

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2022/1252
----------------------------	-------------

Responsible Officer:	Adam Croft
Land to be developed (Address):	Lot 32 DP 7090, 20 The Esplanade NARRABEEN NSW 2101
Proposed Development:	Construction of a dwelling house including swimming pool
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Jason Smith Emily Smith
Applicant:	Nilesh Munot

Application Lodged:	05/08/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	17/08/2022 to 31/08/2022
Advertised:	Not Advertised
Submissions Received:	3
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,752,472.00
---------------------------------	-----------------

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for demolition works and construction of a new dwelling as follows:

Ground floor

- Front porch
- Double garage
- Entry foyer
- Kitchen, living & dining
- Family
- Laundry & WC

- Guest Bed

First floor

- Front balcony
- Rumpus
- Master bed with ensuite & robe
- Store & bath
- Beds 2 & 3 with ensuites and robes
- Bed 4
- Study

External

- New driveway and turning area
- Rear porch with BBQ, pump room & sauna
- Swimming pool & spa
- Landscaping including, earthworks, tree removal and new planting

Amendments to proposal

Following lodgement, amendments were made to the proposal as follows:

- Increased side setbacks to first floor eastern and western elevations
- Dwelling relocated south by 2m to increase front setback
- Design changes to subfloor walls to comply with flood requirements
- Lowered garage FFL from RL3.19 to RL3.05

The amended plans are considered to be ameliorative and as such were not formally re-notified, in accordance with the Northern Beaches Community Participation Plan. However, all previous objectors were informally notified of the amendments to the side setbacks and dwelling location, and were afforded the opportunity to make further submissions. The subsequent amendments to the subfloor walls and garage FFL do not materially alter the proposed development and informal notification of these changes was not deemed necessary.

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

Warringah Local Environmental Plan 2011 - 6.1 Acid sulfate soils
 Warringah Local Environmental Plan 2011 - 6.2 Earthworks
 Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land
 Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - B9 Rear Boundary Setbacks
 Warringah Development Control Plan - D3 Noise
 Warringah Development Control Plan - D6 Access to Sunlight
 Warringah Development Control Plan - D7 Views
 Warringah Development Control Plan - D8 Privacy
 Warringah Development Control Plan - D9 Building Bulk

SITE DESCRIPTION

Property Description:	Lot 32 DP 7090 , 20 The Esplanade NARRABEEN NSW 2101
Detailed Site Description:	The subject site consists of one allotment located on the southern side of The Esplanade. The site is irregular in shape with a curved frontage of 16.03m along The Esplanade and a depth of 56.285m. The site has a surveyed area of 833.1m². The site is located within the R2 Low Density Residential zone and accommodates an existing dwelling house. The site slopes approximately 3m from rear (south) to front (north). The site contains two significant trees. Detailed Description of Adjoining/Surrounding Development Adjoining and surrounding development is characterised by detached dwelling houses. Narrabeen Lagoon is located across The Esplanade to the north.

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	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah 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 2021 (EP&A Regulation 2021)	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 29</u> of the EP&A Regulation 2021 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. <u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow

Section 4.15 Matters for Consideration	Comments
	Council to request additional information. Additional information was requested in relation to planning and flooding impacts. <u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 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. <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 69</u> of the EP&A Regulation 2021 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.
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	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (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.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 17/08/2022 to 31/08/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

Name:	Address:
Mr Peter Douglas Swavley	18 The Esplanade NARRABEEN NSW 2101
Mrs Judith Margaret Peters	24A The Esplanade NARRABEEN NSW 2101
Withheld Withheld Mr Gary Keith Oliver Mrs Nicolette Oliver	NARRABEEN NSW 2101
Withheld Withheld Mr Gary Keith Oliver Mrs Nicolette Oliver	24 The Esplanade NARRABEEN NSW 2101

The above issues are addressed as follows:

- **Compliance with built form controls**

The submissions raised concerns that the proposal does not fully comply with the relevant built form controls, result in adverse building bulk impacts.

Comment:

On assessment, the amended proposal complies with the applicable building height, wall height, front and side setbacks and landscaped area controls. The proposal includes various breaches of the building envelope control at the eastern and western elevations. These envelope breaches are identified and assessed in detail under B3 in this report, and are not considered to result in adverse visual or amenity impacts to adjoining properties or the streetscape. The proposal includes a minor breach of the rear setback control in relation to the ground floor vergola, which occurs as a result of amendments made to reduce view impacts at the front of the site; this breach is assessed further under B9 of this report.

The amendments made to increase the first floor side setbacks will ensure adequate physical separation and articulation of these facades. The further amendment of the proposal to increase the front setback by 2m also minimises the extent of the impact on solar access and views. As amended, the proposed front setback ranges from 13m to 17.1m, which is well in exceedance of the required 6.5m and compatible with the surrounding streetscape. It is noted that DCP control B8 (Merit Assessment of Front Boundary Setbacks) is not applicable to the subject site. Further, given the significant variation in the front setbacks of dwellings in the visual catchment, the

streetscape is not considered to exhibit a prevailing or dominant front building line for the proposal to adhere to.

The proposed flat roof and associated parapet contribute to the building envelope breaches. However, the flat roof design minimises the overall dwelling height and roof volume, and is considered to be appropriate in this case.

This matter is not considered to warrant refusal of the application.

- **Amenity Impacts**

The submissions raised concerns that the proposal will impact the levels of solar access, views and privacy presently enjoyed by adjoining properties.

Comment:

The proposed dwelling, as amended, is appropriately designed to minimise overshadowing, privacy and view impacts to adjoining properties.

The proposal maintains a compliant level of sunlight to the private open spaces of adjoining sites. It is noted that the Warringah DCP only provides for the assessment of overshadowing impacts between 9am and 3pm and the protection of existing solar access outside of these hours is not envisaged by the control. The retention of sunlight to ground floor windows is also considered to be unreasonable in this case given the north-south orientation of the sites. Despite this, the proposal does allow sunlight access to the east-facing windows of Nos. 24 and 24A The Esplanade for a short period during the morning. As assessed under D6 of this report, the proposed development achieves the objectives of the control.

The proposal will result in varying extents of view loss from Nos. 18, 24 and 24A The Esplanade. Given the proposed dwelling's level of compliance with the built form controls and the amendments made to demonstrate a more skillful design, the proposal achieves a satisfactory view outcome in accordance with the view loss planning principle. A detailed assessment of these view impacts is completed under D7 views.

The amended proposal provides increased physical separation from adjoining properties and incorporates appropriate privacy measures to the rumpus room and stair windows at the eastern elevation. The remainder of the first floor windows are to bedrooms and other low use non-habitable rooms, and will not cause unreasonable privacy impacts. A condition is imposed requiring the inclusion of a frosted glass balustrade and a 1m long privacy screen at the western elevation of the first floor balcony to maintain privacy between the subject site and No. 24. A further condition is imposed to limit the noise level of mechanical plant equipment and protect the acoustic privacy of adjoining properties.

This matter is not considered to warrant refusal of the application.

- **Flooding**

The submissions raised concerns that the proposal will cause adverse flooding impacts to surrounding properties.

Comment:

The application was referred to Council's Flood section for assessment of compliance with the relevant flooding controls, with no objection raised to the amended design subject to the recommended conditions.

This matter is not considered to warrant refusal of the application.

- **Insufficient Information**

The submissions raised concerns that the application includes insufficient information in relation to the proposed development.

Comment:

The amended application provides sufficient information to enable assessment of the proposed development by Council.

This matter is not considered to warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	Supported without conditions. The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development. Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.
Environmental Health (Acid Sulphate)	Supported with conditions. In response to the above referral comment further information has been supplied by the applicant with provision of an Acid Sulphate Management Plan which states that likelihood of disturbance of acid sulphate soils at in the development is low however there is a requirement for excavation up to a depth of 1.4 metres for the swimming pool and other depths for foundations and the like. Accordingly, the proposal is SUPPORTED with the recommendation to included appropriate conditions on consent in relation to the management of acid sulphate soils.
Landscape Officer	Supported with conditions. The development application is for demolition of existing structures and the construction of a new dwelling as described and illustrated in the reports and plans. A Landscape Plan and a Arboricultural Impact Assessment accompany the application and are assessed as part of this Landscape Referral. The application is assessed by Landscape Referral against Warringah

Internal Referral Body	Comments
	Local Environmental Plan 2011 (LEP) and the following Warringah Development Control Plan 2011 (DCP) controls (but not limited to): • D1 Landscaped Open Space and Bushland Setting • E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed Vegetation The existing landscape character of the property exhibits limited landscaping with the property grassed in the majority and with one palm tree at the rear of the property and one native tree along the side boundary. The Arboricultural Impact Assessment report notes that the existing native tree identified as tree number 1 (Magenta Lillypilly) is impacted by the development proposal and requires removal should the application be approved. In support of the request for removal the report notes that the existing tree is in fair health with a poor structure due to lopping. Additionally it is reported that the existing tree is located 1.5 metres from an existing approved dwelling and as such the 2 metre exemption rule under the DCP applies where Council consent is not required for removal. All existing trees indicated for retention of the site plans and those within adjoining properties shall be preserved and conditions shall be imposed. The Landscape Plan is noted and includes low height planting as documented to perimeter boundaries. To satisfy DCP control D1, the landscape outcome shall "enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building" as identified under control D1, and Landscape Referral shall impose condition to comply with this control.
NECC (Bushland and Biodiversity)	Supported with conditions. The proposal has been assessed against applicable Natural Environment controls of the Warringah DCP and SEPP (Coastal Environment Area). The development will require removal of one prescribed native tree, which must be replaced with an appropriate locally native species in accordance with Landscape referral body's recommended conditions.
NECC (Coast and Catchments)	Supported with conditions. The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Resilience & Hazards) 2021 and has also been assessed against requirements of the Warringah LEP 2011 and Warringah DCP 2011. Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>. State Environmental Planning Policy (Resilience & Hazards)

Internal Referral Body	Comments
	2021 The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021. Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA. <u>Comment:</u> On internal assessment, the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the SEPP R&H. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021. Warringah LEP 2011 and Warringah DCP 2011. No other coastal related issues identified. As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Warringah LEP 2011 and Warringah DCP 2011.
NECC (Development Engineering)	Supported with conditions. The application proposed to erect a new dwelling in a high risk flood prone land. No OSD is required, the collected on site stormwater shall be discharged into The Esplanade. No driveway is provided in this application. As such, Development Engineering has no objection to the application subject to the following conditions of consent.
NECC (Riparian Lands and Creeks)	Supported with conditions. This application was assessed in consideration of: • Supplied plans and reports; • Coastal Management Act 2016; • State Environmental Planning Policy (Resilience and Hazards) 2021; • Relevant LEP and DCP clauses; and • Northern Beaches Water Management for Development Policy The site is adjacent to Narrabeen Lagoon and identified as Waterways & Riparian Lands under the Warringah DCP 2011. The development must not significantly impact on the biophysical, hydrological or ecological integrity of the lagoon, or the quantity and quality of surface and ground water flows that it receives.
NECC (Stormwater and Floodplain Engineering – Flood risk)	Supported with conditions. The development application seeks consent for the demolition of the existing dwelling and construction of a new two storey dwelling. An in-ground swimming pool with spa and landscaping works are also proposed.

Internal Referral Body	Comments
	The property is flood affected, with High Flood Risk Precinct at the front, Medium Flood Risk Precinct in the middle and Low Flood Risk Precinct at the rear. The majority of the property is affected by Flood Life Hazard Category H4-H5. Relevant flood levels are: 1% AEP level: 3.05m AHD Flood Planning Level (FPL): 3.55m AHD Probable Maximum Flood (PMF) level: 5.02m AHD Based on review of the updated plans and amended Flood Impact Assessment Report, the proposed development now generally complies with the flood requirements of Section E11 of the Warringah DCP and Clause 5.21 of the Warringah LEP.
Parks, reserves, beaches, foreshore	Supported without conditions. The development site is located across from Narrabeen Lakes and the foreshore Reserve. All development works must ensure that surface sediment runoff and/or erosion is controlled, managed and contained within the site boundaries and prevented from travelling across the boundary and into public road reserves and the Reserve. The Landscape Referral is noted that requires a softening of the built form with tree planting and this is considered appropriate to satisfy DCP control E7 Development on land adjoining public open space, where the development is thus able to provide a visual transition between open space, bushland reserves or other public spaces and buildings, including avoiding abutting public open space with back fences. The development is not detrimental to the landscape character of the opposite Reserve, and as such Parks, Reserves and Foreshores raise no concerns with the development proposal.

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

application hereunder.

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1320437S dated 15 July 2022).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	51

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

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

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 3 Coastal environment area

2.10 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 application was referred to Council's Coast and Catchments team, who responded that the proposal satisfies the requirements of this clause. The proposed new dwelling is separated from the immediate lagoon foreshore, on the southern side of The Esplanade. Accordingly, the proposal will not impact existing public open space of safe access to and along the foreshore. There are no recorded aboriginal heritage sites in the immediate vicinity and the proposal is not anticipated to have any adverse impact in this regard.

- 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 subsection (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 is not anticipated to result in adverse impacts in relation to the matters referred to in (1) above.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - 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)

- iii) overshadowing, wind funnelling and the loss of views from public places to
 - iv) foreshores,
 - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
- b) is satisfied that:
- i) the development is designed, sited and will be managed to avoid an adverse
 - ii) impact referred to in paragraph (a), or
 - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or 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 works are separated from the immediate foreshore area and will not impact existing public access along the lagoon foreshore. The proposal will not impact the foreshore area in relation to overshadowing, wind funnelling or loss of views, nor will it adversely impact the visual amenity or scenic qualities of the area. There are no recorded aboriginal or built environment heritage sites in the immediate vicinity and the proposal is not anticipated to have any adverse heritage impacts.

The proposal exhibits a high level of compliance with the applicable built form controls and is of a bulk and scale that is appropriate in the context of the site.

Division 5 General

2.12 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 proposal is unlikely to result in increased risk of coastal hazards on the site and surrounding land.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.6m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

6.1 Acid sulfate soils

The site is mapped as Acid Sulfate Soils Classes 2 and 5. No excavation is proposed within the portion of the site mapped as Class 2. Council's Environmental Health team raised no objection to the proposal and an Acid Sulfate Soils Management Plan was submitted with the application, the recommendations of which are incorporated into the conditions of consent.

6.2 Earthworks

The proposed earthworks are generally limited to the driveway, rear porch and swimming pool footprints and are not anticipated to adversely impact the amenity of adjoining properties or the natural environment, subject to the recommended conditions.

6.4 Development on sloping land

The site is mapped as Landslip Risk Areas A and D. A Geotechnical Investigation and Slope Stability Assessment Report was submitted with the application, the recommendations of which are incorporated into the conditions of consent.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	7.1m	N/A	Yes

B3 Side Boundary Envelope	E: 4m	Five encroachments: - length 5.7m, up to 1.35m (M bed) - length 6.6m, up to 0.5m (Robe/ensuite) - length 11.7m, up to 0.5m (Bed 2 & 3) - length 1.3m, up to 0.6m (bed 2 window) - length 0.6m, up to 0.2m (Bed 3 window)	Max. 21%	No
	W: 4m	Four encroachments: - length 5.5m, up to 0.2m (Rumpus) - length 5.4m, up to 0.8m (Stair) - length 3.7m, up to 0.3m (Bed 4) - length 0.8m, up to 0.4m (Bed 4 window)	Max. 12%	No
B5 Side Boundary Setbacks	E: 0.9m	GF: 0.9m - 1.9m	N/A	Yes
		FF: 1.6m - 3.05m	N/A	Yes
	W: 0.9m	GF: 0.9m - 2.64m	N/A	Yes
		FF: 1.8m - 3.34m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	13m - 17.1m	N/A	Yes
B9 Rear Boundary Setbacks	6m	Vergola: 4.2m	30%	No
		Dwelling: 6m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% 333.24m ²	40.5% 337.6m ²	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes

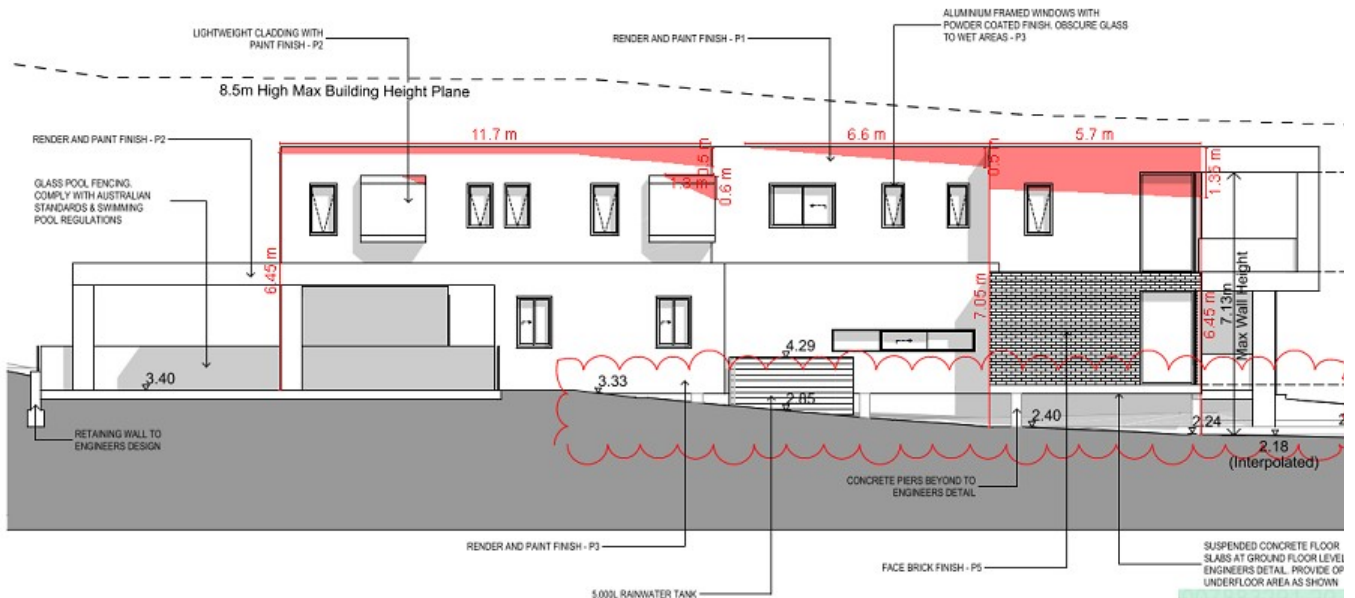
Clause	Compliance with Requirements	Consistency Aims/Objectives
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

Detailed Assessment

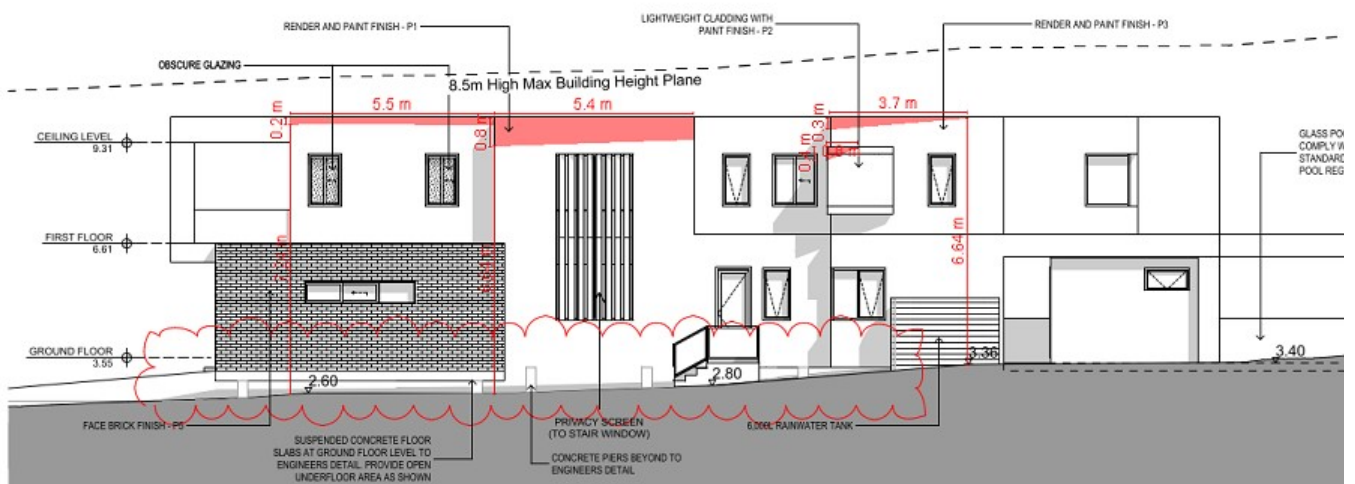
B3 Side Boundary Envelope

Description of non-compliance

The proposal includes various breaches of the building envelope control at the eastern and western elevations, as depicted on the below plans.



Plan 1. Eastern Elevation.



Plan 2. Western Elevation.

Merit consideration

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

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment:

The proposed development is not considered to be visually dominant despite the resulting envelope breaches. The dwelling height of 7.6m remains well below the 8.5m control and the proposed envelope breaches are generally minor in extent. The substantial and varied first floor setbacks effectively minimise the visual bulk of the proposed dwelling.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment:

The proposed first floor side setbacks are largely in excess of 2.5m and provide adequate physical separation to minimise overshadowing and privacy impacts to adjoining properties. Based on a review of the submitted plans and inspection of the adjoining properties, it is considered that strict compliance with the envelope control would not materially improve the level of sunlight or privacy to the adjoining properties. Further assessment of solar access and privacy is completed under D6 and D8 of this report.

- *To ensure that development responds to the topography of the site.*

Comment:

The subject site is flood affected and the levels of the development are prescribed by the relevant flood planning controls. As such, the proposal is unable to step with the topography of the site and this contributes to the building envelope breaches, particularly at the front of the dwelling. Despite this, the proposed dwelling design is considered to respond appropriately to the topography and site conditions and minimises impacts to adjoining properties.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the control. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

B9 Rear Boundary Setbacks

Description of non-compliance

The proposed 4.2m rear setback to the vergola is non-compliant with the 6m 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 ensure opportunities for deep soil landscape areas are maintained.*

Comment:

The proposal maintains a compliant landscaped area and includes sufficient landscaping within the rear setback to accommodate planting.

- *To create a sense of openness in rear yards.*

Comment:

The proposed breach relates to a small area of the unenclosed vergola and will not detrimentally impact the sense of openness within the rear setback.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

The portion of the vergola within the rear setback is centrally located within the rear yard and will not result in adverse privacy impacts.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

The proposal generally maintains the pattern of buildings, rear gardens and landscape elements. The encroachment is limited to approximately 4m² of the unenclosed vergola, and adequate landscaped is provided adjacent to the side and rear boundaries. It is noted that the breach is a result of amendments to the proposal to relocate the dwelling 2 metres towards the rear of the site to reduce the impacts to views across the front setback.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

The proposal includes sufficient physical separation to adjoining properties and allows opportunities for landscape screening.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the control. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

D3 Noise

All proposed plant equipment is subject to an ongoing condition to limit the noise levels generated and protect the acoustic amenity of adjoining properties.

D6 Access to Sunlight

Compliance with control

Note: Updated shadow diagrams reflecting the amended design were not provided. Regardless, the previous plans of the previous design demonstrated compliance with the requirements of the control and the amended design facilitates improved solar access, particularly to the north-eastern windows of 24 The Esplanade. The below assessment is based on the submitted shadow diagrams, taking into account the anticipated improvements afforded by the 2m increased front setback to the dwelling.

Requirements

1. *Development should avoid unreasonable overshadowing any public open space.*

Comment:

The proposal will not cause any overshadowing of the public domain.

2. *At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.*

Comment:

18 The Esplanade

No. 18 includes private open space areas at the front and rear of the dwelling, which are unaffected by the proposal until after 12pm. The additional impact to the rear yard is limited to an area of approximately 20m² adjoining the western boundary. The front balcony and yard are moderately impacted during the afternoon, with approximately half of the front balcony overshadowed at 3pm. The proposal maintains a compliant level of sunlight to No. 18, with more than 50% of both the front and rear yards receiving 3 hours of sunlight throughout the day.

24 The Esplanade

No. 24 includes private open space areas at the front and western side of the dwelling. The proposal will not cause any overshadowing of the private open spaces of No. 24 between 9am and 3pm.

24A The Esplanade

There is overshadowing of the southern setback of No. 24A during the morning, however the primary area of private open space area to the west of the dwelling remains unaffected and will receive a compliant level of sunlight throughout the afternoon.

As such, the proposal maintains compliance with the control in relation to Nos. 18, 24 and 24A The Esplanade.

Merit consideration

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

- *To ensure that reasonable access to sunlight is maintained.*

Comment:

A compliant level of sunlight access is maintained to the private open spaces of the adjoining properties as required by the control. The east-facing ground floor windows of Nos. 24 and 24A The Esplanade are impacted between 9am and 11am. These windows are vulnerable to overshadowing due to their ground floor location, side setbacks and their positioning adjacent to the developable footprint of the subject site. The amended front setback to the proposed dwelling significantly reduces the overshadowing of the ground and first floor bedroom windows at the north-eastern corner of No. 24, which will be largely unaffected by 10am. The north-facing bedroom and living room windows of No. 24 retain full sunlight access throughout the day. No. 18 receives substantial northern sunlight through the middle of the day until approximately 2pm.

The amended siting and setbacks of the dwelling allow the retention of reasonable sunlight access to the windows and private open spaces of Nos. 18 and 24. The living room windows of No. 24A are particularly vulnerable to overshadowing given their location to the south-west of the developable footprint of the subject site, and the retention of sunlight to these windows would unreasonably constrain the proposed development.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The amendment of the proposal to increase the front setback by 2m is considered to be an appropriate design solution to minimise the overshadowing of adjoining properties.

- *To promote passive solar design and the use of solar energy.*

Comment:

The proposal provides adequate physical separation from adjoining properties to promote passive solar design and the use of solar energy.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the control. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

D7 Views

Merit consideration

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

- *To allow for the reasonable sharing of views.*

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:

18 The Esplanade

The available views from No. 18 are water views of Narrabeen Lagoon to the north and land-water interface. The views are generally whole, with the exception of the western extent where they are disrupted by the existing dwelling on the subject site and vegetation on the shoreline of the lagoon.



Photo 1. Views from 18 The Esplanade deck.

24 The Esplanade

The available views from No. 24 are water views of Narrabeen Lagoon to the north and north-east, including land-water interface. The views are generally whole but are partially obscured by vegetation to the north/north-west.



Photo 2. Views from 24 The Esplanade ground floor bedroom.



Photo 3. Views from 24 The Esplanade ground floor bedroom.



Photo 4. Views from 24 The Esplanade first floor bedroom.



Photo 5. Views from 24 The Esplanade first floor balcony.



Photo 6. Views from 24 The Esplanade ground floor deck.



Photo 7. Views from 24 The Esplanade ground floor living room.

24A The Esplanade

The available views from No. 24 are water views of Narrebeen Lagoon to the north and include areas of land-water interface. The views are partial as they are obtained through a narrow corridor between the roofs of the existing dwellings on the subject site and No. 24, and are partially obscured by vegetation.



Photo 8. Views from 24A The Esplanade.

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:

18 The Esplanade

The views are obtained from the ground floor living room, front deck and northern bedroom, and from the upper loft level. The views are obtained across the front and western side boundaries from a sitting and standing position. The impact is limited to the portion of views available across the common side boundary.

24 The Esplanade

The views are obtained from the ground floor living room, northern bedroom and front deck, and from the upper floor bedroom and balcony. The views are obtained across the front and eastern

side boundaries from a sitting and standing position. The impact is limited to the portion of views available across the common side boundary.

24A The Esplanade

The views are obtained from the first floor loft/study. The views are obtained across the eastern side boundary from a standing position, and to a lesser extent from a sitting 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:

18 The Esplanade

The north-eastern corner of the proposed ground floor living room sits generally in the position of the front porch of the existing dwelling. The proposed ground floor entry porch and first floor balcony extend a further 3.2m north with an increased side setback of 2.45m. It is anticipated that this forward extension of the first floor will result in a minor loss of the partially obscured water views to the north-west (Photo 1). The whole views to the north across the front boundary will be unaffected. Given the limited extent of view loss, the partial nature of the affected views and the retention of the more valuable views to the north, the impact is assessed as minor.

24 The Esplanade

The north-western corner of the proposed ground floor garage extends forward 2m of the roof line of the existing dwelling, with a 900mm western side setback. The proposed first floor balcony extends a further 1.2m forward with an increased side setback of 3.24m. The proposal will cause the loss of a considerable portion of the views available from the east-facing windows of the ground and first floor bedrooms (Photos 2, 3 and 4). The views from the northern windows, ground floor deck and first floor balcony will remain largely intact. Based on the proportion of views lost the impact is assessed as moderate, noting that the affected views are from bedrooms and are obtained across a side boundary.

24A The Esplanade

The north-western corner of the proposed first floor is set back 3.24m from the western side boundary, but extends 3.3m forward of the roof of the existing dwelling. While the substantial side setbacks provided may allow the retention of a small view corridor from No. 24A, it is anticipated that the majority of the available views will be lost (Photo 8). Given the vulnerability and partial nature of the existing views, the impact is assessed as minor.

4. Reasonableness of the proposal that is causing the impact

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the

views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Comment to Principle 4:

The proposed building height of 7.6m sits well below the 8.5m control and the proposed front setback of 13m-17.1m significantly exceed the 6.5m requirement. The proposal also complies with the wall height, side setback and landscaped area controls. The rear setback non-compliance relates to the ground floor vergola and is not relevant to any view loss impacts.

The proposal includes various building envelope breaches, the majority of which are considered to be minor as assessed under B3 in this report. Full compliance with the building envelope control at the eastern elevation would result in an additional 1.35m setback to the first floor master bedroom. The non-compliant bedroom wall is not anticipated to cause significant impact to views; rather, the view loss from No. 18 is primarily caused by the forward projection of the first floor balcony, which complies with the envelope control and also enables views through as it is an open structure. At the western elevation, the first floor rumpus room wall is marginally non-compliant with the envelope control by a maximum of 200mm. However, the north-western (front) corner of this wall is located 1.6m behind the front building line of No. 24 (generally in alignment with the roof of the existing dwelling on the subject site), and therefore will not materially impact the available views. The impact to views from No. 24 primarily results from the proposed ground floor garage and the first floor balcony, both of which comply with the setback and building envelope controls. Subject to the recommended privacy screening conditions, the western elevation of the balcony is partially open to enable views through the structure.

At the request of Council, various amendments have been made to the proposal to improve the level of compliance with the building envelope control and minimise the amenity and view impacts to adjoining properties. These amendments included various increases to the first floor eastern and western side setbacks.

In accordance with this step of the planning principle, Council made a further request that the proposal demonstrate a more skillful design that would reduce the impact to views from the adjoining properties. In response, the proposal was amended again to increase the front setback by 2m. This amended front setback of 13m-17.1m is more than double that required by the control and results in a substantial improvement in relation to view retention. Given that the impacts to views occur across side boundaries and generally result from compliant elements of the dwelling, it is considered that further amendments to the proposal would unreasonably constrain the development potential of the site and are unnecessary.

Through each of the amendments made, the proposal has demonstrated a more skillful design that sufficiently minimises its impact on views and achieves a satisfactory view sharing outcome.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

As discussed above, the amended proposal represents an appropriate design outcome in the context of the site.

- *To ensure existing canopy trees have priority over views.*

Comment:

No existing canopy trees are proposed to be impacted at the expense of views.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant planning principle and the objectives of control. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

D8 Privacy

Compliance with control

The proposed first floor east-facing windows service bedrooms, ensuites and a robe; the windows are not considered to result in adverse privacy impacts based on these room uses, the setbacks provided and window size/placement. For the same reasons, no concern is raised in relation to the west-facing store, bath, bed 4 and study windows. The proposal has been amended to provide a privacy screen to the stair window and obscure glazing to the rumpus windows to maintain privacy between the subject site and adjoining dwelling.

The rear porch and pool area at the rear of the dwelling are located generally at ground level and will not cause adverse privacy impacts. The proposed first floor balcony is orientated to the north towards the available views and provides setbacks of 2.45m and 3.24m to the eastern and western side boundaries respectively. Given the alignment of this balcony with the terrace and balcony of No. 24 to the west, a condition is imposed to provide a 1m long privacy screen and an obscured glass western balustrade to limit view lines between these areas while maintaining the open design of the balcony, thereby balancing privacy and views.

Based on the above assessment, the proposal as conditioned will maintain an appropriate level of privacy to adjoining properties in accordance with the control.

D9 Building Bulk

Compliance with control

The proposal is considered to comply with the requirements of the control, as assessed below.

Requirements

1. Side and rear setbacks are to be progressively increased as wall height increases.

Comment:

The proposed first floor side and rear setbacks are set back beyond those of the ground floor.

2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.

Comment:

The proposed eastern and western elevations incorporate articulation and varied window elements to avoid continuous wall plans and ensure appropriate visual relief.

3. On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:

The amount of fill is not to exceed one metre in depth.

Fill is not to spread beyond the footprint of the building.

Excavation of the landform is to be minimised.

Comment:

The proposal includes a limited depth of fill within the driveway footprint to provide vehicle access to the

garage, noting that the dwelling is subject to flood controls. Excavation is limited to the proposed rear porch and swimming pool footprints, and will not result in adverse visual impact.

4. Building height and scale needs to relate to topography and site conditions.

Comment:

The proposal complies with the building and wall height controls, despite the additional floor height required to comply with the relevant flood controls.

5. Orientate development to address the street.

Comment:

The proposed dwelling is orientated to address the street with the facade incorporating a porch, balcony and glazing.

6. Use colour, materials and surface treatment to reduce building bulk.

Comment:

The proposed includes a variety of materials and finishes including painted render, face brick and cladding.

7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.

Comment:

The proposed landscape plan includes low height boundary planting. Council's Landscape Officer has included a condition requiring the provision of new native tree planting that will soften the visual bulk of the proposed dwelling.

8. Articulate walls to reduce building mass.

Comment:

The proposed eastern and western elevations are suitably articulated to reduce building mass and the open front porch and balcony ensure articulation of the facade.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

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

A monetary contribution of \$17,525 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,752,472.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;

- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah 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 DA2022/1252 for Construction of a dwelling house including swimming pool on land at Lot 32 DP 7090, 20 The Esplanade, NARRABEEN, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-02 Site Plan	Issue E, 30 January 2023	Shobha Designs
DA-03 Ground Floor Plan	Issue E, 30 January 2023	Shobha Designs
DA-04 First Floor Plan	Issue E, 30 January 2023	Shobha Designs
DA-05 Roof Plan	Issue E, 30 January 2023	Shobha Designs

DA-06 Front Elevation	Issue E, 30 January 2023	Shobha Designs
DA-07 East Elevation	Issue E, 30 January 2023	Shobha Designs
DA-08 Rear Elevation	Issue E, 30 January 2023	Shobha Designs
DA-09 West Elevation	Issue E, 30 January 2023	Shobha Designs
DA-10 Section A & B	Issue E, 30 January 2023	Shobha Designs
DA-11 Section C, D & E	Issue E, 30 January 2023	Shobha Designs
DA-12 Demolition & Waste Site Management Plan	Issue E, 30 January 2023	Shobha Designs
DA-13 Cut & Fill Plan	Issue E, 30 January 2023	Shobha Designs
DA-17 Schedule of External Finishes	Issue B, 23 November 2022	Shobha Designs

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1320437S	15 July 2022	House Energy Certified
Arboricultural Assessment	15 July 2022	Vertical Tree Management & Consultancy
Geotechnical Investigation and Slope Stability Assessment Report	20 July 2022	Consulting Earth Scientists
Flood Impact Assessment Report	18 January 2023	Prime Consulting Engineers
Acid Sulfate Soils Management Plan	13 October 2022	Consulting Earth Scientists

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
L-01 Landscape Plan	Issue A, 20 July 2022	Shobha Designs

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	15 July 2022	Nilesh Munot

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	27 September 2022

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

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

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work

relates (not being the Council) has given the Council written notice of the updated information.

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

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

Reason: Legislative requirement.

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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$17,524.72 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$1,752,472.00.

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

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

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

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

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 are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from

the development site.

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

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

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

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

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

7. **Amended Landscape Plan**

An Amended Landscape Plan shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details, additional to Landscape Plan L-01 issue A:

- i) one native tree within the front of the property and one within the rear of the property shall be planted to achieve a mature height of at least 6.0 metres, as selected from Northern Beaches Council's Native Plant Species Guide - Narrabeen Ward, or Council's Tree Guide, and the following species are suggested as a guide: Coast Banksia - *Banksia integrifolia*, Scribbly Gum - *Eucalyptus haemastoma*, Magenta Lilly Pilly - *Syzygium paniculatum*,
- ii) tree planting shall be a minimum pre-ordered planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 3.0 metres from buildings, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn.
- iii) Tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight or where the proposed tree location may impact upon significant views.

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

Reason: Landscape amenity.

8. **Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to The Esplanade.

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

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

9. **Flooding**

In order to protect property and occupants from flood risk the following is required:

Flood Effects Caused by Development – A2

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 3.05m AHD. The driveway is to be suspended as shown on the plans, such that floodwaters can flow underneath.

Building Components and Structural Soundness – B1

All new development below the Flood Planning Level of 3.55m AHD shall be designed and constructed from flood compatible materials in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

Building Components and Structural Soundness – B2

All new development must be designed to ensure structural integrity up to the Probable Maximum Flood level of 5.02m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion.

Building Components and Structural Soundness – B3

All new electrical equipment, connections or power points must be either located above the Flood Planning Level of 3.55m AHD or if below, must be protected by residual current devices which would cut electricity supply during flood events.

Floor Levels – C1

New floor levels within the development shall be set at or above the Flood Planning Level of 3.55m AHD.

Floor Levels – C3

The underfloor area of the dwelling below the 1% AEP flood level of 3.05m AHD is to be designed to allow clear passage of floodwaters. At least 50% of the perimeter of the underfloor area must be of an open design from the natural ground level up to the 1% AEP flood level.

Car parking – D5

The floor level of the proposed garage shall be set at or above the 1% AEP flood level of 3.05m AHD.

Fencing – F1

Any new fencing below the 1% AEP flood level of 3.05m AHD (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area from the natural ground level up to the 1% AEP flood level. Openings should be a minimum of 75mm x 75mm.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

10. **Water Quality Management**

The applicant must install a sediment control pit 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 Principal Certifier for approval prior to the issue of the Construction Certificate.

Reason: Protection of the receiving environment.

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

12. **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 Certifier prior to the issue of any Construction Certificate.

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

13. **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 Certifier prior to the issue of the Construction Certificate.

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

14. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range 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 Certifier 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.

15. First Floor Balcony

The western edge of the first floor balcony shall incorporate the following:

- A privacy screen to a height of 1.6m above the finished floor level of the balcony, extending for a length of 1m from the face of the northern dwelling wall. The screen shall consist of fixed louvres that are angled to minimise overlooking of the adjoining property to the west; and
- An obscured/translucent glass balustrade.

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

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

16. Sydney Water "Tap In"

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

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

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

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

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

17. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. 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

19. **Acid sulfate soils**

All excavation, construction and associated works must be conducted in accordance with the approved Acid Sulfate Soil Management Plan titled "ACID SULFATE SOILS MANAGEMENT PLAN 20 THE ESPLANADE, NARRABEEN NSW 2101" dated 13 October 2022 ref. no. CES220609-SHB-AB by Consulting Earth Scientists

Reason: To ensure management of potential acid sulfate soils.

20. **Tree and Vegetation Protection**

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

- i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

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

The Certifying Authority must ensure that:

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

Note: All street trees within the road verge and trees within private property are protected under

Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree (s) is prohibited.

Reason: Tree and vegetation protection.

21. **Road Reserve**

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

Reason: Public safety.

22. **Wildlife Protection**

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

Reason: To protect native wildlife.

23. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

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

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

Reason: Protection of the receiving environment.

24. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

25. **Geotechnical Requirements**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

26. 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 Certifier.

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

27. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

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

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

28. Acid Sulfate Soil Management Confirmation

Should acid sulphate soils be encountered at any time during the development , details demonstrating compliance with the approved Acid Sulfate Soil Management Plan titled Acid Sulfate Soil Management Plan titled "ACID SULFATE SOILS MANAGEMENT PLAN 20 THE ESPLANADE, NARRABEEN NSW 2101" dated 13 October 2022 ref. no. CES220609-SHB-AB by Consulting Earth Scientists is to be submitted to the satisfaction of the principle certifier prior to the issue of the occupation certificate.

Reason: To ensure management of potential acid sulfate soils.

29. Landscape Completion

Landscaping is to be implemented in accordance with the approved Amended Landscape Plan.

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

Reason: Environmental amenity.

30. Stormwater Disposal

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

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

31. **Protection of Habitat Features**

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

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

Reason: To protect wildlife habitat.

32. **No Weeds Imported On To The Site**

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

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

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

33. **Certification of the Structural Stability of the Building (B2)**

A suitably qualified structural engineer is to certify the structural stability of the new development considering lateral flood flow, buoyancy, suction effects, wave action and debris load impact of the Probable Maximum Flood (PMF) design flood depths and velocities.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

34. **Certification of Services (B3)**

A suitably qualified electrician is to certify that all new electrical equipment, connections or power points are located above the Flood Planning Level of 3.55m AHD or if below, are protected by residual current devices which would cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

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

A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction and that they are satisfied that development referred to in the development consent has been constructed in accordance with the intent of the Geotechnical Report referenced in Condition 1 of this consent.

Written certification is to be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

36. **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 Certifier prior to the issue of an Occupation Certificate.

Reason: Proper identification of buildings.

37. **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 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifier, 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 Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To protect human life.

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

38. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Amended Landscape Plan and any conditions of consent.

All landscape areas approved under the development consent shall be maintained as landscaping (ie. grass, groundcovers, shrubs and trees).

Reason: To maintain local environmental amenity.

39. **Flood Management**

Flood Effects Caused by Development (A2)

There shall be no filling of the land below the 1% AEP flood level of 3.05m AHD, or obstruction of the underfloor or under driveway areas where required by DA consent to be left open.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

40. **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.

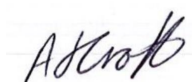
41. **Mechanical Plant**

Any mechanical plant equipment, including the swimming pool pump, shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

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

Signed



Adam Croft, Planner

The application is determined on 07/02/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments