

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/1532
----------------------------	-------------

Responsible Officer:	Georgia Quinn
Land to be developed (Address):	Lot 1 DP 731356, 1 - 3 Florida Road PALM BEACH NSW 2108
Proposed Development:	Alterations and additions to a dwelling house including a swimming pool
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Susan Gay Anderson
Applicant:	Susan Gay Anderson

Application Lodged:	27/12/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	23/01/2020 to 06/02/2020
Advertised:	Not Advertised
Submissions Received:	3
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,760,000.00
---------------------------------	-----------------

PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for alterations and additions to an existing dwelling house.

In particular, the application includes:

- an extension to the existing dwelling comprising a lower, ground and upper floor;
- a swimming pool and spa;
- terracing; and
- associated landscape works.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings
Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
Pittwater 21 Development Control Plan - B8.6 Construction and Demolition - Traffic Management Plan
Pittwater 21 Development Control Plan - C1.3 View Sharing
Pittwater 21 Development Control Plan - C1.5 Visual Privacy
Pittwater 21 Development Control Plan - C1.6 Acoustic Privacy
Pittwater 21 Development Control Plan - C1.23 Eaves
Pittwater 21 Development Control Plan - D12.3 Building colours and materials
Pittwater 21 Development Control Plan - D12.6 Side and rear building line
Pittwater 21 Development Control Plan - D12.10 Landscaped Area - Environmentally Sensitive Land
Pittwater 21 Development Control Plan - D12.14 Scenic Protection Category One Areas

SITE DESCRIPTION

Property Description:	Lot 1 DP 731356 , 1 - 3 Florida Road PALM BEACH NSW 2108
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southeastern side of Florida Road.</p> <p>The site is irregular in shape with a frontage of 67.6m along Florida Road, a western side boundary length of 34.1m and a splayed eastern side boundary length of approximately 64.5m not including the right-of-carriageway. The site comprises a right-of-carriageway that is used for access by the properties at No. 364 Whale Beach Road and No. 1a Florida Road. The site has a surveyed area of 1800m².</p> <p>The site is located within the E4 Environmental Living zone</p>

and accommodates a three storey dwelling house.

The site has a cross fall from south to north, down toward the road frontage of approximately 13.2m.

The site is densely vegetated within the front setback area.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by similar scale low density residential development within landscaped settings.

Map:



SITE HISTORY

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

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to an Arboricultural Impact Assessment .</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 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</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control</p>

Section 4.15 Matters for Consideration'	Comments
	<p>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 classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Building Code and Bushfire Hazard Solutions Pty Ltd, dated 19 December 2019) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited 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:
Ms Sally Glauert	PO Box 165 AVALON BEACH NSW 2107
Mr Timothy Lindsay McCaughey	11 The Citadel CASTLERAG NSW 2068

Name:	Address:
Terese Kaljo	Address Unknown

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

- **Support of Application;**
- **Privacy;**
- **View Loss;**
- **Siting on Boundary;**
- **Construction Access; and**
- **Request for Approved Documents.**

The matters raised within the submissions are addressed as follows:

Support of Application

Two (2) of the three (3) submissions received as a result of the public exhibition period were in support of the application, and raised no objection to the proposed development.

Privacy

Concern is raised that the proposed development, namely the windows that service bedroom 1 and the rooftop terrace will reduce privacy for the occupants at No. 364 Whale Beach Road.

Comment:

This matter is addressed elsewhere within this report (refer to Clause C1.5 Visual Privacy under P21DCP).

In summary, the proposed development provides significant spatial separation between buildings (minimum of approximately 13m) such that reasonable privacy can be maintained. Further, a condition of consent has been imposed that requires the window that services the en suite of the master bedroom to be finished in a translucent glaze to enhance visual privacy. The rooftop terrace is considered to afford reasonable privacy as a result of its minor scale in conjunction with the sufficient spatial separation between buildings.

In turn, the assessment of the application has found the development to satisfy the minimum requirements and underlying objectives of Clause C1.5 Visual Privacy.

Therefore this matter, as conditioned, does not warrant the refusal of the application.

View Loss

Concern is raised that the proposal will result in a loss of views from No. 364 Whale Beach Road.

Comment:

This matter is addressed elsewhere within this report (refer to Clause C1.3 View Sharing under P21DCP).

In summary, the assessment of this application has found that the development achieves consistency with the planning principles outlined within the Land and Environment Court Case of *'Tenacity Consulting Pty Ltd v Warringah Council (2004) NSWLEC 140'* and that the extent of qualitative impact upon view sharing is considered to be moderate and the proposal is reasonable in this instance.

Therefore, this matter does not warrant the refusal of the application.

Siting on Boundary

Concern is raised that the proposed development is sited on the boundary of the site, and therefore should be re-located elsewhere within the allotment.

Comment:

The proposed development complies with the minimum numeric front and side setback requirements, aside from a minor encroachment of 0.1m into the southern side boundary. This matter has been addressed in detail elsewhere within this report (refer to Clause D12.6 of P21DCP).

This matter therefore does not warrant the refusal of the application.

Construction Access

Concern is raised that the right-of-carriageway that is used to access the subject site and those adjoining may be obstructed during the construction phase given its narrow width and steep gradient. It is requested safe access be maintained at all times.

Comment:

A condition of consent has been imposed requiring the preparation and implementation of a Construction Management Plan. The plan is to make provisions for all access during demolition and construction to ensure access to properties along the right-of-carriageway is safety maintained at all times.

Therefore this matter, as conditioned, does not warrant the refusal of the application.

Request for Approved Documents

The objector has requested any approved documents be sent to them post determination.

Comment:

Council's standard practice is to notify objectors of the determination of the development application via email.

This matter therefore does not warrant the refusal of the application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The Arborist's Report and Landscape Plan submitted with the application are noted.</p> <p>No significant trees are to be removed to undertake the proposed</p>

Internal Referral Body	Comments
	<p>works and tree protection measures have been incorporated. The Landscape Plan indicates removal of weeds and replanting with native species.</p> <p>No objections are raised to approval subject to conditions as recommended.</p>
NECC (Bushland and Biodiversity)	<p>Updated Biodiversity Assessment (30 March 2020) This updated referral is based on the following additional information: - Arboricultural Impact Assessment Report (RainTree Consulting, 16 March 2020)</p> <p>The submitted arborist report assesses four trees, two of which are exempt and proposed to be removed. A further two protected trees are assessed and proposed to be retained with tree protection measures as recommended by the arborist. Subject to implementation of recommended tree protection measures and conditions, the proposal is considered compliant with the relevant controls.</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>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' map. Hence, Clauses 13, 14 of the CM SEPP apply for this DA.</p> <p><u>Comment:</u></p> <p>On internal assessment Council accepts the assessment and the DA satisfies requirements under clauses 13 and 14 of the CM SEPP.</p> <p>As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p>
NECC (Development Engineering)	No objection to approval, subject to conditions as recommended.
NECC (Riparian Lands and Creeks)	<p>This application has been assessed under Pittwater 21 DCP B5.8 - Water Quality Pittwater 21 DCP B8.2 - Sediment and Erosion control Pittwater 21 DCP B5.13 Development on Waterfront Land</p> <p>Due to the increased impervious area, the applicant must install a sediment control pit prior to stormwater being discharged from the land that must capture coarse sediments and organic matter.</p> <p>The development is not expected to impact on a riparian area.</p> <p>Sediment and erosion controls must be installed prior to any demolition or disturbance of soil on the site and maintained until work</p>

Internal Referral Body	Comments
	is complete and groundcover is re-established.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. A standard response has been received within the 21 day statutory period and therefore, included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A366421, dated 19 December 2019).

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. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

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:

13 Development on land within the coastal environment area

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

Comment:

The proposed development is not considered likely to negatively impact upon the matters raised above in subclause (1).

- (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:

The proposed development has been designed, sited and will be managed to avoid an adverse impact referred to in subclause (1).

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:

The proposed development is not likely to cause an adverse impact on the matters referred to above.

As such, it is considered that the application does comply 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:

The proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

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	Complies
Height of Buildings:	10m	9.57m <i>Bedroom 2</i>	Yes

Compliance Assessment

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

Detailed Assessment

4.3 Height of buildings

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

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

Comment:

Portions of the existing building exceed the prescribed 8.5m height control, namely the northwestern portion of the walls and roof to bedroom 2. The proposed development includes the extension to such bedroom, whereby the wall and roof (for a length of 2.1m) will exceed the height limit. The portion of the building to be located above the maximum height is minor and the total portion of the building which will be located above the maximum height is minor.

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

Comment:

The objectives of this clause are as follows:

1. *To ensure that any building, by virtue of its height and scale, is consistent with the desired future character of the locality,*

Comment:

The proposal seeks a maximum building height of 9.57m which occurs as a result of the extension to bedroom 2. This element will not be discernible when viewed from the streetscape and is substantially attributable to the existing floor level, in conjunction with the steeply undulating topography of the site.

The development will sit comfortably within its context in terms of its height and scale and is considered to be consistent with the desired character of the locality.

2. To ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The proposed development is not dissimilar to that of adjoining and surrounding development, in terms of height and scale. In turn, the proposal is considered compatible with surrounding buildings and that of the wider locale.

3. To minimise any overshadowing of neighbouring properties,

Comment:

The application is supported with certified shadow diagrams (drawing numbers DA-05; DA-06; DA-07, dated November 2019) which denote compliance with P21DCP solar access requirements. The proposed works minimise overshadowing of neighbouring properties.

4. To allow for the reasonable sharing of views,

Comment:

This matter is addressed elsewhere in this report (refer to Clause C1.3 View Sharing under P21DCP). In summary, the assessment of the application has found that the development achieves a reasonable level of view sharing.

5. To encourage buildings that are designed to respond sensitively to the natural topography,

Comment:

The built form has been designed to respond sensitively to the natural sloping topography of the allotment in conjunction with the existing building footprint on site.

6. To minimise adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

Comment:

The proposed development is appropriately articulated such that the built form is broken down as a result. No unreasonable visual impacts upon the natural environment are considered likely. Further, the site is not located within the vicinity of a heritage conservation area or item.

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

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

Comment:

The building footprint is situated on a slope of 49.3% when measured between the eastern extent of the building footprint and the western extent of the building.

(d) the buildings are sited and designed to take into account for the steep slope of the land and to minimise cut and fill by incorporating multiple floor levels which step with the site.

Comment:

The existing building has been sited and designed to account for the steep slope of the land and to minimise cut and fill by incorporating multiple floor levels which step with the site. The proposed additions maintain this design approach.

Based on the above, the proposed development satisfies the requirements stated under Subclause 2D of this clause, therefore allowing a maximum building height of 10m. The proposed development has

been measured at 9.57m from ground level to the top of bedroom 2 and therefore complies with the 10m maximum building height.

7.2 Earthworks

The objective of Clause 6.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

(b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment: The excavated material will be processed according to the Waste Management Plan for the development.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment: The excavated material will be processed according to the Waste Management Plan for the development.

(f) the likelihood of disturbing relics

Comment: The site is not mapped as being a potential location of Aboriginal or other relics.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

Comment: The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: Conditions are included in the recommendation of this report that will minimise the impacts of the development.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment: The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of PLEP 2014 / Pittwater 21 DCP 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.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	6.7m <i>North</i>	N/A	Yes
Side building line	2.5m	4.3m <i>West</i>	N/A	Yes
		4.7m <i>East</i>	N/A	Yes
	1m	0.9m <i>South</i>	10% (0.1m)	No
Building envelope	3.5m	Within envelope <i>West</i>	N/A	Yes
	3.5m	Within envelope <i>East</i>	N/A	Yes
Landscaped area	60% (854.5m ²)	60.8% (865.9m ²)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.12 Palm Beach Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
B8.6 Construction and Demolition - Traffic Management Plan	No	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	No	Yes
D12.1 Character as viewed from a public place	Yes	Yes
D12.3 Building colours and materials	No	Yes
D12.5 Front building line	Yes	Yes
D12.6 Side and rear building line	No	Yes
D12.8 Building envelope	Yes	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land		
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	No	Yes

Detailed Assessment

B8.6 Construction and Demolition - Traffic Management Plan

The application is not supported with a Construction Traffic Management Plan, as required by the Control given the development involves more than 100m³ of excavated material from the site. A condition of consent will therefore be imposed, requiring such report be prepared and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

C1.3 View Sharing

As a result of the public exhibition of the development application, Council received one (1) submission from the property at No. 364 Whale Beach Road raising view loss as a concern.

It should be noted that the assessing officer has undertaken a view loss assessment, which included viewing height poles from the property that raised view loss as a concern.

The assessment below takes into account the impact on views from such property.

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:

The nature of the views to be affected from the property at No. 364 Whale Beach Road are of highly valued land and water interface views of Palm Beach filtered through existing vegetation as shown 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:

Views from this affected property are obtained over the front (eastern), northern (side) and southern (side) boundaries from the ground floor outdoor deck area, pool area and indoor living areas in a sitting and standing position and from the first floor rooms and balconies in a sitting and standing position.

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. 364 Whale Beach Road currently enjoys expansive and in some part uninterrupted views to the north and northwest of Palm Beach (land and water interface), Palm Beach Headland and Lighthouse, distance views toward the Central Coast and Broken Bay Waters and uninterrupted sweeping ocean views from the north to the south.

The dwelling occupants will continue to enjoy, in both a standing and sitting position, views to the north and east of Palm Beach Headland and Lighthouse, distant views toward the Central Coast and Broken Bay Waters and uninterrupted ocean views from the north to the south. The occupants will also continue to enjoy a portion of the currently available views of Palm Beach (land and water interface). The proposed development will result in a partial loss of filtered northwesterly views of Palm Beach (land and water interface).

Therefore, given the partial loss of highly valued filtered land and water interface views, the extent of the impact is considered to be moderate.

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 maintains compliance with the Clause 4.3 Height of Buildings Development Standard under PLEP 2014 which permits a building height of up to 10m in this instance. The proposal also satisfies the underlying objectives and maintains compliance with the minimum requirements of Clause D12.5 Front building line, Clause D12.8 Building envelope and Clause D12.10 Landscaped area - environmentally sensitive land under P21DCP.

The development proposes a minor variation to the minimum requirements of Clause D12.6 side and rear building line under P21DCP.

As detailed under the Clause D12.6 section of this report, the minor encroachment of the sandstone pillar into the southern side setback area does not cause a disruption of views and is considered reasonable in this circumstance.

The proposal responds appropriately to the available views through the provision of appropriate view corridors, setbacks and building articulation to ensure highly valued views are retained and the impact on properties in terms of view loss is moderate.

- *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:

Due to the nature of the subdivision and the resultant right-of-carriageway access arrangement for the subject site and those adjoining it, the views obtained toward Palm Beach from the roadway will not be hindered as a result of the application. The development is sited at a much higher elevation than that of the Florida Road Streetscape.

- *Canopy trees take priority over views.*

Comment:

No significant tree species are required to be removed in order to facilitate the proposed development.

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.

C1.5 Visual Privacy

The proposed development is situated at its closest point, approximately 13m from the nearest adjoining dwelling No. 364 Whale Beach Road. The dwelling at this property is situated on a higher elevation than the subject site, with its primary indoor and outdoor living areas oriented towards the north, east and south where it obtains largely uninterrupted views. In this respect, as the proposed development is located to the west of such site, overlooking opportunities are considered minor.

Windows WL-01 and WL-02 service bedroom 1 and are situated approximately 18m from the front decking of No. 364 Whale Beach Road. This spatial separation is considered to be sufficient, particularly within this established residential area and is in turn capable of ensuring the protection of visual and acoustic privacy for the subject dwelling occupants and those of adjoining and surroundings sites. Furthermore, the property at 364 Whale Beach Road comprises significant vegetation within the northern setback area which will assist in the mitigation of opportunities for overlooking whilst dually screening the built form.

The proposed rooftop terrace is minor in scale as majority of the roof level is to be utilised as a rooftop garden, which is noted to be non-trafficable. The terrace area is situated between 19 and 22m from the front decking of No. 364 Whale Beach Road. As above, this adjoining site comprises vegetation within its front setback area which in conjunction with the significant spatial separation between buildings, establishes a visual buffer to mitigate overlooking opportunities.

C1.6 Acoustic Privacy

The proposed development as discussed in other sections of this report, provides significantly spatial separation between buildings, particularly given the established residential nature of the area. The primary indoor and outdoor living areas are oriented toward to west and north, thereby located farthest away from adjoining and surrounding properties. The rooftop terrace is minor in scale, and adjoined by the rooftop garden which limits the usable space of the terrace to approximately 25m². The noise output associated with the development is considered to be consistent with standard residential acoustic pollution.

C1.23 Eaves

Description of non-compliance

The Control requires dwelling houses to incorporate eaves with a minimum width of 450mm, on all elevations.

The proposed development comprises an eave of 600mm along the northern elevation of the top floor, however all other elevations do not contain eaves.

Merit consideration

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

- *Housing that reflects the coastal heritage and character of Pittwater.*

Comment:

The proposed development is contemporary in design and reflects a modern architectural style. The development will not be dissimilar in terms of aesthetics to that of adjoining and surrounding development within the locale therefore the proposal is considered to reflect and maintain the coastal heritage and character of Pittwater.

- *Optimise roof forms.*

Comment:

The proposal comprises a variety of roof styles, including an extension of the existing gable roof and a flat roof which comprises a roof garden and terrace. As a result of the minimised roof forms, the height and bulk and scale of the development is minimised. Whilst it is acknowledged that flat roof forms do not provide the level of shading eaves would, the application is supported with a BASIX Certificate which denotes suitable energy efficiency can be achieved. The proposed roof form is therefore considered most appropriate given the context of the site and the surrounding views that are to be preserved due to the reduced height of the building.

- *Appropriate solar access and shading is achieved.*

Comment:

The proposal is deemed to provide appropriate solar access and shading, given the application is supported by certified shadow diagrams which denote compliance with Clause C1.4 of P21DCP, and a valid BASIX Certificate has also been provided which indicates suitable energy efficiency can be achieved.

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.

D12.3 Building colours and materials

Description of non-compliance

The Control requires external colours and materials of development to be dark and earthy in tone.

The provided exterior colour schedule indicates the window frames and the timber fascias are to be painted white, therefore contravening the requirement of the Control.

Merit consideration

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

- *Achieve the desired future character of the Locality.*

Comment:

The majority of the external colours and materials of the proposed development remain dark and earthy in tone, therefore the inclusion of white window framing is not considered to hinder the visual outcome. The development as a whole will remain recessive and integrated with the natural environment, thereby achieving the desired future character of the locality.

- *The development enhances the visual quality and identity of the streetscape.*

Comment:

The built form comprises a variety of colours, textures and materials such that the development will enhance the visual quality, interest and identity of the streetscape.

- *To provide attractive building facades which establish identity and contribute to the streetscape.*

Comment:

The proposal is well articulated and modulated such that the finished building will appear aesthetic and not dissimilar to that of surrounding development within the streetscape and the wider locale.

- *To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.*

Comment:

The building will be finished in colours and materials that compliment and harmonise with the surrounding natural environment.

- *The colours and materials of the development harmonise with the natural environment.*

Comment:

The external colours and materials of the built form include sandstone, greys and brown such that the development will harmonise with the natural environment.

- *The visual prominence of the development is minimised.*

Comment:

The selected external colours and materials for the development (being browns, greys, white and sandstone) will contribute to a minimised bulk and scale. The visual prominence of the development will be subdued and recessive as a result of the chosen colouring in conjunction with the surrounding landscape treatment.

- *Damage to existing native vegetation and habitat is minimised.*

Comment:

The proposed development does not require the removal of any significant vegetation or tree canopy, thereby retaining the existing provision of native vegetation and habitat.

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.

D12.6 Side and rear building line

Description of non-compliance

The Control requires structures be setback a minimum of 1m from one side boundary and a minimum of 2.5m from the other side boundary.

Due to the irregular shape of the allotment, the site is considered to have two predominant side boundaries, that being the eastern and western boundaries. The proposed development is sited 4.3m at its closest point to either of these side boundaries, therefore complying with the numeric requirements of the Control.

However, the site comprises a short southern boundary (considered as a further side boundary) whereby a sandstone pillar is situated 0.9m from such boundary, therefore representing a variation of 10% (0.1m).

Merit consideration

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

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

Comment:

The proposed development is centrally sited and is well articulated such that the dominance of the built form is reduced. The development remains within the maximum allowable building height, and it is also noted no significant vegetation is required to be removed to facilitate the works. In turn, the built form will remain sufficiently screened as presented to the public domain and surrounding properties. The proposal is therefore considered to achieve the desired future character of the locality.

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

Comment:

The sandstone pillar contributes to the articulation and modulation of the built form as a result of the additional texture, colour and shape such material provides. The inclusion of varying materials and setbacks allows for the bulk and scale of the built form to be minimised. It is also noted the sandstone pillar measures 0.9m in length only. The remainder of the building complies with the respective 1 and 2.5m setback requirements.

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

Comment:

This matter has been addressed elsewhere within the report (refer to Clause C1.3 View Sharing under P21DCP). In summary, the proposal is considered to equitably preserve the available views and vistas to and/or from public and private places.

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

Comment:

This matter has been addressed elsewhere within the report (refer to Clause C1.3 View Sharing under P21DCP). In summary, the proposal is considered to achieve a reasonable level of view sharing as a result of the complimentary siting of the built form, in conjunction with its site-specific design.

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

Comment:

The matter of privacy has been addressed elsewhere within this report (refer to Clause C1.5 Visual Privacy under P21DCP). In summary, the proposal is considered to provide reasonable amenity for the dwelling occupants and those of adjoining and surrounding properties as a result of adequate building separation, site orientation and aspect and landscape treatment. Further, the application is accompanied by Certified Shadow Diagrams (drawing numbers DA05, DA06 and DA07 which denote compliance with the solar access requirements prescribed within Clause C1.4 of P21DCP.

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

Comment:

The proposed development does not require the removal of any significant vegetation or tree canopy. Council's Landscape Officer has reviewed the proposal and raised no objection subject to conditions requiring protection of existing vegetation. As a result of the undulating site topography in conjunction with the provision of landscaping, the built form will remain largely unseen as viewed from the streetscape.

- *Flexibility in the siting of buildings and access.*

Comment:

The development has been sited appropriately in accordance with the site constraints and the surrounding residential context, ensuring reasonable amenity can be maintained for the dwelling occupants and those of adjoining and surrounding properties. Access to the site will remain relatively unaltered from existing.

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

Comment:

As above, the proposed development does not require the removal of any significant vegetation or tree canopy. In turn, the built form will remain significantly screened from the existing provision of vegetation. Conditions of consent have been imposed requiring the protection of significant species currently on-site which will assist in the retention of landscape treatment.

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

Comment:

Not applicable, given the subject site does not adjoin and commercially zoned property.

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.

D12.10 Landscaped Area - Environmentally Sensitive Land

Due to the battleaxe nature of the allotment, the site area for the purpose of the landscaped area calculation excludes the area for the Right of Carriageway. In this regard, the site area equates to 1424.2m² therefore the minimum required landscaped area of 60% equates to 854.5m².

The proposed development provides 60.8% (865.9m²) of the site as landscaped area, therefore satisfying the requirements of the Control.

D12.14 Scenic Protection Category One Areas

Description of non-compliance

The Control requires external colours and materials of development to be dark and earthy in tone.

The provided *exterior colour schedule* indicates the window frames and the timber fascias are to be painted white, therefore contravening the colour requirement of the Control.

Merit consideration

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

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

Comment:

The proposal consists largely of earthy, recessive colouring that compliments the surrounding natural environment. The window frames are minor in scale and therefore are not considered to create a discernible contrast between the development and the surrounding natural environment, therefore the desired future character of the locality is considered to be achieved.

- *To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront.*

Comment:

This matter has been addressed elsewhere within this report (refer to Clause C1.3 View Sharing under P21DCP). In summary, the proposal is considered to achieve a reasonable level of view sharing and preservation of district and local views of Pittwater's topographic features including the waterfront.

- *Maintenance and enhancement of the tree canopy*

Comment:

The development does not require the removal of any significant vegetation or tree canopy, thereby retaining the existing on-site provision.

- *Colours and materials recede into a well vegetated natural environment.*

Comment:

The built form is to be finished in colours and materials including sandstone, 'Porters Drumbeat' painted brickwork, 'Bogart' coloured weatherboards and 'Windspray' coloured roofing. Although the development proposes white painted window frames, the overall aesthetic of the built form is considered to be recessive and consistent with the surrounding natural environment, as well as that of adjoining and surrounding residential development.

- *To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component.*

Comment:

Due to the undulating topography of the allotment, the built form is proportionately screened from view from the public domain. This notion is furthermore enhanced as a result of existing vegetation. In turn, the landscape treatment on-site allows for the built form to appear as a secondary component.

- *To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.*

Comment:

This matter has been addressed elsewhere within this report (refer to Clause C1.3 View Sharing under P21DCP). In summary, the proposal is considered to achieve a reasonable level of view sharing such that district and local views can be preserved.

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

Comment:

This matter has been addressed elsewhere within this report (refer to Clause C1.3 View Sharing under P21DCP). In summary, the proposal is considered to achieve a reasonable level of view sharing.

- *To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.*

Comment:

The resultant built form will be appropriately integrated with the surrounding bushland setting and landform, such that the development is not the dominant feature of the site.

- *Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.*

Comment:

Due to the steep nature of the allotment in conjunction with the dense provision of vegetation particularly within the front setback area, the built form will remain largely unseen from the streetscape.

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.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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 \$17,600 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,760,000.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/1532 for Alterations and additions to a dwelling house including a swimming pool on land at Lot 1 DP 731356, 1 - 3 Florida Road, PALM BEACH, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-09 -Height Line Compliance/ DA Elevation & Section	March 2020	The Design Section Pty Ltd
DA-10 - Plan Demonstrating Portion of Building Above 8.5m High	March 2020	The Design Section Pty Ltd
DA-11 - Height Line Compliance Long North-South Section	March 2020	The Design Section Pty Ltd
WD-01A - DA Plan Living Level	November 2019	The Design Section Pty Ltd
WD-02A - DA Plan Lower Level	November 2019	The Design Section Pty Ltd
WD-03A - DA Plan Upper Level	November 2019	The Design Section Pty Ltd
WD-04A - DA Elevations and Section,	March 2020	The Design Section Pty

Amend. A		Ltd
----------	--	-----

Engineering Plans		
Drawing No.	Dated	Prepared By
DA-03 - Excavation Plan	December 2019	The Design Section Pty Ltd
DA-04 - Demolition & Materials Storage Plan	December 2019	The Design Section Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (Cert. No. A366421)	19 December 2019	Gradwell Consulting
Bushfire Report (Ref: 200625)	19 December 2019	Building Code & Bushfire Hazard Solutions Pty Ltd
Geotechnical Report (Ref: 32873Zrpt)	13 December 2019	JKGeotechnics
Arboricultural Impact Assessment (Ref: RTC-5520)	16 March 2020	rainTree consulting Arboricultural Management

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
DA-08 - Landscape Plan	December 2019	The Design Section Pty Ltd

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Proposed Alterations and Additions to a Dwelling at 1-3 Florida Rd - Demolition	20 December 2019	The Design Section Pty Ltd

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

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

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	N/A

(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) 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 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.
- (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 \$17,600.00 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 \$1,760,000.00.

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 \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

7. **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 JK Geotechnics, dated 13 December 2019 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

8. **Amendments to the approved plans**

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

- Window WL-03 is to be finished in a translucent glaze.

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.

9. **Boundary Identification Survey**

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

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

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

Reason: To ensure all approved works are constructed within the subject site and in a manner

anticipated by the development consent.

10. **On-site Stormwater Detention**

An On-site Stormwater Detention system must be designed and constructed in accordance with Northern Beaches Council's Clause B5.7 in PITTWATER DCP21.

Detailed drainage plans are to be prepared in accordance with Clause B5.10 of Pittwater DCP21, by a qualified experienced practicing Civil Engineer, with Corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a Corporate member and has appropriate experience and competence in the related field. The drainage plans are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

11. **Vehicle Driveway Gradients**

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

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

Reason: To ensure suitable vehicular access to private property.

12. **Structural Adequacy and Excavation Work**

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

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

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

Reason: To provide public and private safety.

13. **Water Quality Management**

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

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

Reason: Protection of the receiving environment.

14. Compliance with Standards

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

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

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

15. External Finishes to Roof

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

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

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

16. Construction Management Program

An application for Traffic Management Plan is to be submitted to Council for approval. The Traffic Management Plan shall be prepared to RMS standard by an appropriately certified person. An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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 in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.

17. Roof Garden

The Roof Garden as indicated on drawing number WD-03A is to be non-trafficable.

Reason: To ensure reasonable amenity is maintained for adjoining and surrounding properties and to remain compliant with the development consent.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. Tree trunk, branch and root protection

- (a) Existing trees which must be retained
 - i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
 - ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with the Arboricultural Impact Assessment Report dated 16 March 2020 prepared by RainTree Consulting and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with relevant local planning controls and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

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

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

20. **Maintenance of Road Reserve**

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

Reason: Public Safety.

21. **Survey Certificate**

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

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

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

approved plans.

22. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees.

23. Protection of rock and sites of significance

a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

24. Pre-clearance Survey Required – Bandicoot Habitat

A pre-clearance survey for wildlife is required prior to the removal or relocation of any stockpiles. Clearing or relocation of stockpiles may only proceed if the survey concludes that no wildlife are present within the area to be cleared. A record of each inspection is to be made in the daily inspection register log-book. The log-book is to be made available to the Principal Certifying Authority.

Reason: Wildlife protection.

25. Traffic Control During Road Works

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

Reason: Public Safety.

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

26. **Landscape completion certification**

a) 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 the approved landscape plan and inclusive of any conditions of consent.

Reason: Environmental amenity.

27. **Positive Covenant and Restriction as to User for On -site Stormwater Detention**

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

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

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

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

28. **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.

29. **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.

30. **House / Building Number**

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

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

Reason: Proper identification of buildings.

31. **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

32. **Environmental and priority weed control**

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

Reason: Preservation of environmental amenity.

33. **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.

34. **No Planting Environmental Weeds**

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

Reason: Weed management.

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

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

Reason: To protect Aboriginal Heritage.

36. **Dead or Injured Wildlife**

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

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

37. **Swimming Pool Filter**

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

Reason: To ensure acoustic amenity is maintained for adjoining properties.

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

Signed



Georgia Quinn, Planner

The application is determined on 03/04/2020, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments