

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0487
----------------------------	-------------

Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 26 DP 6195, 40 Bassett Street MONA VALE NSW 2103
Proposed Development:	Demolition works and construction of a dwelling house including a swimming pool
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Owner:	Simon David Edwards Wendy Morton-Edwards
Applicant:	Simon David Edwards

Application Lodged:	12/05/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	28/07/2021 to 11/08/2021
Advertised:	Not Advertised
Submissions Received:	7
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,395,000.00
---------------------------------	-----------------

EXECUTIVE SUMMARY

The application seeks consent for the demolition of the existing house and construction of a two (2) storey detached dwelling with a swimming pool.

Clause 4.3 (2C) of the PLEP allows the Height of Buildings to exceed the 8.5m height limit on land affected by flooding. The site is mapped as being flood affected and the maximum height of the dwelling at 9.14m sits below the 8.5m height limit above the Flood Planning Level (FPL). In addition, the the proposal has been amended to reduced in height to RL 5.55 in the mid section of the dwelling, a 400mm reduction, to be fully consistent with the Flood Planning Level.

The proposal complies with all other built form controls with the exception of a minor breach of the side

envelope to part of the north-west elevation. The minor breach of the envelope will not give rise to unreasonable impacts on neighbouring amenity or visual impacts from the street. The height, bulk, scale and massing of the dwelling is assessed as acceptable and is consistent with the desired future character of the Mona Vale Locality. The dwelling presents a single storey frontage to the street and the side elevations are well articulated with the upper floors being set back for the side boundaries. A condition requires the front fence to be reduced in height and painted mid grey as opposed to white.

The proposal has been amended to include high level windows and screens. In addition, conditions are recommended requiring additional privacy measures to window and balconies in the side elevations

Seven (7) submissions have been received following the exhibition of the application which raised issues with regards to the height, bulk and scale of the dwelling, impacts on residential amenity (over-shadowing and privacy), landscaping and construction impacts. The amended proposal was re-notified and one additional submission was received which re-iterates the issues raised before. The issues raised in the submissions have been addressed in the "Public Notification" section of this report.

Based on the detailed assessment contained in this report, it is recommended that the application be approved subject to conditions.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the demolition of the existing dwelling and the construction of a new two (2) storey dwelling and swimming pool. In detail, the proposal includes:

Ground Floor RL 5.2, 5.5 and 5.90

- Double garage and store
- Entry foyer
- Open plan living, kitchen and dining room which adjoins a rear covered terrace
- Bathroom and ensuite
- Family room
- Powder room
- Laundry
- Stairs

First Floor RL 8.55 and 8.90

- Three (3) bedrooms all with ensuites and a master with ensuite, WIR and balcony
- Office with balcony
- Stairs

External

- Pool to the rear
- Fence to the frontage
- New driveway partially suspended above the ground on piers
- Removal of a total of eighteen (18) exempt species(exempt by height or by species type).
- Materials: Weatherboard pain finish Triple Sea Fog, FC Cladding dark grey finish, Timber white finish and shingle and colourbond roofing mid grey colour.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings
Pittwater 21 Development Control Plan - C1.4 Solar Access
Pittwater 21 Development Control Plan - C1.5 Visual Privacy
Pittwater 21 Development Control Plan - C1.6 Acoustic Privacy
Pittwater 21 Development Control Plan - D9.3 Building colours and materials
Pittwater 21 Development Control Plan - D9.7 Side and rear building line
Pittwater 21 Development Control Plan - D9.9 Building envelope
Pittwater 21 Development Control Plan - D9.12 Fences - General

SITE DESCRIPTION

Property Description:	Lot 26 DP 6195 , 40 Bassett Street MONA VALE NSW 2103
Detailed Site Description:	The subject site consists of one (1) allotment located on the northern side of Bassett Street, approximately 300m to the west of Mona Vale beach. The site is generally regular in shape with a frontage of 15m along Bassett Street and a depth of between 68.6m and 72.1m. The site has a surveyed area of 1073m². The site is located within the R2 Low Density Residential zone in the PLEP and accommodates a detached dwelling with a garage and shed within the rear eastern boundary. There is a level difference of approximately 3m from the front boundary to the rear boundary of the site. Trees are located in the front, side and rear of the allotment.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by low density one and two storey detached dwelling set back from the street in landscaped gardens. There are some medium density developments interspersed throughout the surrounding area including the residential flat building to the immediate east at No. 38 Bassett Street.

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.

History of subject application

On 28 June 2021, a letter was sent to the applicant raising issues with regards to the building height, solar access, privacy, building envelope and landscape open space.

On the 7 July 2021, amended plans were submitted which included the following modifications:

- Building Height - the building has been reduced in height by reducing the floor level (5.55) of the mid section of the dwelling, bringing the floor level down closer to the FPL(5.50). The rear portion of the dwelling has also been moved closer to the rear which in turn has allowed the house to be closer to natural ground.
- Solar Access - 3D Solar access plans have been prepared, refer A-08;
- Privacy - clarification has been provided on privacy treatment including high level windows and screening
- Building envelope - The applicants notes that the repositioning of the dwelling and change in levels reduced the non-compliance.

- Landscaping - A revised landscape calculation sheet has been submitted.

The amended plans were re-notified on 23 July 2021 for a period of two (2) weeks.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to the building height, landscaping, envelope breach and privacy measures. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent

Section 4.15 Matters for Consideration'	Comments
	authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
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 Pittwater 21 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 28/07/2021 to 11/08/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

Name:	Address:
Mrs Mellisa Karen Dossett	2 / 38 Bassett Street MONA VALE NSW 2103
Mr Giles William Simon Dossett	19 Bassett Street MONA VALE NSW 2103
Ms Zoe Maree Maker	4 / 38 Bassett Street MONA VALE NSW 2103
Mr Connor Maree Galpin	4 / 38 Bassett Street MONA VALE NSW 2103
Mr Timothy Anthony Malakou	Po Box 1312 MONA VALE NSW 1660
Mr Terence Paul Dawe	3 / 38 Bassett Street MONA VALE NSW 2103
Ms Sarah May Twibill	42 Bassett Street MONA VALE NSW 2103

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

- **Height, scale and bulk**
- **Out of character**
- **Breach of building envelope**
- **Side boundary**
- **Overshadowing**
- **Privacy (visual and acoustic)**
- **Landscaping**
- **Impact on outlook**
- **Construction impacts**
- **Devalue property**

The matters raised within the submissions are addressed as follows:

- **The height, scale and bulk of the proposed development represent over-development and will have a negative visual impact on the surrounding area being and is out of character with the streetscape. The proposal dominates the streetscape due to its height, scale, proportions and bulk. It is not in keeping with council requirements that has maintained a uniform and characterised scale of size with other buildings in the locality. The architect has falsified flood levels (the building even exceeds the fake floor levels, as well as the envelope lines) to justify the unnecessary and excessive height and size of the building.**

Comment:

Clause 4.3 (2C) of the PLEP allows the Height of Buildings to exceed the 8.5m height limit on land affected by flooding. The site is mapped as being flood affected and the dwelling has been raised to a maximum height of 9.14m which is below the 8.5m height limit above the Flood Planning level. Further the dwelling has been reduced in height by lowering the floor level in the mid section of the dwelling, to be consistent with the Flood Planning Level (5.50). The rear portion of the dwelling has also been moved closer to the rear which in turn has allowed the house to be closer to natural ground. The application has been reviewed by Council's Flooding Engineer who confirms that the flood levels are correct.

The proposal, as amended, complies with all other built form controls with the exception of a minor breach of the side envelope. The proposal presents a single storey built form to the streetscape which is compatible with the character of the surrounding area. The bulk and scale of the dwelling as viewed from the neighbouring properties has been reduced with reduction in

the height, variation in the planes and articulated facades. The height, bulk and scale of the dwelling has been assessed as acceptable.

- **The proposal breaches the building envelope due to the proportions and scale of the proposal.**

Comment:

The amended proposal results in a minor breach of envelope along part of the north-western elevation. The minor breach in the envelope will not result in any unreasonable amenity impacts or visual impacts to the street, refer to discussion under Clause D9.9.

- **No. 38 Bassett St is denied solar light from 12:30pm until sundown (approximately 5 hours mid-winter and 7 hours mid-summer). This significantly covers the kitchen, bathroom, and bedroom in Unit 4, as well as the communal laundry and drying area of the property. This will result in an increased dependence on artificial light by all residence. The proposal will also impact on access to ventilation to neighbouring properties. The proposal will also result in shadow impacts to No. 42 Bassett Street.**

Comment:

Shadow diagrams have been submitted which confirm that there will be some additional shadow cast to the area of open space at No. 38 Bassett Street 3pm and some of the windows in the north-western elevation between 2pm and 3pm. The additional shadow will be cast over the area of private open space to No. 42 Bassett Street at 9am and the south-eastern side window between 9am and 11am. The proposal however complies with the solar access requirements and will not result in unreasonable shadow impacts to the adjoining residential properties. Refer to discussion under Clause C1.4 within this report.

- **The proximity of the dwelling to the side boundary will negatively impact neighbouring amenity considering the location of windows, balconies and living areas. There is also no consideration of acoustic privacy impacts.**

Comment:

The proposal complies with the side setback requirements of the PDCP. The proposal has been amended to include high level windows and screens. In addition, conditions are recommended requiring additional privacy measures to window and balconies in the side elevations, refer to discussion under Clause C1.5 of this report. A condition is also recommended requiring the noise from the pool plant and any air conditioning unit to comply with noise levels.

- **The lack of landscaping on the eastern boundary towards the rear of the site is an issue. An increase in the quality of the landscape screening will provide further privacy for residents especially in units 2 and 4 at No. 38 Bassett Street.**

Comment:

A landscape plan has been submitted which refers to the retention of the existing trees along the eastern boundary to remain to protect privacy. Additional planting is proposed along the rear portion of the eastern boundary including planting adjacent to the pool and lily pilli trees. Subject to conditions, Council's Landscape Officer has no objections to the proposal, refer to comments in this report.

- **The development does not consider, maintain or protect the outlook from living areas in the neighbouring residential buildings.**

Comment:

The existing dwelling is single storey which allows for an outlook from the upper level residential units in No. 38 Bassett Street over the roof of the subject dwelling. While the outlook may be affected by the construction of a two storey dwelling the proposal complies with the built form controls including height limit. Further the proposal will not result in any view loss issues.

- **The construction of the large dwelling has the potential to cause damage to neighbouring properties, whether by vibration or changes in ground and/or surface water flow. Should the development go ahead Council should require dilapidation / conditions.**

Comment:

Subject to conditions, Councils Development Engineer has no objections to the proposal in terms of impacts on ground and surface water. A geotechnical report has been submitted which makes recommendation to manage the potential impacts of the development on neighbouring properties. The geotechnical report confirms that the only geotechnical hazard is in relation to the construction of the pool. Should consent be granted a condition requires compliance with the recommendation of the geotechnical report. In addition, conditions require dilapidation reports to be prepared for the properties adjoining the rear eastern portion (near the area of pool excavation) of the site; namely No 2 Orana Street and No 2A Orana Street.

- **Impact on property value.**

Comment:

Impact on property values is not a matter for planning consideration under Section 4.15 of Planning and Assessment Act 1979.

The amended plans were re-notified on the 23 July for a period of two weeks. One additional submission which re-iterated issues raised above.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	Supported General Comments Site is located within Acid Sulphate Soil Class 4 Area No Acid Sulphate Soil Report has been provided Therefore no works are to be undertaken beneath 2 Metres below ground level Recommendation APPROVAL - no conditions
Landscape Officer	Supported subject to conditions

Internal Referral Body	Comments
	The development application is for the construction of a new dwelling, swimming pool, and landscape works. Council's Landscape Referral is assessed against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP Controls: • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D9 Mona Vale Locality The application provides a Landscape Plan and a Arboricultural Impact Assessment. The existing site contains many trees including native and exotic, garden planting and lawn areas. Existing trees within adjoining properties are within proximity to the proposed works and tree protection measures are outlined in the Arboricultural Impact Assessment including requirements to protect the trees during widening of the driveway. The Landscape Plan provides retention of existing trees not impacted by development works and proposals to enhance the landscape setting. The Landscape Plan is acceptable subject to conditions of consent, including selection of tree planting to substitute proposed exempt species with native tree species. The Arboricultural Impact Assessment recommends the retention of the following trees within the development site: T6 (x3) Bush Cherry, T20 Bush Cherry, T22 Sweet Viburnum, and T29 Bottlebrush. Within the development site a total of eighteen (18) Exempt Species, by height or by species type, under the DCP exists that may be removed or pruned without Council consent. All trees and vegetation within adjoining property shall be protected. All street trees shall be retained and protected by tree protection fencing. The recommendations for tree protection measures shall be imposed as conditions of consent. A Arboricultural Pruning Plan for the existing tree number 14 located within adjoining property No. 38 and overhanging the development site at No. 40 is provided in addition following Council request for more information on the impact to this neighbouring tree from the proposed development works. The report concludes that 35% of the canopy will be lost to facilitate construction of the development proposal. Council's tree management policy (https://www.northernbeaches.nsw.gov.au/planning-development/tree-management/private-land) permits 10% of the tree's canopy to be pruned in accordance with Australian Standards AS 4373 - 2007. A Tree Permit application shall be submitted to Council's Tree Services section for review and approval prior to Construction Certificate, and shall be accompanied by owners consent from adjoining property No. 38 for the additional pruning. (https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/tree-removal-and-pruning-application/4000-tree-removal-pruning-application-oct2020.pdf). Landscape Referral raise no objections to the proposed landscape works

Internal Referral Body	Comments
	and no objection to the proposed tree removals, and subject to a Tree Permit, no objection to the pruning works proposed.
NECC (Development Engineering)	Supported subject to conditions The proposal includes a below ground pool. Where excavation greater than 1.5m depth is proposed the applicant shall submit a geotechnical report and certified forms in accordance with Pittwater 21 DCP. Additionally the depth of excavation shall be indicated on the plans. Additional Information Provided on 21/6/2021 Geotechnical report has been submitted. No objections to approval subject to conditions as recommended.
NECC (Riparian Lands and Creeks)	Supported subject to conditions This application requires the installation of a sediment arrestor pit to capture coarse sediments and organic matter prior to discharge of stormwater from the land. Provision should be made for safe and easy access to ensure regular maintenance and cleaning is undertaken. Sediment and erosion controls must be installed according to Landcom's Managing Urban Stormwater: Soils and Construction (2004), the controls are to be regularly maintained and removed only once ground cover has been established. There is no information about the depth of excavation that will be required for the pool. If groundwater is encountered during excavation, or if water collects in the excavation, the applicant should contact Council for advice. This application, subject to conditions, is recommended for approval as it is unlikely to have an adverse effect on the integrity and resilience of the biophysical, ecological and hydrological environment.
NECC (Stormwater and Floodplain Engineering – Flood risk)	Supported subject to conditions The subject site is identified as flood prone, with flows in the 1% AEP flood event traversing the site. The application is for the demolition of the existing dwelling and construction of a new two-storey dwelling. The proposed design has a stepped ground floor level which is located above the relevant Flood Planning Level across the lot. In addition a suspended piered construction is proposed to ensure there is no net loss of flood storage. The application is recommended for approval subject to conditions.

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1192083S dated 21 April 2021).

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

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

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid who offered no objections subject to conditions.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	*9.14m	N/A	Yes

* Clause 4.3 (2C) of the PLEP allows the Height of Buildings to exceed the 8.5m height limit on land affected by flooding. The site is located in Area 3 and is flood affected. Due to the flood planning levels the building has been raised to comply. The proposal has a maximum height of 9.14m, however, it is below the 8.5m height limit above the Flood Planning Levels and therefore complies with the height development standard and a Clause 4.6 Variation is not required.

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.10 Essential services	Yes

Detailed Assessment

4.3 Height of buildings

Clause 4.3 (2C) of the PLEP allows the Height of Buildings to exceed the 8.5m height limit on land affected by flooding. The site is mapped as being flood affected and the dwelling has been raised to a maximum height of 9.14m which is below the 8.5m height limit above the Flood Planning Level (FPL).

In addition, the dwelling has been reduced in height by reducing the floor level to RL 5.55 in the mid section of the dwelling, a 400mm reduction, to be consistent with the Flood Planning Level of 5.50. The application has been reviewed by Council's Flooding Engineer who confirms that the flood levels are correct. The proposal complies with the Building Height Development Standard and a Clause 4.6 Variation is not required.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	9.5m	N/A	Yes
Rear building line	6.5m	4.1m to the pool 13.9m to the rear terrace 18.9m to the southern wall of the dwelling	37m N/A N/A	No Yes Yes
Side building line	2.5m	North-West 2.59m	N/A	Yes
	1m	South East 1.1m	N/A	Yes
Building envelope	3.5m	North West breach in envelope 0.4m - nil in height for a length of 8.4m	Refer to details of breach	No
	3.5m	Within envelope	N/A	Yes
Landscaped area	50%	53.6% (575.81sqm)	N/A	Yes

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.7 Transport and Traffic Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	No	Yes
D9.9 Building envelope	No	Yes
D9.10 Landscaped Area - General	No	Yes
D9.12 Fences - General	No	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

C1.4 Solar Access

Clause C1.4 requires:

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

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

Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.

Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.

The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.

Comment:

The proposal is assessed against the outcomes of the control as detailed below:

Residential development is sited and designed to maximise solar access during mid-winter.

Comment:

Shadow analysis has been submitted which demonstrates that the proposal is sited to ensure that solar access to the dwelling and neighbouring properties is maximised during winter, refer to discussion below.

A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development.

Comment:

Shadow to private open space - Shadow diagrams have been submitted in plan and in 3D Model of the side elevation. The diagrams in plan show that the development will cast additional shadow to the areas of private open space at neighbouring dwelling to the immediate west at No. 42 Bassett Street only at 9am. The shadow moves to the east and at 3pm additional shadow is cast to the neighbouring residential flat building to the immediate west at No. 38 Bassett Street at 3pm. The proposal complies with the numerical requirement of the control, namely a minimum of 3 hours of sunlight to be retained to areas of private open space between 9am and 3pm on June 21st.

Shadow to windows to principle living areas -The 3D diagrams shadow that additional shadow will be cast on the windows in the eastern elevation of No. 42 Bassett Street between 9am to 11am. The proposal will not impact on solar access to the side windows outside these hours.

The 3D diagrams in elevation show that the development will cast additional shadows to the lower level windows in the western elevation of No. 38 Bassett Street from 2pm - 3pm. Some of the upper level windows in the western elevation of No. 38 Bassett Street (to the rear), are also cast in additional shadow at 3pm. The proposal will not impact on solar access to the side windows outside these hours. The proposal complies with the numerical requirement of the control in relation to windows to principle living area which are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).

The proposal will have a minor impact on the clothes drying area located within the rear garden of No. 38 Bassett Street at 3pm. On balance, it is considered that a reasonable level of solar access is maintained to neighbouring properties in accordance with this outcome.

Reduce usage and/dependence for artificial lighting. (En)

Comment:

The dwelling receives good solar access and reduces the usage and dependence on artificial lighting. The proposal complies with the numerical requirements of the control and will not result in unreasonable need for an increase in the use of artificial lighting to neighbouring properties.

C1.5 Visual Privacy

Clause C1.5 requires:

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

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

Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.

Comment:

The proposal is assessed against the outcomes of the control as detailed below:

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.

Comment

Habitable rooms - The application has been amended to help address privacy issues with high level windows and screens. The applicant also notes *the portion of the upper floor of the dwelling has been relocated away from the eastern boundary positioning it in a more central location on the site. The separation of this area from the neighbouring properties has increased significantly providing much better privacy.*

Upper floor east facing windows - The upper floor windows to bedrooms are positioned within 3.2m of the eastern boundary and between 5.5m and 7.6m from windows in the neighbouring developments at No. 38 Bassett Street. The applicant has amended windows W30, W31, W32, W33 and W34 to high-level windows. In order to ensure privacy issues are fully addressed a condition also requires that window W35 to the master bedroom is a high level windows. All high level windows shall measure 1.7m above finished ground level in compliance with the control.

The proposal has also been amended to include a privacy screen to the eastern edge of the balcony which adjoins the upper floor master bedroom. A condition also requires a screen be installed along to the western edge of the balcony to prevent overlooking of the rear garden at No. 42 Bassett street. All privacy screens are to be fixed and angled and have a height of 1.7m above floor level.

A balcony is proposed to the upper level office which is positioned to the front of the dwelling. The eastern edge of the balcony is setback 9.6m from the existing upper floor windows in the western elevation of No. 38 Bassett Street. The balcony is considered to be acceptable for the following reasons: The separation distance to window in the adjoining development, the fact that it is accessed via an office which is not be a primary habitable room and given its position to the front of the dwelling the balcony will generally overlooks the public area to the frontage of the site and enhance natural surveillance for added security.

Ground level east facing window - A submission has been received from the owner of unit 4 in No. 38 Bassett Street raising privacy issues with respect to the east facing windows to the laundry room and pantry which are directly opposite the bedroom and bathroom window to the neighbouring unit. The applicant has agreed to a condition requiring these windows to be treated with obscure glazing.

Upper level western windows - The upper floor windows to bedroom 3 are positioned 2.6m to the western boundary and the window to the master bedroom are positioned 5.8m from the western boundary. A balcony is also proposed to the master bedroom that is setback 5.8m from the western boundary. The adjoining dwelling at No.42 Bassett Street is single storey and the windows overlook the roof of the neighbouring dwelling. Despite this a condition requires a screen to be installed on the western edge of the deck to the master bedroom to prevent overlooking of the rear garden to No. 42 Bassett Street.

The ground level windows - Windows to habitable rooms in the western elevation are positioned between 2.7m and 7.3m from the boundary. As the floor level is raised to comply with the flood levels the windows are raised above the opposing west facing windows to No. 42 Bassett Street. In order to

ensure privacy is maintained a condition requires the following windows to be high level windows: W21 and W22 to the family room and W23 and W24 to the guest room. In addition, window W25 to the ensuite shall have obscure glazing.

Outdoor living areas - The proposed pool is setback 1.1m from the eastern rear boundary. A landscape area is proposed within the 1.1m setback which includes screen planting to the boundary. A condition requires the submission of an amended landscape plan which shall include a selection of tree planting to substitute proposed exempt species with native tree species. In addition, it is recommended that a privacy screen be installed along the eastern common boundary adjacent to the planter bed. The screen planting along the eastern edge of the pool combined with the privacy screen will ensure privacy is protected for the future residents and neighbour at No. 2a Orana Street.

The rear terrace is setback 1.2m from the eastern boundary. A condition requires a fixed and angled privacy screen to a height of 1.7m to be installed along the eastern edge of the terrace to ensure privacy is protected to the neighbouring properties.

In summary, the amended design combined with conditions will ensure privacy is maintained in accordance with the requirements and outcomes of the control.

A sense of territory and safety is provided for residents.

Comment:

The proposal allows for casual surveillance to ensure the safety of residents is maintained.

C1.6 Acoustic Privacy

A condition requires noise from the pool/spa motors and air conditioning units not to produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

D9.3 Building colours and materials

Clause D9.3 requires external colours and materials to be dark and earthy tones. Council may consider lighter coloured external walls (excluding white) only for residential development within Area 3 on the Landscaped Area Map. The site is mapped in Landscape Area 3 and the medium tone grey walls are considered acceptable. A condition requires the front fence to be painted in the same medium grey tone as the dwelling as opposed to white.

D9.7 Side and rear building line

Clause D9.7 requires development to be setback 6.5m from the rear boundary. The control allows a variation for swimming pools and spas a 1 metre minimum setback from the boundary to the pool coping subject to the following:

satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and

Council is satisfied that the adjoining properties will not be adversely affected, and

the pool or spa is not more than 1 metre above ground level (existing), and

that the outcomes of this clause are achieved without strict adherence to the standards, and

where the site constraints make strict adherence to the setback impractical, and

where strict compliance with these requirements will adversely impact on the views of adjoining

residential properties.

Comment:

The pool is setback 4.5m from the rear boundary and sufficient landscaping screening is proposed to ensure that there will be no unreasonable impacts on the amenity of neighbouring properties. The variation of the rear setback control for the pool is therefore supported. It is noted that the terrace is setback 13.5m from the rear boundary and the northern wall of the dwelling 18.9m both exceeding the minimum 6.5m rear set back control significantly.

D9.9 Building envelope

The proposal results in a minor breach of the building envelope along part of the north-west elevation. The breach represents a triangular area that equates to a height of 0.4m - 0m for a length of 9.4m, refer to image below.



Building envelope breach north-west elevation (source Gartner Trovato Architects).

The minor breach in the envelope will not impact on the ability of the development to meet the outcomes of the control as discussed below.

To achieve the desired future character of the Locality.

Comment:

The minor breach of the envelope will not in itself have an unreasonable impact on the ability of the development to achieve the desired future character of the locality.

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

Comment:

The minor breach of the envelope will not in itself have an unreasonable impact on streetscape. The breaching element relates to a small portion of the north-west elevation which is setback from the street. The bulk and scale of the dwelling sits below the height of the existing trees.

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

Comment:

The proposal complies with all other built form controls and responds to the spatial characteristics of the existing natural environment.

The bulk and scale of the built form is minimised.

Comment:

The proposal complies with all other built form controls and the bulk and scale is assessed as acceptable.

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

Comment

The proposal will not impact on views or vistas from public or private places.

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

Comment:

The proposal has been amended to incorporate high-level windows and privacy screens. In addition, conditions are recommended to address any outstanding privacy issues.

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

Comment

The existing trees within the frontage of the site will be retained to ensure that the built and scale of the built form is reduced from the street.

D9.12 Fences - General

Clause D9.12 requires

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

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

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

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

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

Original stone fences or stone fence posts shall be conserved.

Comment

A fence is proposed along the street frontage which comprises a 1.7m high sandstone pillars and 1.5m timber fences, painted white, in between. The proposal has been assessed against the Outcomes of the control as detailed below:

To achieve the desired future character of the Locality.

Comment:

The character of the streetscape is varied in terms of its treatment of the front boundary and comprises a mixture of open frontages, low stone walls and dark timber fences in excess of 1m in height. In order to achieve the desired future character of the Locality a condition required the front fence to be reduced in height to 1.5m high stone pillars and 1.2m high timber fencing painted a darker colour such as the medium tone grey (Triple Sea Fog) proposed on the external walls.

To ensure fences compliment and conserve the visual character of the street and neighbourhood.

Comment:

Subject to the condition detailed above the fence will compliment the visual character of the street and neighbourhood.

To define the boundaries and edges between public and private land and between areas of different function.

Comment:

The front fence will define the boundaries and edges between public and private land

To contribute positively to the public domain.

Comment:

Subject to a slight reduction in the height of the fence and a change to a more recessive colour the fence will contribute positively to the public domain.

An open streetscape that allows casual surveillance of the street.

Comment:

Casual surveillance of the street can be maintained.

Fences, where provided, are suitably screened from view from a public place.

Comment

The fence is setback from the front boundary behind a row of trees /shrubs which will help screen and soften the fence.

Safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians.

Comment:

The proposed front fence will not comprise sight lines to the site

Unhindered travel for native animals and pedestrians.

Comment:

The site is not designated as a site with protected wildlife corridors.

To ensure heritage significance is protected and enhanced.

Comment:

There are no heritage items or areas within the vicinity of the site.

To ensure an open view to and from the waterway is maintained.

Comment:

There are no waterways within the vicinity of the site.

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 2021

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$13,950 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,395,000.

CONCLUSION

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

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

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

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

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

Height, bulk and scale

The site is mapped as being flood affected and the proposal complies with the maximum height of 8.5m above the Flood Planning Level of 5.5.

With the exception of a minor breach of the envelope control the proposal complies with all other built form controls. The bulk and scale of the dwelling is considered to be acceptable, a single storey built form is presented to the street and the side elevation are well articulated with increased setbacks on the upper floors. The proposal is compatible with the desired future character of the Mona Vale Locality, subject to a condition requiring the height of the front to be reduced and to be painted a mid grey colour as opposed to white. Landscaping, both existing and proposed, will help soften the visual impact of the development to the street and provide screening to neighbours.

Residential amenity (privacy and overshadowing)

Subject to conditions requiring height level windows, obscure glazing and the installation of fixed privacy screens the proposal will not result in unreasonable impacts on neighbouring residential amenity in terms of privacy. The proposal will result in some additional shadow impact to the residential properties to the immediate east and west. However, the proposal complies with the solar access provisions of the PDOP and will not result in unreasonable shadow impacts to neighbours. It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/0487 for Demolition works and construction of a dwelling house including a swimming pool on land at Lot 26 DP 6195, 40 Bassett Street, MONA VALE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A.01 Rev B Site Plan and Site Analysis	07/07/2021	Gartner Travato Architects
A.02 Rev B Ground Floor Plan	07/07/2021	Gartner Travato Architects
A.03 Rev B First Floor Plan	07/07/2021	Gartner Travato Architects
A.04 Rev B Elevations and Materials	07/07/2021	Gartner Travato Architects
A.05 Rev B Sections	07/07/2021	Gartner Travato Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
SW1 Stormwater Management Plan	16/04/2021	Barrenjoey Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Statement	17/04/2021	Rain Tree Consulting
Arboricultural Pruning Plan Ref-4721	19/06/2021	Rain Tree Consulting
BASIX Certificate Ref 1192083S	21/04/2021	Gartner Travato Architects
Geotechnical Report Ref 3490J	16/06/2021	White Group
Flood Report	April 2021	Barrenjoey Consulting Engineers

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
Landscape Plan	05/05/2021	Cabarita

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	28/04/2021	Gartner Travato Architects

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

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

2. **Compliance with Other Department, Authority or Service Requirements**

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	21/05/201

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

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

3. **Prescribed Conditions**

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

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

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

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

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

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

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

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

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

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

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

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

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

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

5. **Compliance with Standards (Crown Land Only)**

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

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

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$13,950.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$1,395,000.00.

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

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

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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

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

7. **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 Certifying Authority prior to the issue of the Construction Certificate.

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

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

8. **Construction, Excavation and Associated Works Bond (Drainage works)**

The applicant is to lodge a bond of \$1,000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

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

9. **Stormwater Disposal**

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

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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White Geotechnical Consultants dated 16/6/2021 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

11. **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 relevant 1% AEP flood level.

Building Components and Structural Soundness – B1

All new development below the Flood Planning Level of shall be designed and constructed as flood compatible buildings 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 relevant Probable Maximum Flood level, 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, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the relevant Flood Planning Level.

Floor Levels – C1

New floor levels within the development shall be set at or above the relevant Flood Planning Level.

Floor Levels – C3

The underfloor area of the dwelling below the 1% AEP flood level 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 4.5m AHD at the location of the garage.

Fencing – F1

New fencing (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.

Storage of Goods – G1

Storage areas for hazardous or potentially polluting materials shall not be located below the relevant Flood Planning Level unless adequately protected from floodwaters in accordance with industry standards.

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

12. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

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

Reason: Protection of the receiving environment.

13. **Water Quality Management**

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

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

Reason: Protection of the receiving environment.

14. **Amendments to the approved plans**

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

- A 1.7m high fixed angled privacy screens shall be installed along both the eastern and western edge of the balcony to the master bedroom.

- A 1.7m high fixed angled privacy screen shall be installed along the eastern edge of the ground level terrace and the eastern edge of the landscape strip adjacent to the pool.
- The following windows shall be high level windows measures from a height of 1.7m above the floor level. Windows W30, W34, W35 in the eastern elevation and W21, W22, W23 and W24 in the west elevation at ground level.
- The following windows shall have obscure glazing W8, W9 and W25.
- The sandstone pillars of the front fence shall be reduced in height to 1.5m and the timber panels to 1.2m. The timber panels shall be painted mid grey colour triple sea fog to match the external walls.

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

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

15. Vehicle Crossings Application

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

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

Reason: To facilitate suitable vehicular access to private property.

16. Stormwater Drainage Application

The applicant is to provide a stormwater drainage application under Section 68 of the Local Government Act 1993 to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the stormwater connection to the kerb inlet pit in Bassett Street which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1. The form can be found on Council's website at www.northernbeaches.nsw.gov.au > Council Forms > Stormwater Drainage Application Form.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and maintenance stormwater management and compliance with the BASIX requirements, arising from the development.

17. Tree Permit for pruning works

A Tree Permit application shall be submitted to Council's Tree Services section for review and approval prior to Construction Certificate, and shall be accompanied by owners consent from adjoining property No. 38 for the additional pruning over and above the 10% allowance. (<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/tree-removal-and-pruning-application/4000-tree-removal-pruning-application-oct2020.pdf>).

Reason: Protection of existing tree in adjoining property.

18. Compliance with Standards

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

19. Tree Removal Within the Property

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

i) 7 Willow Myrtle, 9 Coast Banksia, 15 Bush Cherry, 16 Bottlebrush, 18 Bottlebrush, and 25 Bottlebrush, subject to replacement.

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment (trees identified as number 8, 12, 17, 19, 21, 23, 24, 26-28, 30-34, and 36-38) do not require Council consent for removal or pruning.

Reason: To enable authorised building works.

20. Pre-Construction Dilapidation Report

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

No. 2 Orana Road, Mona Vale

No. 2A Orana Road, Mona Vale

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

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

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. Tree and Vegetation Protection

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

- i) all trees and vegetation (*) within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation.
- (*) the following existing trees are retained: tree number 6 - Bush Cherry (x3), 20 - Bush Cherry, 22 - Sweet Viburnum, and 29 - Bottlebrush.

b) Tree protection shall be undertaken as follows:

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

c) Tree pruning shall be conducted under the supervision of an Arborist with minimum AQF Level 5 in arboriculture, and in accordance with the Arboricultural Pruning Plan for tree number 14 (Tea Tree), under section 1. Summary of Assessment, section 2. Pruning Recommendations, and section 3. Schedule of Recommended Works.

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

The Certifying Authority must ensure that:

- e) The arboricultural works listed in d) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment,
- f) 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.

22. 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.

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. Demolition Works - Asbestos

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

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent

visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

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

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

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

26. **Survey Certificate**

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

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

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

27. **Civil Works Supervision**

The Applicant shall ensure all civil works approved in the Section 68 are supervised by an appropriately qualified and practising Civil Engineer.

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

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

28. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 3.0 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ 1N and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

29. **Dewatering Management**

Tailwater (surface water and rainwater): Please contact catchment@northernbeaches.nsw.gov.au for advice on Council's water quality requirements for a single instance of dewatering tailwater that collects in an excavation during works. A dewatering permit application must be made for expected multiple instances or continuous

dewatering of tailwater.

Groundwater: A permit from Council is required for any dewatering of groundwater. An application for interference with an aquifer is required to the Natural Resources Access Regulator. Contact catchment@northernbeaches.nsw.gov.au for more information about permits.

The groundwater/tailwater to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Reason: Protection of the receiving environment and groundwater resources

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

30. **Landscape Completion**

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

- i) one replacement native tree within the front setback and one replacement native tree within the rear setback shall be installed at a minimum 75 litre container size, located within a 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings, and other trees,
- ii) replacement native trees shall be selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward, and may include the following suggested species: Grey Myrtle - *Backhousia myrtifolia*, Coast Banksia - *Banksia integrifolia*, Willow Bottlebrush - *Callistemon salignus*, or Snow in Summer - *Melaleuca linearifolia*.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Governments 5 Million trees initiative

<https://5milliontrees.nsw.gov.au/>

31. **Condition of Retained Vegetation**

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

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

Reason: Tree and vegetation protection.

32. **Stormwater Disposal**

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

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

33. **Undercroft Area below the 1% AEP Flood Level – (C3)**

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

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

34. **Post-Construction Dilapidation Report**

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

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

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

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

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

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

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

36. **Environmental Reports Certification**

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

- (a) Arboricultural Impact Statement dated 17/04/2021 prepared by Rain Tree Consulting
- (b) Arboricultural Pruning Plan Ref-4721 dated 19/06/2021 prepared by Rain Tree Consulting
- (c) BASIX Certificate Ref 1192083S dated 21/04/2021 prepared by Gartner Travato Architects
- (d) Geotechnical Report Ref 3490J dated 16/06/2021 prepared by White Group
- (e) Flood Report dated April 2021 prepared by Barrenjoey Consulting Engineers

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

Reason: To ensure compliance with standards.

37. Works as Executed Drawings - Stormwater Treatment Measures

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

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

Reason: Protection of the receiving environment.

38. House / Building Number

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

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

Reason: Proper identification of buildings.

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

39. Landscape Maintenance

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

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

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

Reason: To maintain local environmental amenity.

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. **Geotechnical Recommendations**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

42. **Noise standards**

Noise generating plants including pool/spa motors and air conditioning units shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary. Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.

Reason: To protect the amenity of neighbouring properties.