar to that of adjoining sites which include swimming pools, decking and paved areas within the front and rear setbacks.

The bulk and scale of the built form is minimised.

Comment:

The proposal generally complies with the built form controls the minor breach in the 2.5m side set back will not compromise the ability of the development to meet objective 1.

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

Comment

Shadow diagrams have been submitted which confirms that the proposal will retain 3 hours of solar access to the main areas of private open space and the windows to the principle living area to No 9 Bruce Street in compliance with the control. In this regard the proposal achieves compliance with objective 2.

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

Comment

The proposal includes the removal of one tree which is an exempt species. Landscape plans have been submitted which confirm that the additional landscaping, including canopy trees, will be provided to help minimise any perceived visual impact from the public domain. In addition, tree protection measures are included in the conditions to ensure that there is no damage to the retain trees on the site and adjoining the site. In this regard the proposal achieves compliance with objective 3.

Conservation of natural vegetation and biodiversity.

Comment

Council's Bushland and Biodiversity Unit have confirmed that the proposal will not impact on natural vegetation and biodiversity. A condition is included to protect wildlife. As such, the proposal achieves compliance with objective 4.

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

Comment

Council Development Engineer has confirmed that subject to conditions stormwater can be managed. In this regard, the proposal achieves compliance with objective 5.

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

Comment

The proposal will not result in any adverse impact on the rural and bushland character of the area. In this regard the proposal achieves compliance with objective 6.

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

Comment

Council's Water Management Unit have no objections to the proposal subject to conditions. In this regard the proposal achieves compliance with objective 7.

C1.3 View Sharing

Merit consideration

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

- *A reasonable sharing of views amongst dwellings.*

Comment:

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

1. Nature of the views affected

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

Comment to Principle 1:

Narabeen Parade to the west sits at an elevated level to the subject property and other properties along Bruce Street. One submission has been received from the neighbouring

property to the north-west No. 91 Narabeen Parade. Views of the ocean are observed from this three level detached dwelling. Land water interface view of Warriewood Beach and headland are observed looking at an angle to the north-east. There is a limited view corridor between No. 11 Bruce Street and No 13 Bruce Street looking at a angle to the south-east from all levels of No. 91 Narabeen Parade. The break of the ocean can be observed from the upper floors of the property although the view is limited due to existing vegetation.

Although a submission has not been received from the owners / occupied of No. 89 Narabeen Parade the views of the ocean are likely to be similar to the views enjoyed by No 91 Narabeen Parade. It is noted that the assessing Planner attempted to access this properties while on a site inspection to conduct a view assessment but was not successful in gaining access. As such, the view sharing assessment from this property has been conducted using the plans and analysis submitted in support of the DA and a general site inspection of the area.

It is noted that the application is supported with a view analysis from No 87, 89 and 91 Narabeen Parade and No 9 and 13 Bruce Street. The analysis confirms that there will be limited impacts on the ocean, land / water interface and headland views currently enjoyed from these properties. This is discussed in greater detail below.

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

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

Comment to Principle 2:

Ocean views are enjoyed from No. 91 Narabeen Parade from both a standing and siting position from all levels of the property looking to the east, north east and south east. The most impressive views i.e. land / water interface views of Warriewood Beach and headland views are obtained looking in a north-easterly direction from the top floor deck which adjoins the master bedroom. At level one similar views are obtained from the front balcony and the open plan living, kitchen dining room. A more limited view is obtained at ground level from the front garden / deck, the living room and the bedroom.

It is noted that the subject site is located at an angle to the south-east of No. 91 and despite the limited view corridor between the subject site and No. 13 Bruce Street at the time of the site inspection no land / water interface view of the beach was observed when looking over the subject site.

3. Extent of impact

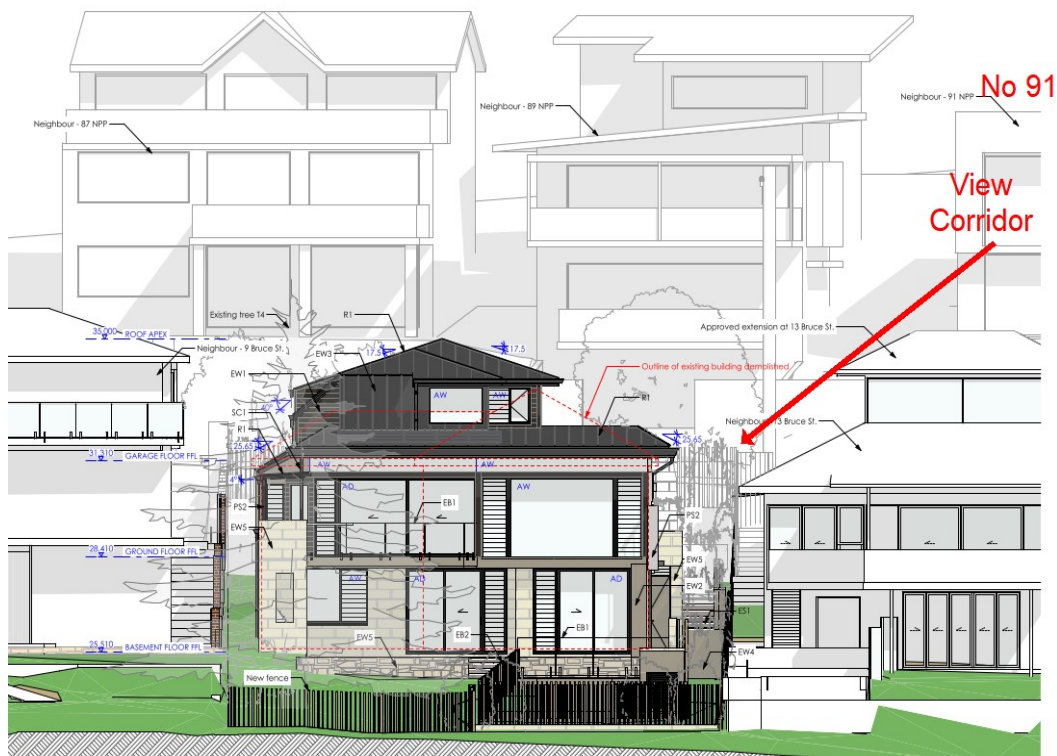
“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people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

Comment to Principle 3:

No 91 Narabeen Parade

Given the lower position of the subject site which sits at an angle to the south-west of No. 91 Narabeen Parade the proposed new dwelling will have limited impacts on ocean views. It is noted that all dwellings along Narabeen Parade sit in an elevated position behind the dwellings on Bruce Street. Ocean views will continue to be enjoyed from all the upper levels of No. 91 Narabeen Parade over the roof of the new dwelling and the view corridor between No. 11 and No. 13 Bruce Street is primarily retained.

It is however acknowledged that the proposed garage will result in an increase in the height of the existing dwelling which may contribute to some minor view loss from the ground level deck and living room of No. 91. It is noted that the current ocean view from ground level is slightly compromised with existing mature trees located in the reserve to the east of the subject site including a large Norfolk Pine. The primary land / water interface of Warriewood Beach and Headland observed to the north-east will not be affected by the development. Refer to images and photos below:



East elevation showing the elevated position of the dwellings along Narabeen Parade to the west including No. 91 Narabeen Parade. The image also depicts the retained view corridor (source James de Soyres)



View from ground floor living room and deck (subject site has the red tiles roof)



View from level 1 deck / living room.



View from Level 2 deck adjoining the master bedroom.

The view analysis submitted by the applicant concludes that there will be limited impacts on view sharing from No. 87 and 89 Narabeen Parade or No 9 and 13 Bruce Street. The analysis is supported as the elevated position of dwellings along Narabeen Parade will ensure primary views from the upper floor decks and living areas will largely be maintained. It is acknowledged that there may be some limited view loss from the lower level decks of No. 87 and 89 Narabeen Parade to the ocean as a result of the garage, however, the primary land / water interface views will be retained as will the view corridors either side of the subject dwelling.

Given that the proposed dwelling does not extend any further east than the neighbouring dwellings at No 9 and 13 Bruce Street there will be no impacts on view observed from these properties. No view loss issues have been raised from the adjoining owners.

Given the topographical characteristics of the site and its context, the details submitted with the DA the understanding of the view loss issues observed by the assessing Planner at a site visit it is not considered necessary to request height poles.

4. Reasonableness of the proposal that is causing the impact

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

Comment to Principle 4:

The proposal complies with the maximum building height and the slight breach in the envelope control does not contribute in itself to any unreasonable view loss from neighbouring properties.

Assessment of development against the objectives of Clause C1.3

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

Comment:

As noted above, the primary view corridor between the subject site and No. 13 Bruce Street to the north is retained. As such, the proposal will not result in a loss of views from the public road to the ocean.

- *Canopy trees take priority over views.*

Comment:

The proposal does not seek consent to remove any canopy trees. The canopy trees, including the Norfolk Pines trees, within the Beach reserve to the immediate east of the site remain as significant landscape features.

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

C1.4 Solar Access

Clause C1.4 requires:

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

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

Comment

Concern has been raised from the neighbour at No. 9 Bruce Street to the south regarding the impacts of the development on solar access. The principle living area of No. 9 Bruce Street is at level 2 (middle level) and the private open space is located on all three levels in the form of balconies on the eastern side and on the western side at level 3. Additional solar analysis, including elevational shadow diagrams, has been submitted in response to these concerns which demonstrates that the main POS and windows to the principle living areas continue to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 in compliance with the control.

C1.5 Visual Privacy

Clause C1.5 requires:

Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).

Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.

Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of

the private open space of a lower level dwelling directly below.

Comment

Concern has been expressed in the submission from No 9 Bruce Street regarding the loss of privacy as a result of elevated decks and windows overlooking areas of private open space. It is noted that No. Bruce Street has multiple east facing balconies with no privacy screens which are located within close proximity to the common boundary with the subject site, refer to photo below:



No 9 Bruce Street to the left of the photo in context to the subject site.

Windows are located within the southern elevation which are positioned 1m from the boundary. The existing boundary fence will screen all windows located at basement and ground level. Windows to non-habitable rooms, namely a Walk In Wardrobe (WIR) and ensuite bathroom located at ground level will use obscure glazing. A condition will ensure this. A wall and angled privacy screen is proposed along the southern edge of the rear ground level deck (which is elevated due to the slope of the site). The proposed screen has been assessed as an acceptable device to ensure privacy is maintained in accordance with the controls.

No submissions have been received from the neighbour to the north at No. 13 Bruce Street. Window to the ground floor entrance foyer are located 6.2m from the northern boundary. While this space is considered to be habitable room and a fence and planting will ensure there is no loss of privacy to the northern neighbour. A corner window to the ground level open plan living area is positioned 2.5m from the northern boundary. Angle external privacy are proposed to this window to ensure privacy is maintained in accordance with the control.

In summary, the windows are primarily orientated to take advantage of the eastern ocean view. The windows proposed in the side elevations and the elevated balconies have been designed to ensure privacy is maintained to neighbouring properties.

D14.1 Character as viewed from a public place

Clause D14.1 requires:

Buildings which front the street or creekline corridors must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.

Walls without articulation shall not have a length greater than 8 metres to any street frontage.

Any building facade to a public place must incorporate at least two of the following design features:

*entry feature or portico;
awnings or other features over windows;
verandahs, balconies or window box treatment to any first floor element;
recessing or projecting architectural elements;
open, deep verandahs; or
verandahs, pergolas or similar features above garage doors.*

The bulk and scale of buildings must be minimised.

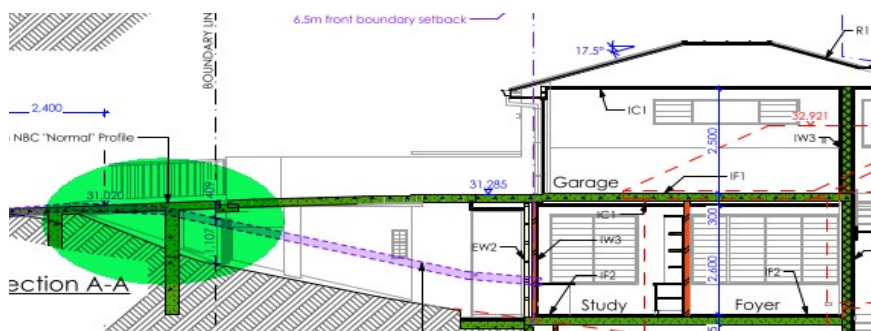
Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.

Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.

Merit assessment

Concern has been expressed regarding the visual impact on the elevated driveway and the garage in the streetscape. Bruce Street is a short cul-de-sac with dwellings on the eastern side of the street siting at a substantially lower level than the dwellings on the western side of the street. The eastern side of Bruce Street is characterised with garage, driveways and walls on the street frontage, refer to images below. It is noted that the majority of driveway slope down to the lower level garages and parking areas, however, the garage at No 13 Bruce Street sits fully within the front setback. The applicant also refers to No 5 Bruce Street as an example of a development which is comparable to the subject application. The garage at No. 5 also sits at the top level with accommodation below therefore the side elevation is similar. The driveway to No 5 is however is not elevated.

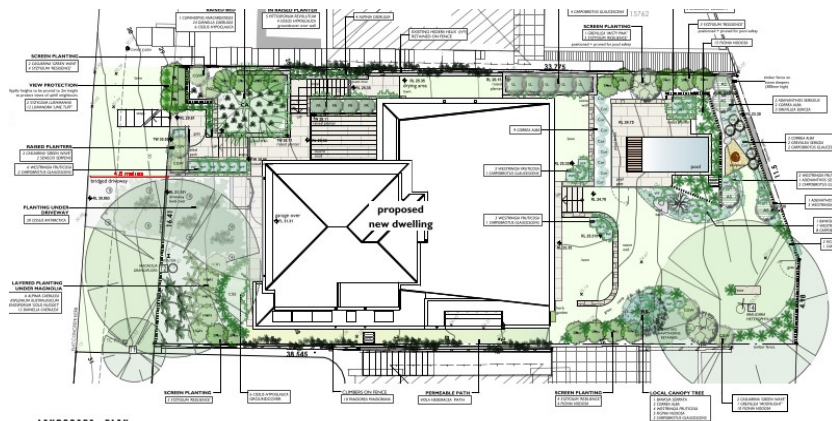
The proposed driveway has been modified to generally address the engineering concerns subject to conditions requiring further design amendments to remove the elevated slab to the edge of the carriageway. The elevated section of the driveway over the grassed road reserve equates to a length of 2.3m and a height of 1.5m.



Section showing elevated driveway over Council's road reserve.

Subject to a reduction of the extent of the elevated driveway on the road reserve the proposed driveway has been assessed as acceptable in terms of the streetscape particularly given that the existing mature magnolia tree will be retained and supplemented with additional planting to integrate the development and reduce the dominance of the structure. Further, given the context of the site, refer to photos below, the proposal will meet the objectives of Clause D14.1 and generally achieves the character of the

Warriewood locality.



Landscape plan



Garage and driveway to No 13 Bruce Street to the north.



Driveway and garage to No 5 Bruce Street



Bruce Street general streetscape

The design of the driveway has been refined in respect of the battens around the driveway.

The garage measures 5.8m in length and therefore complies with the dimension specified in the control.

The following architectural features are incorporated into the front facade which add to the articulation of the street frontage, eaves, a verandah / courtyard and raised planter bed.

In summary, the proposal has been as being compliant with clause D14.1.

D14.7 Front building line

Clause D14.7 requires a 6.5m setback from the frontage.

Comment

The following structure breach the 6.5m front setback:

- Portions of the eaves;
- The stone clad pillars on either side of the garage door;
- A raised planter;
- A store room and some of the wall thickness of the study under the driveway

Driveways, fences and retaining walls are permitted in the front setback area under this clause.

Merit assessment

The structures that breach the setback are ancillary elements that do not add to the bulk and scale of the development but add to the articulation of the frontage to enhance the streetscape and provide for improved amenity in terms of shading and privacy. The minor breach of the front setback by these ancillary structures has been assessed as acceptable as proposal achieves the outcome of the control and will not result in any adverse visual or amenity impacts.

D14.8 Side and rear building line

Clause D14.8 requires:

2.5 to at least one side; 1.0 for other side

Comment

The ancillary structures that breach the side setback on the northern side are:

- An externally accessible WC located under one of the planters;
The pool pump room and part of the pool terrace
- Raised planters;
- Retaining walls and paths providing access between the front and rear yards at No.11 Bruce Street;
- The outer edges of the chimney;
- Privacy screen.

With the exception of the external walls of the WC, which will not be visible from the street, the ancillary structures enhance the landscape setting and enhance the privacy and amenity of the development without adding to the bulk and scale of the development.

D14.11 Building envelope

Clause D14.11 requires development to sit within a planes which projects at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries.

Comment:

There is a minor breach in the envelope control to the southern elevation which relates to the following two areas:

- 0 - 1.3m in height for a length of 2.6m above the ground floor kitchen (primarily the eaves) and
- 0 - 1.1m in height for a length of 4.6m (primarily the eaves) above the first floor garage.

The breach primarily relates to the eaves and despite the minor non-compliance with the numerical control the proposal achieves the objectives of the control as detailed below:

To achieve the desired future character of the Locality.

Comment

The minor breach in the envelope to the southern elevation will not impact on the ability of the development to achieve the desired future 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 minor breach in the envelope to the southern elevation will not result in the creation of any adverse impacts on the streetscape. The bulk, scale and density of the development sits below the height of existing canopy trees.

To ensure new development responds to, reinforces and sensitively relates to spatial

characteristics of the existing natural environment.

Comment:

The minor breach in the envelope to the southern elevation will not result in any adverse impacts on the natural environment.

The bulk and scale of the built form is minimised.

Comment:

As discussed elsewhere in this report, the bulk and scale of the development has been assessed as acceptable and the density generally complies with the built form controls.

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

Comment:

As discussed under Clause C1.3 the minor breach in the envelope to the south will not result in unreasonable impacts on view sharing. In addition, the view corridor to the north is retained which will preserve coastal views from the public street.

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

Comment:

The minor breach in the envelope to the southern elevation will not result in unreasonable impacts on neighbouring residential amenity in terms of privacy or solar access as discussed under clause C1.4 and C1.5 of this report.

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

Comment:

The proposal seeks consent for the removal of one tree which is an exempt species. The mature tree to the street frontage is retained and additional landscaping is proposed to help reduce the visual impact of the built form especially from the streetscape.

D14.13 Landscaped Area - Environmentally Sensitive Land

Clause D14.13 requires 60% of the site to be retained as soft landscaping.

As discussed under Clause C1.1 42.65% (250.8sqm) of the site is retained as soft landscaping. Clause D14.13 allows a variation of the control for up to 6% of the site to be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).

A further 48.8sqm (8.9%) of open impervious landscaping is proposed on the site in the form of courtyards and paving. The resultant total amount of landscaping that can be calculate in accordance with the control equates to 48.6%. The 11.4% variation of the control is assessed as acceptable as the development achieves the objectives of the control and given the context of the site is similar to the

amount of open space provided on neighbouring sites. Refer to the discussion under Clause C1.1 above for the merit assessment against the objectives.

D14.15 Fences - General

Clause D14.15 requires:

a. Front fences and side fences (within the front building setback)

Front fences and side fences (within the front building setback) shall:

*not exceed a maximum height of 1 metre above existing ground level,
be compatible with the streetscape character, and
not obstruct views available from the road.*

Fences are to be constructed of open, see-through, dark-coloured materials.

Landscaping is to screen the fence on the roadside. Such landscaping is to be trimmed to ensure clear view of pedestrians and vehicles travelling along the roadway, for vehicles and pedestrians exiting the site.

Original stone fences or stone fence posts shall be conserved.

Front fences and side fences (within the front building setback) on certain land in Narrabeen Park Parade which afford a scenic view from the Bicentennial Walkway (i.e. Lots 1-10 DP 16692 and Lot 1 & 2 DP 22672), shall have a maximum height no higher than the crown of the road adjacent to the subject property, and shall be compatible with the streetscape character and not obstruct views available from the road.

b. Rear fences and side fences (to the front building line)

Fencing is permitted along the rear and side boundaries (other than within the front building setback) to a maximum height of 1.8 metres.

Comment:

The proposed front fence is of a mixed design with open, see-through elements at the northern and southern ends and a solid masonry wall in the central section. The design of the fence provides a sense of privacy to the main courtyard private open space on the western side of the house which is overlooked by neighbours and from the street. Although the fence is higher than the 1m limit prescribed in the control policy when measured at the boundary, the top of the fence is less than 1m above the existing street level as a result of the steep drop of between the street and the front boundary. There is no visual impact on the streetscape which presents a varied character of boundary treatments including solid masonry fences in excess of 1m in height.

The rear fence has a maximum height of 1.5m in compliance with the control which permits rear fences up to max height of 1.8m.

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 \$32,340 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$3,234,000.

CONCLUSION

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

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

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

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

- Inconsistent 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
- Inconsistent with the objects of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/1289 for Demolition works and construction of a dwelling including swimming pool on land at Lot 9 DP 15762, 11 Bruce Street, MONA VALE, 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 Plan	28/09/2020	James de Soyres and Associates
DA 03 Demolition and Sediment Control Plan	28/09/2020	James de Soyres and Associates
DA 06 Excavation and Fill Plan	28/09/2020	James de Soyres and Associates
DA 07 Rev A 3D Render and Finished Schedule	10/12/2020	James de Soyres and Associates
DA 10 Basement Floor Plan	28/09/2020	James de Soyres and Associates
DA 11 Ground Floor Plan	28/09/2020	James de Soyres and Associates
DA 12 Rev A Garage Floor Plan	09/12/2020	James de Soyres and Associates
DA 13 Roof Plan	28/09/2020	James de Soyres and Associates
DA 20 West Elevation and Front Fence	28/09/2020	James de Soyres and Associates
DA 21 Rev A North and South Elevations	09/12/2020	James de Soyres and Associates
DA 22 East Elevation	28/09/2020	James de Soyres and Associates
DA 30 Rev A Section A-A and B-B	09/12/2020	James de Soyres and Associates
DA 31 Section W-W and X-X	28/09/2020	James de Soyres and Associates
DA 32 Sections Y-Y and Z-Z	28/09/2020	James de Soyres and Associates

Engineering Plans		
Drawing No.	Dated	Prepared By
20076 SW-1 Issue 1 Concept Drainage Plans	24/09/2020	Michal Korecky
20076 Sw-2 issue 1 Roof Plan	24/09/2020	Michal Korecky

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Waste Management Report	28/09/2020	James de Soyres and

		Associates
Site, pedestrian and traffic management plan	No date	RFE Traffic Control
Arborist Report Section 5 Recommendations	28/09/2020	Trish Dobson
NatHERS Thermal Comfort Assessment Issue A File 20-0594	15/09/2020	Efficient Living
BASIX Certificate No 1119269S	07/10/2020	James de Soyres and Associates

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
2007/DA-L01 Landscape Plan	28/09/2020	Trish Dobson

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

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

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	26 November 2020

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

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

3. Prescribed Conditions

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

- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

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

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

Reason: Legislative requirement.

4. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,

- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$32,340.00 is payable to Northern Beaches Council for the provision

of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$3,234,000.00.

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

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

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

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

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

6. **Security Bond**

A bond (determined from cost of works) of \$5,000 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.

7. **Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site in accordance with Northern Beaches Council's Water Management for Development

Policy and generally in accordance with the concept plans by Michal Korecky, drawing no.20076 Sheet SW-1, SW-2, dated 24/09/2020.

Details demonstrating compliance 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 the development.

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Crozier Geotechnical Consultants dated October 2020 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.

9. 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.

10. Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site

- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

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

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

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

11. **Amendments to the approved plans**

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

- The external access steps located within the nature strip are not approved.
- The design of the driveway shall be amended so that the first 2m of the slab be on the ground all the way to the edge of carriageway with edge kerbing and battered off (between railing and road edge/kerb). The amended design shall be assessed as part of the Section 138 application.
- The colour of the driveway and any ancillary structures in the reserve shall be a dark

- recessive colour.
- The windows to the Walk in Robe and the ensuite to bedroom 1 (ground floor) in the south elevation shall use obscure glazing.

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

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

12. **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 partially elevated vehicular crossing and grading of 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. 3m wide partially elevated driveway crossing in accordance with Council's Drawing No. A4-3330/3 NL.. The first 2m of the driveway is to be slab on ground with the elevated section extending over the property boundary to the parking facility.
2. The road reserve adjoining the new crossing is to include maximum batters of 1 in 6 and the levels in the road reserve are to match the existing levels along the boundary of the site and the adjoining properties.
3. Barriers on both sides of the elevated section of the driveway extending to the boundary and elevated carport in accordance with AS2890.1 Clause 2.4.5 Physical Controls.
4. Wall to be constructed along either side of elevated section of the driveway to prevent access under the elevated driveway in the road reserve.
5. Any adjustment of the location of the services in the road reserve to have concurrence of the relevant service authorities.

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.

13. **Structural Adequacy and Excavation Work**

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

- (a) maximum height of 900mm above or below ground level and at least 900mm from any

property boundary, and

(b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

14. **Shoring of Council's Road Reserve (Temporary road anchors)**

Should the proposal require shoring to support an adjoining property or Council land, the Applicant shall provide the adjoining properties with engineering drawings, detailing the proposed shoring works for their consideration and approval.

Written approval from Council under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. The Owner's approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

15. **Water Quality Management**

The applicant must install a filtration device (such as that provided on the stormwater layout plan 20076 by Michal Korecky) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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

Reason: Protection of the receiving environment

16. **External Finishes**

The external finish to the roof and ancillary structures in the road reserve 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)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

17. **Installation and Maintenance of Sediment and Erosion Control**

Prior to commencement of works on site, sediment and erosion controls must be installed along the immediate downslope of the works area, in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Techniques used for erosion and sediment control on site are to be adequately maintained and

monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

18. **Pre-Construction Dilapidation Report**

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

9 Bruce Street Mona Vale and
13 Bruce Street, Mona Vale

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.

19. **Works on Land owned or managed by Council**

No works are to be carried out on Land owned or managed by Council.

Note: Separate approval from Council is required for access driveways, paths, stairs, connections to underground utilities (stormwater, gas, sewer, electricity, telecommunications etc.), and landscaping works on Land owned or managed by Council.

20. **Tree removal within the property**

The proposed removal as recommended in the Arboricultural Impact Assessment of existing tree 3 - *Cotoneaster glaucophyllus* (Exempt Species under Pittwater DCP) does not require Council consent.

Note: Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

21. **Project Arborist**

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

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

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

- i) section 5.3 General Tree Protection,
- ii) section 5.4 Specific Tree Protection
- iii) section 4.2.3 Potential Impacts on Prescribed Trees Proposed for Retention - Tree 2 and Tree 4.

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.

22. **Installation and Maintenance of Sediment and Erosion Control**

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

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

23. **Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

Reason: To ensure Work zones are monitored and installed correctly (DACTRDPC1)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

24. 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.

25. 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.

26. Demolition Works - Asbestos

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

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

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

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

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

27. Driveway Works in the Road Reserve Supervision

The Applicant shall ensure the driveway works approved in the Section 138 approval are supervised by an appropriately qualified and practising Consulting 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.

28. Notification of Inspections in Road Reserve

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

- (a) Installation of Silt and Sediment control devices
- (b) Prior to pouring driveway crossing

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.

29. 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.

30. No Access through Land owned or managed by Council

Site access is not approved for delivery of materials nor construction of the development through adjacent Land owned or managed by Council, without the written approval of Council.

Reason: public safety, landscape amenity and vegetation protection.

31. Protection of Council's Public Assets

Any damage to Council's public assets shall be made good by the applicant and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in Land owned or managed by Council is prohibited.

Existing trees shall be protected in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance. Should any problems arise with regard to the existing trees on public land during the construction period, the applicant is to immediately Contact Council's Tree Services section and resolve the matter to Council's satisfaction.

Reason: to protect and/or restore any damaged public asset.

32. 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 (identified as T2 Southern Magnolia and T4 Norfolk Island Pine in the Arboricultural Impact Assessment), excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

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

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment.

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. **Wildlife protection and rehabilitation**

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

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

34. **Implementation of Construction Traffic Management Plan**

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

Reason: to ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.
(DACTREDW1)

35. **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 prepared by James de Soyres 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.

The discharge of sediment-laden waters from the site may result in clean-up orders and/or fines under Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Reason: Protection of the receiving environment

36. Landscape completion

Landscaping is to be implemented in accordance with the approved Landscape Plan, inclusive of the following conditions:

- i) the nominated *Cupaniopsis anacardioides*, known to self-seed into bushland, shall be deleted and replaced with a locally native small tree capable of attaining 5 metres in height at maturity, selected from Council's Native Plant Species Guide - Pittwater Ward, and planted at the nominated pot size on the Landscape Plan,
- ii) tree planting shall be located within a 9m² deep soil area within the site and be located a minimum of 3 metres from existing and proposed buildings and from other trees,
- iii) 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.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer 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.

37. Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

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

Reason: tree protection.

38. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified Civil Engineer. 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.

39. Works as Executed Drawings - Stormwater Treatment Measures

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

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

Reason: Protection of the receiving environment

40. Post-Construction Dilapidation Report

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

- Compare the post-construction report with the pre-construction report,

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

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

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

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

41. **Certification Elevated Parking Facility Work**

The Applicant shall submit a Structural Engineers' certificate certifying that the elevated parking facility was constructed in accordance within this development consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation.

Reason: Compliance with this consent.

42. **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.

43. **Environmental Reports Certification**

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

- (a) Waste Management Report, dated 28/09/2020 prepared by James de Soyres and Associates;
- (b) Site, pedestrian and traffic management plan prepared by RFE Traffic Control;
- (c) Arborist Report dated 28/09/2020 prepared by Trish Dobson;
- (d) NatHERS Thermal Comfort Assessment Issue A File 20-0594 dated 15/09/2020 prepared by Efficient Living; and
- (e) BASIX Certificate No 1119269S dated 07/10/2020 prepared by James de Soyres and Associates.

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

Reason: To ensure compliance with standards.

44. **House Number**

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

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

Reason: Proper identification of buildings.

45. **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)

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

46. **Maintenance of Stormwater Treatment Measures**

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

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

Reason: Protection of the receiving environment

47. Landscape maintenance

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: to maintain local environmental amenity.

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

Signed



Anne-Marie Young, Planner

The application is determined on 09/02/2021, under the delegated authority of:



Lashta Haidari, Manager Development Assessments