

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/0577
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 1 DP 332220, 1168 Barrenjoey Road PALM BEACH NSW 2108
Proposed Development:	Demolition works and construction of a dwelling house, garage, swimming pool and spa
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Martin Nicholas Cork Lisa Joy Cork
Applicant:	Martin Nicholas Cork Lisa Joy Cork

Application Lodged:	01/06/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	12/06/2023 to 26/06/2023
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 2,165,775.00
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PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the construction of a new dwelling house at 9 Florida Road, Palm Beach. Specifically, the works include:

- Demolition works, with retention of selected wall and floor elements of the existing house,
- Construction of a new dwelling with basement garage and a swimming pool.

Lower Ground Level:

- Double garage, gym, multi-purpose room, bathroom, storage and plant room, lift and stair access

Upper Ground Level:

- Open plan kitchen and living room, butler's pantry, laundry and drying court, powder room, front terrace and swimming pool, lift and stair access

First Floor Level:

- Master bedroom with WIR, ensuite and terrace, study and balcony, lift and stair access

Second Floor Level:

- Lounge, bathroom, terrace and three bedrooms, one with an ensuite,
- New driveway crossing and internal driveway,
- Landscaping, stairs, path access and
- Ancillary site works, spa, decking, drainage, excavation and service connections.

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 - Zone C4 Environmental Living

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

Pittwater 21 Development Control Plan - A4.12 Palm Beach Locality

Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements

Pittwater 21 Development Control Plan - C1.1 Landscaping

Pittwater 21 Development Control Plan - C1.3 View Sharing

Pittwater 21 Development Control Plan - C1.4 Solar Access

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - C1.7 Private Open Space

Pittwater 21 Development Control Plan - C1.23 Eaves
 Pittwater 21 Development Control Plan - D12.5 Front building line
 Pittwater 21 Development Control Plan - D12.6 Side and rear building line
 Pittwater 21 Development Control Plan - D12.8 Building envelope
 Pittwater 21 Development Control Plan - D12.14 Scenic Protection Category One Areas

SITE DESCRIPTION

Property Description:	Lot 1 DP 332220 , 1168 Barrenjoey Road PALM BEACH NSW 2108
Detailed Site Description:	The site is rectangular in shape with a 20.1 metres (m) wide frontage to Barrenjoey Road and a depth of 45.79m. The site has a total area of 921.1square metres (sqm). The site is currently development with a single dwelling. It is located on the high southern side of Barrenjoey Road with the topography rising steeply from street level to the rear boundary. The levels vary between RL 45.5m to the southwest corner and RL 18.5m to the northern side of the site. Substantial rock outcrops are located behind the existing dwelling. The site is located within Geotechnical Hazard Area H1 and is subject to landslip as well as being within a terrestrial biodiversity area. The site has not garage and only a narrow alcove on Barrenjoey Road. The site and properties adjacent are accessed from Barrenjoey Road (Main Road) and have views toward Lion Island, Barrenjoey and Pittwater.

Map:



Building Application No.737/90 for a carspace for the existing dwelling was approved by Council on 9.4.1990

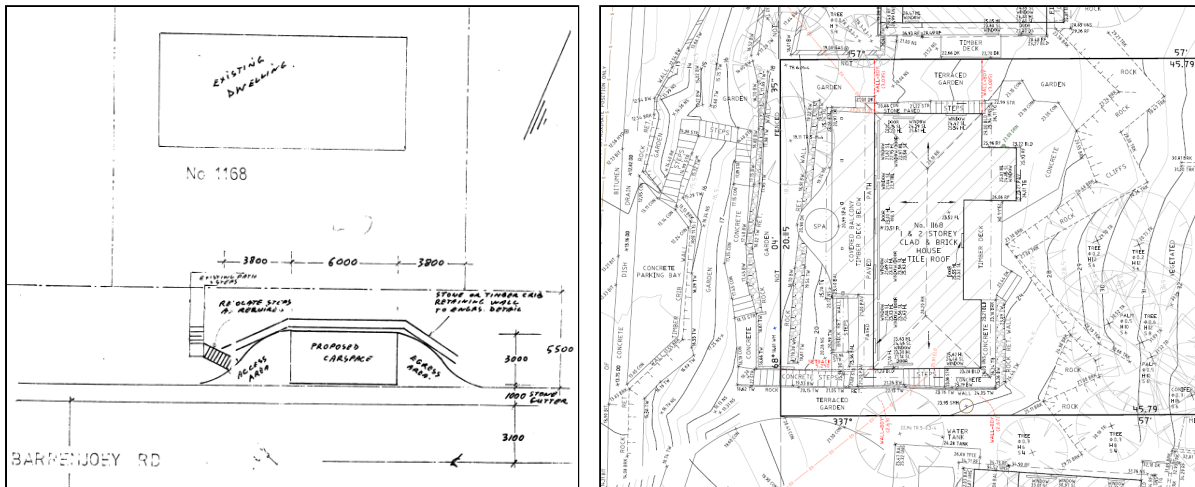


Image: Historical approval plans for only a single car parking bay and site detail showing existing house area.

All building structures on site are proposed to be demolished and removed. Therefore no additional site history is relevant.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan (PDCP) 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 2021 (EP&A Regulation 2021)	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information or amendments were made during the assessment period.

Section 4.15 Matters for Consideration	Comments
	<u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent. <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the 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, including garage space to enable cars enter and leave in forward direction along Barrenjoey Road for main road safe access.
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 12/06/2023 to 26/06/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	Supported with conditions. Council's Landscape Referral is assessed against the Pittwater Local Environment Plan (PLEP) clause C4 zone Environmental Living, and the following Pittwater 21 Development Control Plan (PDCP) controls (but not limited to): • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D12 Palm Beach Locality The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone. The application is accompanied by Landscape Plans and an Arboricultural Impact Assessment. It is noted that the proposed development works include additional structures within the public road reserve over and above the existing encroachments, including garage structure with on slab planter over, retaining walling, and stairs, and this matter shall be determined by the Assessing Planning Officer. The Landscape Plans includes proposals for encroachment works over the road reserve including planting as replacement of existing planting and the landscape replacement works within the public road reserve under this application is not approved. Any new or replacement landscape works within the road reserve requires a Minor Encroachments application to Council, and consideration from the relevant Road Reserve business unit. The submitted Landscape Plans are conceptual in design intent and do not provide detail information as required under Council's DA Lodgement Requirements, and in particular the densities for planting. The plans do not provide compensatory offset tree planting and only one native tree is proposed within the property, and thus the landscape objectives of C4 zone is not satisfied. Additionally, as raised in the Bushland & Biodiversity Referral any new planting is required to be native species to satisfy PDCP control B4.2 for the provision of at least 80% of total plant numbers as native vegetation. Conditions shall be imposed for amended Landscape Plans to

Internal Referral Body	Comments
	address the concerns as raised. The Arboricultural Impact Assessment submitted identifies the previous approval from Council's Tree Services business unit for removal of three native She Oak trees identified as trees 1, 2 and 6, and additionally determines that tree 4 (Kurrajong) requires removal and no concerns are raised. Additionally it is noted that exempt Canary Island Palm species identified as trees 3 and 5 can be removed without Council consent and therefore the Landscape Referral is assessed as if these exempt species were not in place. Should the application be approved, Landscape Referral provide conditions of consent.
NECC (Bushland and Biodiversity)	Supported with conditions. The proposal seeks approval for demolition works and construction of a new dwelling including a swimming pool. The comments in this referral relate to the following applicable controls and provisions: • Pittwater LEP 2014 - Part 7.6 Biodiversity Protection • Pittwater DCP Clause B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor • Pittwater DCP Clause B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor The proposal has been submitted with an accompanying Arboricultural impact assessment (AIA) that has recommended the removal of a total of 4 prescribed (protected) trees (T1, T2, T4 and T6). Additionally, a previous tree removal application (T2021/0684) was submitted and granted for the removal of T1, T2 and T6. No objections are raised as to the removals subject to their replacement with appropriate species. A landscape plan has been submitted with the application and will have to be amended to comply with applicable PDCCP controls ensuring that no plants identified as weeds in the Northern Beaches Local Priority Weed Management plan (for example Raphiolepis indica) have been included and ensuring that as per PDCCP B4.2 at least 80% of any new planting incorporates native vegetation (as per species listed in Native Plants for Your Garden available on the Pittwater Council website). The development is designed, sited and will be managed to avoid any significant adverse environmental impact.
NECC (Development Engineering)	Supported with conditions. The submitted stormwater plan includes an oversized rainwater tank. The applicant's Civil Engineer has requested an exemption from OSD due to the provision of this tank and the location of the site in relation

Internal Referral Body	Comments					
	to the stormwater network and discharge into the ocean which is acceptable. The submitted stormwater plans are acceptable. The proposal includes the provision of a new driveway access off Barrenjoey Road which has been supported by TfNSW. The driveway width and levels are acceptable and vehicles can enter and exit in a forward direction as required by the DCP. The proposed stair access replaces an existing stair. It is considered that these works must be supported by Council's Road Asset Team. Conditions for these works have been included via a S138 application. The submitted Geotechnical report addresses the relevant DCP controls. Development Engineering support the proposal, subject to conditions as recommended.					
Road Reserve	Supported with conditions. The referral comments of Council's Development Engineer are noted and supported. The alcove/undercroft (covered driveway) area on the road reserve below the garage roof garden shall not be fenced, gated or enclosed and/or used for private storage of goods. Details of landscaping on the road reserve shall be included in the <i>Roads Act</i> Application for Civil Works in the Public Road for review by Council's Landscape Architect.					
Strategic and Place Planning (Heritage Officer)	Supported with conditions. <table><tr><th>HERITAGE COMMENTS</th></tr><tr><td>Discussion of reason for referral</td></tr><tr><td> This application has been referred as it is within the vicinity of two heritage items, being: Item 2270091 - "Collins House" 1170 Barrenjoey Road, Palm Beach Item 2270152 - "Windyridge" (house), 50 and 50B Sunrise Road, Palm Beach </td></tr><tr><th>Details of heritage items affected</th></tr><tr><td> Details of the heritage items in the vicinity, as contained within the Heritage Inventory, are: Item 2270091 - "Collins House" 1170 Barrenjoey Road, Palm Beach <u>Statement of Significance</u> Collins House, 1170 Barrenjoey Road, Palm Beach, built in 1938 for the photographer James Andriesse, has historic and aesthetic significance as a good example of Late Twentieth Century Sydney Regional Architecture. Key modernist features are free asymmetrical massing, flat roof, exposed structure, open plan, horizontal structural emphasis and retention and adaptation to the natural setting and use of natural materials </td></tr></table>	HERITAGE COMMENTS	Discussion of reason for referral	This application has been referred as it is within the vicinity of two heritage items, being: Item 2270091 - "Collins House" 1170 Barrenjoey Road, Palm Beach Item 2270152 - "Windyridge" (house), 50 and 50B Sunrise Road, Palm Beach	Details of heritage items affected	Details of the heritage items in the vicinity, as contained within the Heritage Inventory, are: Item 2270091 - "Collins House" 1170 Barrenjoey Road, Palm Beach <u>Statement of Significance</u> Collins House, 1170 Barrenjoey Road, Palm Beach, built in 1938 for the photographer James Andriesse, has historic and aesthetic significance as a good example of Late Twentieth Century Sydney Regional Architecture. Key modernist features are free asymmetrical massing, flat roof, exposed structure, open plan, horizontal structural emphasis and retention and adaptation to the natural setting and use of natural materials
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Internal Referral Body	Comments		
	The residence portrays the early stages of a significant movement by Sydney architects to adapt the International Style and design theory to a local, regional language. The residence is a good example of Arthur Baldwinson's work and is associated with the development of the Northern Beaches as a holiday destination. Item 2270152 - "Windyridge" (house), 50 and 50B Sunrise Road, Palm Beach <u>Statement of Significance</u> "Windyridge", built in 1919 to the design of Wilshire and Day and built by Charles Verrills as a holiday house and modified by his son Frederick Verrills, has historic and aesthetic significance as a good example of vernacular weekender typical of the early Pittwater subdivisions. The architectural heritage of the area is characterised by this house form which, in Pittwater, evolved as a structure subordinate to the landscape and which utilised natural materials to harmonise with the surroundings and lessen their visual impact. The weekender is representative of the popularity of cottage retreats within Pittwater built of local natural materials to simple designs with traditional construction techniques.		
	Other relevant heritage listings		
	SEPP (Biodiversity and Conservation) 2021	No	Comment if applicable
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	Yes	" Collins House" on Register
	Other	No	
	Consideration of Application		
	This application proposes the demolition of the existing c.1936 dwelling on site and construction of a new multi-level dwelling, with pool and landscaping. Given the steep sloping nature of the site, the new dwelling is over 5 levels, however will present from Barrenjoey Road as a 3 storey house, set high above the street as does the current and adjoining dwellings. The new house will sit in a similar position on site as the existing house, with excavation to accommodate more floor space and the additional level. Generally the new house will sit at a similar setback and similar height as the adjoining houses, including the heritage listed house next door at 1170 Barrenjoey Road. The application is supported by a Heritage Impact Statement by John Oultram Heritage & Design, dated November 2022. This		

Internal Referral Body	Comments
	document has been reviewed and its findings supported. It concludes that even though the existing house was built as a weekender in approximately 1936, it does not meet the threshold for local heritage listing. It also concludes that the proposal will have very limited impact upon the heritage items in the vicinity, maintaining a garden setting to the front and also at the rear. An archival recording of the existing house is recommended. All these comments are agreed with. Given the separation (approx. 50 metres) between the new house and the heritage item at 50 Sunrise Road, as well as the change in level (approx. 30 metres higher), it is not considered that this proposal will impact upon the heritage significance of "Windyridge" at 50 Sunrise Road and it will not impede any of the iconic views which are part of the heritage significance of this heritage house. The "Collins House", which adjoins this site at 1170 Barrenjoey Road has been altered with the addition of a third level. The proposed house will be of a similar scale when viewed from Barrenjoey Road and its design is not out of character with the horizontal characteristics of the Collins House. There is also a generous side setback of 3.225 metres to the side boundary of 1170, which is greater than the existing setback. This will ensure that there will be adequate separation between the heritage house and the new house. Landscaping in the front will also soften the appearance of the new dwelling, ensuring that it will not dominate the adjoining "Collins House". The materials proposed are considered appropriate for the setting and are not considered to have an adverse impact on the visual setting of the heritage listed "Collins House". The use of a sandstone base reflects the sandstone base of the "Collins House" and the use of rammed earth and timber will assist in blending the new house into the landscape. Generally, it is considered that this proposal is appropriate within the context of the adjoining heritage house at 1170 Barrenjoey Road. Therefore, no objections are raised on heritage grounds subject to the imposition of a condition requiring a simple photographic record of the original weekender house, which is proposed to be demolished. <u>Consider against the provisions of CL5.10 of PLEP 2014:</u> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? Yes

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response on 7.6.2023 for overhead and underground cables, 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.
Aboriginal Heritage Office	The proposal was referred to council's Aboriginal Heritage Office and recommendations are included as standard requirement.
Roads and Maritime Service - Roads Act 1993, s138 (Non-integrated)	The proposal was referred to Transpot for NSW who provided a response stating that the proposal is acceptable and advisory requirements of the TfNSW were provided in the referral response. These recommendations will be included as a condition of consent as the property has frontage to a main road (MR164).

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. Certificate No.1379934S dated 10 May 2023).

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

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

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

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

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

Comment

Referral was made to Ausgrid and a referral response was received advising of standard requirements which are applied by condition as recommended.

Other Service Authorities.

The proposal was referred to Transport for NSW (since the site has frontage to a Main Road) and a referral response was received on 7 September 2023 with concurrence requirements. TfNSW requirements are applied by condition as recommended.

The infrastructure requirements of *Sydney Water* are managed directly through *Sydney Water* administrative procedures for water and sewer connections. No other Service Infrastructure Authority referrals are required.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is not in the Coastal use or Coastal Environment area as mapped on Councils land use mapping system. Accordingly, no further detailed assessment under Chapter 2 is required. The site is within the PDCP Scenic Protection Zone and this is addressed under the PDCP.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use. Standard conditions for the safe handling of any asbestos or lead based paint are addressed by requirements to comply with *Australian Standards* and safe work practices.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings	8.5m	8.5m	N/A	Yes (Chimney structures permitted exception)
LEP clause 2D	10.0m	8.5m	N/A	Yes

Note: The currently has some benching and excavated areas for the 'existing ground level'. Height is measured pursuant to the approach taken in *Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582* the existing excavated ground level measured as per the architectural sections.

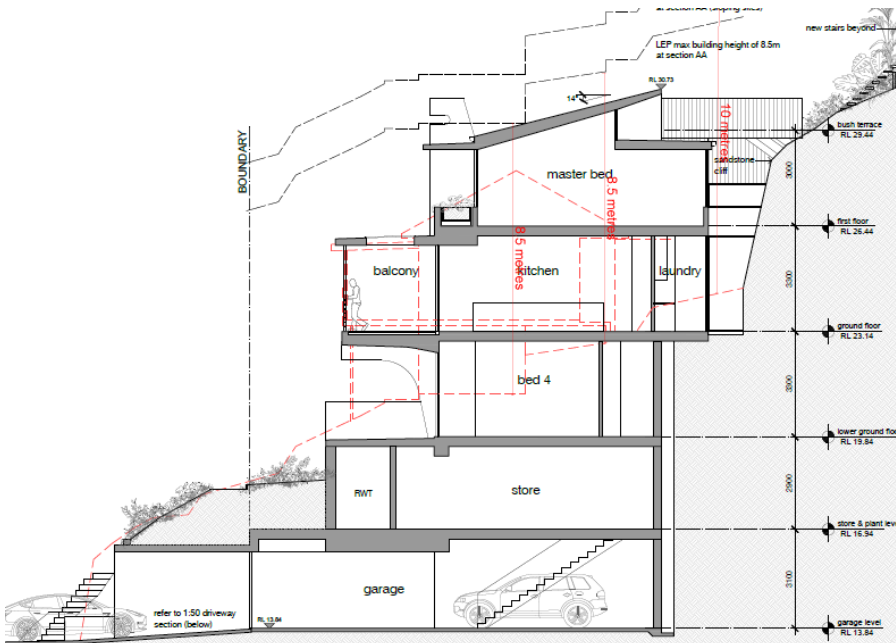


Image: Height line using 8.5 and 10m height line along natural ground level. (Some natural sections of the slope are near vertical rock outcrops)

The diagram also demonstrates the building height as measured by the alternate method used in *Bettar v Council of City of Sydney [2014] NSWLEC 1070* in which the building is 7.4m high based on extrapolated natural ground line.

- The slope of the land across the building footprint exceeds 16.7 degrees and excavation is utilized to provide vertical access within the house via a lift and stairs. At the rear the top level include a walkway to small level area. Overall the new dwelling is positioned over the original building platform and steps back and upward to follow the natural slope up to a natural cliff point and to reach a small flat area above. The rear boundary is approximately 15m higher than the upper roof level of the house.

Pittwater LEP 2014 includes provision that:

"(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be

more than 10.0 metres if:

- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and
- (b) the objectives of this clause are achieved, and
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and
- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope."

The proposal meets height objectives and the overall stepping of the building is similar with other newer homes constructed on similar slope / site conditions in the Palm beach area. Excavation is generally in the central parts (not extended along the boundary setbacks) and pushing the building upslope would likely impact natural rock outcrops at the rear and impact canopy trees higher upslope. The building design steps down the slope with eaves, shade awnings at the front and varying materials and landscaping to provide visual interest.

Compliance Assessment

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

Detailed Assessment

Zone C4 Environmental Living

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

Comment:

The site forms part of the aesthetic value on the landscape (slopes, ridgetop area and gullies) in the visual catchment viewed from Pittwater (looking south from Barrenjoey/ Pam Beach Golf course area). The development is consistent with the pattern of surrounding development landscape setting, and considerate of views, pattern of urban development and the local ecology, including water management and runoff.

The proposal satisfies these 2 objectives (grouped above).

Comment:

- The site has been partly excavated across the mid section of the site for the existing house footprint. The demolition this house and site preparation works propose additional excavation for the new dwelling principally to create off street parking garage. The excavation is mainly required the proposed house site above the garage area which is a deep section of excavation to ensure cars can turn around to enter and leave in forward direction onto Barrenjoey Road. Transport for NSW were provided with a referral due to the Main Road classification and safety consideration along this narrow portion of the road.
- Excavation does not extend into the side setbacks and deep soil landscaping is proposed to cover the garage entry room space. The sandstone terrain that has been reviewed by and expert consulting engineering with a Geotechnical Assessment Report.
- Suitable conditions are recommended to manage dilapidation risk as well as standard conditions for engineering practices, compliance with *Australian standards* (AS) and the like.
- The site is not identified for aboriginal heritage or significant cultural features, however there are some rock elements higher up on the land outside the works area (to be kept in situ) and standard conditions are recommended to ensure should / if any unexpected items of Aboriginal cultural value be identified appropriate response is taken.
- The proposal utilises an intermediate floor for storage above the garage and subfloor access behind the proposed pool. This design has kept the house compliant with the 8.5m height line and near-compliant with the side boundary envelope.
- The excavation extent proposed and continued residential use of the land is consistent with more recent surrounding urban residential development, especially re-building works in the area.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*
Front building line	6.5m	<u>Garage</u> 0.0m <u>Store / Plant / Pool</u> 1m to 2.5m <u>Lower Ground</u> 5.8m (1m to 2.2m terrace & pool) <u>Ground Floor</u> 5.8m (2.8m to balcony & awning) <u>First Floor</u> 6.8m	100% 85% 10% 85% 10% N/A
Main Road setback	10m	<u>Garage</u> 0.0m <u>Store / Plant / Pool</u> 1m to 2.5m <u>Lower Ground</u> 5.8m	100% 90% 42%

		(1m to 2.2m terrace & pool) <u>Ground Floor</u> 5.8m (2.8m to balcony & awning) <u>First Floor</u> 6.8m	90% 42% 32%
Rear building line	6.5m	<u>First Floor</u> (ground level at rear) 32.9m <u>First Floor terrace</u> 26.9m <u>Spa terrace</u> 20.6m	N/A N/A N/A
Side building line	East 2.5m	<u>Garage</u> 3.6m - 9.5m <u>Store / Plant / Pool</u> 3.0m to 8.4m <u>Lower Ground</u> 3.2m to 3.9m Steps / terrace - 0.0m <u>Ground Floor</u> 3.2m to 7.9m <u>First Floor</u> 3.2m to 7.6m	N/A N/A N/A 100% N/A N/A
	West 1.0m	<u>Garage</u> 3.9m <u>Store / Plant / Pool</u> 3.9m <u>Lower Ground Floor</u> 1.5m to 2.0m Clothes line / terrace / wall - 0.2m <u>Ground Floor</u> 2.0m <u>First Floor</u> 3.2m to 3.8m	N/A N/A N/A 80% N/A N/A
Building envelope	<u>East</u> 3.5m x 45°	Breach of envelope	up to 0.3m roof gable Up to 2.4 chimney
	<u>West</u> 3.5m x 45°	Breach of envelope	up to 1.0m roof gable
Landscaped area (Site area 921sqm) Area 1	60% (552sqm)	67% or 617sqm (Ground level)	N/A
	60% (65sqm) landscaping	46 sqm landscaping across front setback area.	23%

	across front setback area.		
Eaves	450mm	nil in part	Side walls nil
Car parking	2 cars	2 cars (space dimensions comply) No kerbside parking near site	N/A

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.12 Palm Beach Locality	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B5.13 Development on Waterfront Land	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
B6.6 On-Street Parking Facilities	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
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	No	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	No	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
C5.17 Pollution control	Yes	Yes
C5.18 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C5.21 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D12.1 Character as viewed from a public place	Yes	Yes
D12.3 Building colours and materials	Yes	Yes
D12.5 Front building line	No	Yes
D12.6 Side and rear building line	No	Yes
D12.8 Building envelope	No	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D12.12 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

A4.12 Palm Beach Locality

The Palm Beach locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the lowlands and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale whilst ensuring that future development respects the horizontal massing of the existing built form. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The design, scale and treatment of future development within the commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will

be encouraged.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

Palm Beach will remain an important link to the offshore communities.

Comment on DFC

- The proposal seeks to replace the existing dwelling on the site, including a new garage, pool, spa and landscaping site works. Landscaping is used to conceal the lower two levels and the building is single storey at the rear but with the steepness of the site, and cliff behind the house a 3rd storey element is apparent at the front. The building used verandah elements to break up the front elevation. The building does not propose a dual occupancy.
- The house will provide adequate infrastructure for parking and water conservation (tank) as well as safe access to the public road.
- The building complies with the permitted height for the roof and walls and has minor encroachment to the side building envelope due to the contemporary design. Facade modulation and other architectural elements and materials are used to create visual interest and maintain consistency with the DFC.
- The proposal has been subject to geotechnical assessment (provided with the application) and the site is suitable for residential use.
- Landscaping will be used to restore a landscape setting and screen the garage and lower basement levels of the building and achieve a landscape balance for the site as per the DFC and encourage local fauna habitat.
- Vehicle parking clear of Barrenjoey Road and pedestrian entry is provided to ensure safe access.
- The land has been inspected by Council's aboriginal heritage office and no relics were identified for conservation.
- The proposal is consistent with the DFC (as per detailed assessment within this report and merit considerations)

B6.3 Off-Street Vehicle Parking Requirements

The objectives and requirements of *B6.3 Off Street Vehicle Parking* are considered on merit as follows:

- *An adequate number of parking and service spaces that meets the demands generated by the development.*

- *Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*
- *Safe and convenient parking.*

Comment

- The proposal has a compliant number of parking space and appropriate dimensions. The garage structure is excavated and parking spaces are clear of the front boundary by 5.6m which allows for reversing into the turnaround bay so cars can leave in a forward direction. There is sufficient space for visitor also to park within the garage space as there is no normal kerbside parking due to the carriageway structures in front of the site.
- The section diagrams and conditions from TfNSW address rainwater runoff and the garage roof will be covered in deep soil with dense planting to conceal the setback variation.
- The parking garage is large enough to ensure cars do not have to reverse into oncoming traffic / buses along this stretch of road and excavation includes splay for sight distance. The parking space of the garage is much safer than the current arrangement.
- The garage space allows for 2 off street parking spaces and is large enough for the safety of 1 to 2 visitor cars to the house to be safely and conveniently clear of the road carriageway.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater 21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

C1.1 Landscaping

The objectives and requirements of *Clause C1.1 Landscaping* are considered on merit as follows:

- *A built form softened and complemented by landscaping.*
- *Landscaping reflects the scale and form of development.*
- *Retention of canopy trees by encouraging the use of pier and beam footings.*
- *Development results in retention of existing native vegetation.*
- *Landscaping results in the long-term retention of Pittwater's locally native tree canopy.*
- *Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species*
- *Landscaping enhances habitat and amenity value.*
- *Landscaping results in reduced risk of landslide.*
- *Landscaping results in low watering requirement.*

Comment:

- The proposal satisfies the planting species (for native trees / shrubs) as per Clause C1.1 however the proposal does not have 60% soft landscaping across the front setback due to use of the existing building footprint and forward position of the pool, OSD and garage. These structures however are generally concealed from view by the embankment and deep soil to be reinstated over the garage access.
- Overall the building design is complemented by landscaping concentrated in front of the building and at the back to maintain landscape setting pursuant to the DFC of Palm Beach Locality. Replacement planting will be provided that is a mix of native and other suitable

species. No large canopy trees have to be removed for the proposed works.

- Setbacks and landscaping proposed is commensurate with the character of the building and the "green roof" architecture enhances the landscape appearance of the building as well as providing energy efficiency benefits.
- The colours of the building are suitable for the landscape setting as annotated on the plans.
- The landscape area and vegetation will not unreasonably impact solar access or views and assist the maintain the landscape character of the surroundings.
- The landscape area achieved and overall 60% requirement will soften the view of the building when viewed from Barrenjoey Road and more distant vantage points (Pittwater and Palm beach area toward Barrenjoey).
- Landscape setting at the front ground floor has been concentrated to complement the existing area of the road reserve embankment planting by replacement of deep soil over the garage roof entry and turning area in front of the proposed pool.
- The stormwater management is adequate for the land as per Council's engineering assessment for the driveway (and turning space to access Barrenjoey Road in a forward direction), including 2 carparking spaces (with space for a visitor to be clear of the road carriageway) and pathways are not excessive with principal POS areas integrated with the terraces facing north, including the pool area.

Having regard to the above assessment, it is concluded that the proposed development, is consistent with the relevant objectives of PDGP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C1.3 View Sharing

The objectives and requirements of *Clause C1.3 View sharing* are considered on merit as follows:

Merit consideration

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

- *A reasonable sharing of views amongst dwellings.*

Comment:

Consideration of views with regard to adjoining and nearby properties, is regarded to be consistent with the Planning Principle outlined within the *Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140*. In summary this includes the nature of the view north toward Pittwater / Lion Island / Barrenjoey, views obtained from the front of adjacent houses, the extent of impact is negligible and the skillfulness of the

design to provide suitable setbacks and use the existing building position to not create any adverse impact.

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

Comment:

The proposal does not create any unreasonable impact from public view lines above the site or from within the road reserve.

- *Canopy trees take priority over views.*

Comment:

The site has no significant canopy trees and suitable planting will be used for replacement coastal planting on site.

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

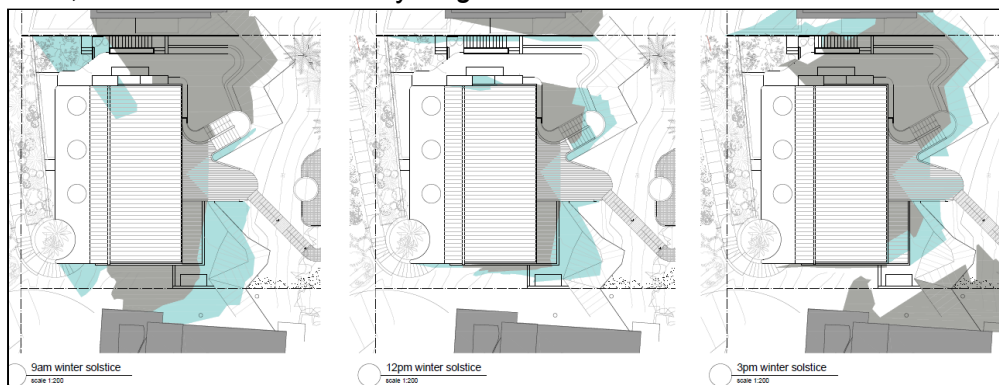
C1.4 Solar Access

The objectives and requirements of *Clause C1.4 Solar Access* are considered on merit as follows:

- *Residential development is sited and designed to maximise solar access during mid-winter.*
- *A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development.*
- *Reduce usage and/dependence for artificial lighting.*

Comment:

- The site faces north and slopes steeply down toward Barrenjoey Road which enables solar access during mid-winter in the middle of the day as demonstrated in the shadow diagram DA15, dated 3.5.2023 drawn by *Luigi Rosselli Architect*.



- The steepness of the land influences the position of POS for adjacent land and the subject site and therefore reasonable solar access is maintained to front terraces (used as outdoor living space) and any principal POS. Overall the proposal complies with the requirement to ensure to

adjacent land receives a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.

- The proposal does not create unreasonable loss of sunlight to any solar collectors or clothes drying areas.
- Overall the proposal is consistent with the LEC approach used for solar access considerations outlined in *Parsonage vs Ku-ring-gai Council* and *Benevolent Society vs Waverley Council* [2010] NSWLEC 1082.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater 21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

C1.5 Visual Privacy

The objectives and requirements of *Clause 1.5 Visual Privacy* are considered on merit as follows:

- *Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.*
- *A sense of territory and safety is provided for residents.*

Comments:

- The development includes additional rear terraces and a pool structure integrated to the front terrace at the lower ground level. Notwithstanding, the design include minimal windows and continuity in the building front setback to ensure the primary outlook is toward the north and is not adversely impacted on more private elements of adjacent land. The rear terrace access is central to the site and utilises an existing small levelled area above the rear of the house. This is protected by wide landscape buffer on either side and is generally not a highly accessible space to the kitchen / dining / living area. The upper deck / spa pool position shown and the front terrace pool do not to create any unreasonable visual privacy (or acoustic amenity) impacts on adjacent land.
- The principal living area is sited at approximately the same level as the existing main floor of the present house (to be demolished) and the lower pool terrace is at a similar space to the lower undercroft area of the house. The position of the outdoor bbq is set against the side wall and out of the 2.5m side setback line. Therefore this space is partially protected from smoke drift / fumes from the bbq by being against the house wall.
- The Landscape Plan indicates that this planting regime large area of the site including parts of the side setbacks to accommodate suitable plants for the coastal environment and assist visual privacy.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater 21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

C1.7 Private Open Space

The objectives and requirements of *C1.7 Private Open Space* are considered on merit as follows:

- *Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants.*
- *Private open space is integrated with, and directly accessible from, the living areas of dwellings.*
- *Private open space receives sufficient solar access and privacy.*

Comment

Comment:

- The private open space is shared between the front and rear of the house due to the highly valued views northward toward Lion Island and adjacent coastal environment and waterway. The slope of the land has been capitalised on by positioning a new pool proposed at the lower ground level that is supported by the intermediate space above the garage parking area.
- The POS is well integrated to the design of the house and the main external rear terrace and front balcony are convenient to the kitchen living dining area.
- The open space areas will receive adequate solar access (summer shade at the rear terrace and north direct sun for the front balcony) and are setback from the side boundaries for spatial separation and appropriate privacy.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater 21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C1.23 Eaves

The objectives and requirements of Clause C1.23 Eaves are considered on merit as follows:

- *Housing that reflects the coastal heritage and character of Pittwater.*
- *Optimise roof forms.*
- *Appropriate solar access and shading is achieved.*

Comment:

- The provisions of this clause required that "*Dwellings shall incorporate eaves on all elevations. Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters.*" In this case the applicant has not provided eaves as the proposal includes contemporary design with skillion roof and limited awning / verandah area to where side doors or external access points.
- The roof style and BASIX assessment demonstrates adequate thermal performance and will not create unreasonable solar reflection.

- The dwelling is stepped back as it rises up the steep terrain that allows for wide covered awnings and roof terrace areas that shade the front (north) of the house.
- The site has sufficient landscape area and trees to maintain the coastal character of Pittwater viewed from the water and Barrenjoey reserve area. The roof form provide is a dark tone and affords minimal visual impact from reflection.
- The colours of the building are appropriate to the coastal locality (as annotated on the amended plans DA14 dated 3.5.2023 by *Luigi Rosselli*)

Having regard to the above assessment, it is concluded that the proposed development, is consistent with the relevant objectives of PDCA and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance

D12.5 Front building line

The objectives and requirements of *D12.5 Front Building line* are considered on merit as follows:

Non-compliance:

Clause D12.5 requires development to provide a minimum front setback of 6.5m. The proposed ground floor walled elements of the rainwater tank structure and pool are setback 1.0m to 2.5m, influenced by the intermediate level, used to infill the gap to the higher new ground floor that is similar to the existing ground floor thus allowing the living area higher up to take advantage of views to Pittwater. Additionally, the rear of the house is 'hemmed-in' by a cliff-line at the back that is being kept in situ.

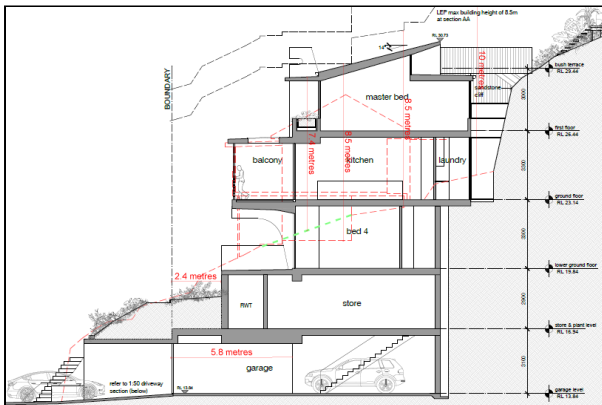


Image: Front setback non-compliance for the ground floor. Note existing walls retained (black).

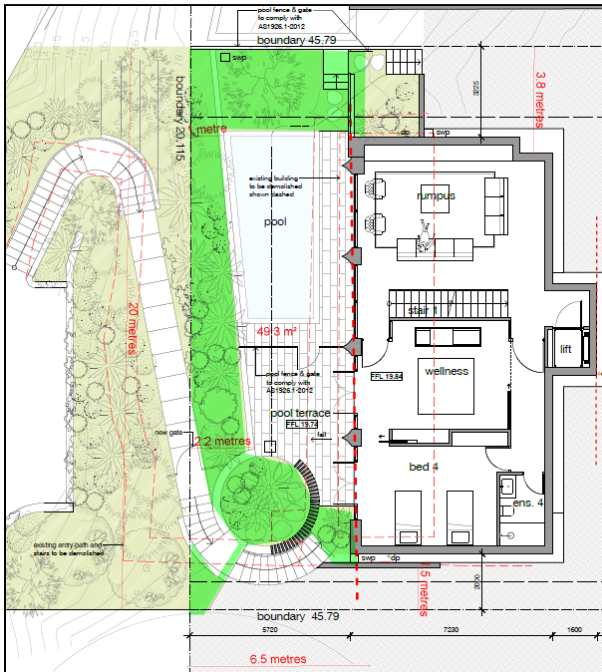


Image: The front building line includes minor encroachment for the lower ground level being setback 5.72m

Detailed Consideration

With regard to the consideration for a variation the DFC and objectives are addressed as follows:

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

Comment:

The desired future character statement of the Palm Beach Locality states:

"The Palm Beach locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the lowlands and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale whilst ensuring that future development respects the horizontal massing of the existing built form. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, veranda's and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The design, scale and treatment of future development within the commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor café seating will be encouraged.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

Palm Beach will remain an important link to the offshore communities".

DFC Comment:

The development is for demolition of the existing house to construct a new dwelling utilising the existing footprint and expanded excavation area.

The upper roof level apex is 30.73 and the building steps up the site from the front setback area over 5 levels however 2 levels are fully underground for the garage and storage room. The road reserve fringe in front of the house is a steep 6m rise / embankment with low planting and the proposal has been amended to reinstate the planting concentration across the slope toward the road side (over the garage roof entry).

The development is designed to respond to the sloping topography of the site by articulation across the building bulk with open front terraces at the front and landscaping retained as a backdrop to the building as well as used to partly conceal the front edge of the pool / rainwater tank structure. The intermediate store room level has not windows or external access and contains access to pool plant equipment room. Therefore, this is not suitable as a habitable floor for living / sleeping.

Colours and materials are predominantly darker / natural tones with only minor edging for plain render (e.g balcony edge)



The proposal is consistent with the DFC.

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

Comment:

The building steps up the site and has wider side setbacks to in response to the side boundary envelope. The proposal does not create any unreasonable impact on preserving for views and vistas from the public domain or adjacent private land. The building height complies height plane control at 8.5m and has minimal non-compliance (<300mm) to the side boundary envelope. Neighbouring houses to the rear and either side are not unreasonably impacted by view loss due to the highly accessible (broad) views to the north.

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

Comment:

The building presents as 3 storeys when viewed along the roadway approach with the lower 2 basement level concealed. Overall the proposal is consistent with the pattern and scale of surrounding dwelling houses that have been replaced by new houses or substantially altered / extended in the vicinity. Landscaping is provided to maintain a landscape setting for the site with landscaping concentrated at the front and rear.

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

Comment:

Landscaping is provided to maintain a landscape setting for the site. Replacement planting is suitable for the coastal environment and includes a mix of native species to enhance the appearance of the dwelling and maintain reasonable amenity to the surrounding building in its residential setting.

- *Vehicle manoeuvring in a forward direction is facilitated.*

Comment:

The garage area is suitable for access to a main road (MR) Council's development engineering requirements and *Transport for NSW* so that cars enter and leave Barrenjoey Road in a forward direction for safety.

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

Comment:

The proposal maintains the existing main tree planting on site and will include new landscaping works that are suitable for the bushland character. The planting is suitable for the coastal residential environment with a suitable native plant species mix. The landscaping is supported by Council's Landscape Officer.

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

Comment:

The proposed landscaping works are satisfactory for the surrounding urban environment. The majority of existing trees on site are to be retained and a mix of new low and medium sized planting are to be provided.

- *To encourage attractive street frontages and improve pedestrian amenity.*

Comment:

The proposal includes new landscape planting and works in the front setback area to maintain a suitable streetscape setting of the site. The development proposal retains all high retention trees within the rear of the property will reinstate excavated area so that the garage entry is covered and sandstone rock facing used that is suitable for the character of the area. Council's landscape officer has recommended conditions regarding the protection of trees where appropriate.

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

Comment:

The proposal maintains the overall urban amenity of the site in terms of landscaping works and overall design include screens and appropriate orientation to the street, with side setback landscape elements and no unreasonable impact on surrounding land. Toward the rear of the site the land rises steeply and is a further 15m or more higher at the back boundary which ensures the building (roof) is similar or lower than adjacent houses at No.1170 or No.1166 Barrenjoey Road.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater 21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

D12.6 Side and rear building line

The objectives and requirements of *D12.6 Side and rear building line* are considered on merit as follows:

Non-compliance

The proposal includes minor non-compliance within the 1m / 2.5m the side setback along eastern and western wall lines associated with the side stair access, retaining walls, drying line, minor terrace elements.

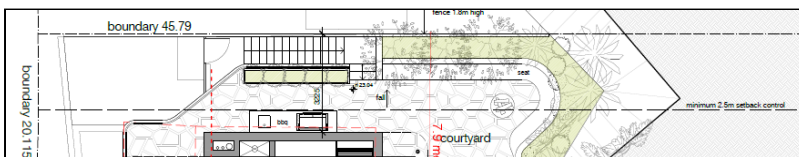


Image: Eastern side setback structures within 2.5m setback line.

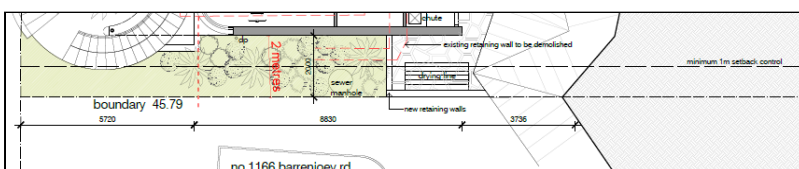


Image: Western side setback structures within 1.0m setback line.

Merit Consideration

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

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

Comment

The new house including materials, landscaping planter boxes, retaining walls and steps and position of the new minor domestic elements for the house along the side setback (e.g clothes line, POS seat), generally below the top of boundary fence line height and are consistent with the DFC for the residential setting.

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

Comment

The building works with the 1m / 2.5m side setback areas do not create any unreasonable building bulk or scale and are not part of the main wall / roof curtilage of the house.

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

Comment

The position of the side steps, terrace and clothes drying area and associated retaining wall do not create any unreasonable intrusion on views.

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

Comment

The main side walls of the building comply with the side setbacks and allow for landscaping to be reinstated on either side of the house. The proposal is consistent with this objective.



Image: Architectural illustration of proposed house in its future landscape setting.

- *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 maintains the northerly aspect with good access to direct sunlight across the north facing terraces. Overall the new dwelling does not create an unreasonable loss of privacy or solar access to adjacent land. The use of planter boxes, privacy screening and shutters to side windows (as shown) retain privacy and amenity to adjacent private property.

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

Comment

Landscaping will be reinstated along the front setback (including appropriate replacement of excavation material in the road reserve and as detailed on the plans ensure landscaping is part of the styling / appearance of the building. Side setback areas are generally not suitable for large trees or dense planting due to adjacent dwelling positions, BCA access and drainage requirements (including sewer on the western side).

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

Comment

The proposal involves substantial alteration and additions which maintain the general building line along the side setbacks determined by the existing building footprint. Generally the encroachments are minor and influenced by the angled shape of the side boundaries in comparison the main wall lines of the dwelling. The proposal includes improved access for the dwelling by way of new lift and internal stair circulation. Therefore, the main dwelling curtilage is compliant with the side setbacks and side boundary envelope.

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

Comment

The proposal has included landscape elements in and planter boxes to assist in providing a buffer to adjacent land. New planter boxes are shown for the terraces areas (including the top floor) to break up building bulk and assist in privacy and visual interest for the building.

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

Comment

The site is not located on the fringe of a commercial interface. This objective is not relevant.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater 21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D12.8 Building envelope

The objectives and requirements of *D12.8 Building Envelope* are considered on merit as follows:

Non-compliance

The proposal includes minor non-compliance (0.3m east side + the stone chimney is 2.4m inside the envelope, 1.0m west side for roof gable and 0.5m for top corner of west wall) as per the side boundary envelope shown below.

- *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.*
- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- *The bulk and scale of the built form is minimised.*
- *Equitable preservation of views and vistas to and/or from public/private places.*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*
- *Vegetation is retained and enhanced to visually reduce the built form.*

- The proposal involves complete demolition of the existing house and a new house including ancillary works for landscaping, pool, spa, new pathways, garage and POS. Overall the building appearance and bulk has been designed to capitalise on the natural slope and site below and in front of a natural cliff element behind the existing house. The overall appearance is consistent with the DFC and non-compliant elements are minor or have been considered on merit to address safe vehicle access, steepness of the site and existing site constraints and the pattern of surrounding development.
- The building works include minor "point" encroachments on either side and are limited to short non-compliance with the side boundary envelope. The side setbacks partly rely on keeping side wall elements compliant with the 1.0m and 2.5m setbacks, however the steep land influences the vertical position of the wall and SBE non-compliance. The building is designed in context with the slope of the land and articulation and stepping the building upslope is used in conjunction with landscaping to minimise amenity impacts on surrounding land.
- The roof form does not create any unreasonable view loss to properties overlooking the site. The position of the chimney is in the mid area of the eastern side wall of the building and does not create unreasonable intrusion on views. Generally the non-compliance is limited to the roof side gable space on the east and west elevation's.

- The new built form uses the existing building platform with new works along the side setback for landscaping, paths, side access and terrace access. The principal outlook toward the street in a responsive design and minimise impact on views. Windows on the side walls are minimal size and include side shutters for privacy.
- The proposal maintains the northerly aspect with good access to direct sunlight across the north facing terraces. Overall the built form does not create an unreasonable loss of privacy or solar access to adjacent land. The use of planter boxes, privacy screening and window infill will assist to retain privacy and amenity to adjacent private property.
- Vegetation is to be reinstated in the road reserve and the front will be protected where not excavated and replacement steps provided in similarity to existing side access. Deep soil zones and planter boxes, as detailed on the plans ensure appropriate landscaping is part of the styling of the building setting.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater 21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D12.14 Scenic Protection Category One Areas

The objectives and requirements of *Clause D12.14 Scenic Protection Category One Areas* are considered on merit as follows:

- *To achieve the desired future character of the Locality.*
- *To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront.*
- *Maintenance and enhancement of the tree canopy.*
- *Colours and materials recede into a well vegetated natural environment.*
- *To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component*
- *To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.*
- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- *To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.*
- *Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.*



Image: Architectural illustration of future character / appearance of proposed house.

Comment:

- The proposal is situated within the Palm Beach Locality and responds to the relevant parts of the DFC for the locality. Particular elements have been addressed in particular for built form non-compliance and the design approach used to maintain consistency with the DFC. Landscape assessment also include 4 native canopy trees (suitably placed) to provide long term renewal of tree canopy within the site. Such trees may be open canopy (such as *Angophora sp.* to accomodate views and give filtered shade / screening over the long term).
- The site is does not have any large canopy trees when viewed from Palm Beach but has a landscape backdrop due to the steepness of the land behind the site. The dwelling is consistent with the scale of newer or substantially renovated dwellings in the surrounding streets.
- Within the site Trees 1, 2 & 6 *Casuarina glauca* have already been approved for removal by Council in tree application NO.TA 2021/0684 and a landscape buffer has been provided at the front with landscaping forming a rooftop element over the garage entry point as will as landscaping elements included for the side setback and main rock escarpment at the rear retained.
- The proposal does not create any view loss on the public domain or unreasonably impact any local views.
- The building steps up the site and back with the slope as well as utilising the existing excavated platform of the house (to be demolished) with some additional excavation at the rear for new lift and internal stair access.
- The proposal has an open style floor plan at the living level with the primary outlook toward the street and north (toward views of Lion Island / Barrenjoey) POS generally limited to terrace areas that are shared between the front (pool area) and the rear of the house. The use of materials (sandstone), shade awnings, planter box landscaping and building articulation assist to break up building bulk and provide visual impact.

- The visibility of the new dwelling is consistent with the pattern of development on surrounding land in the vicinity of the site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater 21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

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

A monetary contribution of \$21,658 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$2,165,775.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP

- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2023/0577 for Demolition works and construction of a dwelling house, garage, swimming pool and spa on land at Lot 1 DP 332220, 1168 Barrenjoey Road, PALM BEACH, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA00	A	Cover Sheet	Luigi Rosselli	3.5.2023
DA02	A	Plan Site + Roof	Luigi Rosselli	3.5.2023
DA03	A	Plan - Garage	Luigi Rosselli	3.5.2023
DA04	A	Plan - Store & Plant	Luigi Rosselli	3.5.2023
DA05	A	Plan - Ground	Luigi Rosselli	3.5.2023
DA06	A	Plan - Lower Ground	Luigi Rosselli	3.5.2023
DA07	A	Plan - First Floor	Luigi Rosselli	3.5.2023
DA08	A	Elevation - North	Luigi Rosselli	3.5.2023
DA09	A	Elevation - South	Luigi Rosselli	3.5.2023
DA10	A	Elevation - East	Luigi Rosselli	3.5.2023
DA11	A	Elevation - West	Luigi Rosselli	3.5.2023
DA12	A	Section A-A	Luigi Rosselli	3.5.2023
DA13	A	Section B-B	Luigi Rosselli	3.5.2023
DA14	A	Colours & Materials	Luigi Rosselli	3.5.2023
DA16	A	Demolition / Excavation plan	Luigi Rosselli	3.5.2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	1379934S	Partners Energy Management	10.5.2023
Arboricultural Impact Assessment	-	Jackson's Nature Works	18.10.2022
Waste Management Report - 1168 Barrenjoey Road	-	Luigi Rosselli	Undated
Section 8.2 Recommendations - Heritage Impact Statement	-	John Oultram Heritage & Design	November 2022
Section 4 and 5 Recommendations / Conclusions - Report on Geotechnical Site Investigation	2022-210	Crozier Geotechnical Consultants	14.3.2023
Engineering Drawings			
C1 Cover Sheet & Notes	B	ACOR Consultants	10.5.2023
C2 Stormwater Management Plan Garage	B	ACOR Consultants	10.5.2023
C3 Stormwater Management Plan Store Room	B	ACOR Consultants	10.5.2023
C4 Stormwater Management Plan Lower Ground Floor Plan	B	ACOR Consultants	10.5.2023
C5 Stormwater Management Details	B	ACOR Consultants	10.5.2023
C6 Erosion and Sediment Control Plan	B	ACOR Consultants	10.5.2023
C7 Erosion and Sediment Control Notes & Details	B	ACOR Consultants	10.5.2023
Landscaping Drawings			
LA-01 Landscape Statement & Planting Schedule	B	KRLA	15.3.2023
LA-02 Tree Protection Removal Plan & Site Plan	B	KRLA	15.3.2023
LA-03 Garage Lower Ground Floor Landscape	B	KRLA	15.3.2023
LA-04 Upper Ground Floor Landscape	B	KRLA	15.3.2023
LA-05 First Floor Landscape	B	KRLA	15.3.2023
LA-06 Bush Terrace Landscape	B	KRLA	15.3.2023
LA-07 Planting Plan and Palette - Front	B	KRLA	15.3.2023
LA-08 Planting Plan and Palette - Back	B	KRLA	15.3.2023

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response Overhead cables	7.6.2023
Ausgrid	Ausgrid Referral Response Underground cables	7.6.2023
Transport for NSW	TfNSW Referral Response	7.9.2023
Aboriginal Heritage Office	AHO Referral Response	14.12.2023

(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 department, authorities or bodies.

3. Approved Land Use

Nothing in this consent shall authorise the use of site/onsite structures as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house, in accordance with the Dictionary of the Pittwater Local Environmental Plan 2014, as follows:

"dwelling house means a building containing only one dwelling."

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

4. Prescribed Conditions

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

hours, and

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

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

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

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

5. General Requirements

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

- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant *Australian Standards*.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018

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

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

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$21,657.75 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$2,165,775.00.

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

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

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

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

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 Certifier prior to the issue of the Construction Certificate.

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

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

8. Amended Landscape Plans

Amended Landscape Plans shall be issued to the Principal Certifier prior to the issue of a Construction Certificate to include the following additional details:

- a) design detailing of all hard landscape elements,
- b) design detailing of drainage provisions for landscape planting over structures,
- c) provision of four (4) native canopy trees shall be nominated within the property to achieve at least 8.5 metres height at maturity; at a minimum pre-ordered planting size of 75 litres; generally selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward, or Council's Tree Guide; located at least 3.0 metres from buildings and other trees or more, at least 2.0 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn and positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
- d) clear demonstration of the planting layout, with mass planting at minimum 1metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers, perennials and other low planting at a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- e) deletion of nominated *Raphiolepis* species and replacement with a non self-seeding species of similar form and size, and similarly removal of any self-seeding species from the plant schedule,
- f) at least 80% of any new planting shall incorporate native vegetation typical of the locality.

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

Reason: To maintain environmental amenity.

9. On Slab Landscape Works

Details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab structure, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Certifier prior to the issue of the

Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections. The following soil depths are required to support landscaping: 300mm for groundcovers, perennials, grasses and lawn; 600mm for shrubs; and 1m for small trees.

Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

10. Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following:

- Deletion of *Raphiolepis indica* "Oriental Pearl"
- Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species listed in *Native Plants for Your Garden* available on the Pittwater Council website).

The Landscape Plan is to be amended by a qualified landscape architect and provided to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To maintain and replace habitat on the site.

11. Traffic Control

The Applicant is to submit a Traffic Control Application to Council for approval prior to issue of the Construction Certificate. The Traffic Control Application shall be prepared to TfNSW standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

12. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent to Transport for NSW in accordance with their letter Ref: SYD23/00951 dated 7 September 2023. The plans are to be prepared by an appropriately qualified and practicing Civil Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG), indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to Barrenjoey Road.

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

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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Crozier Geotechnical Consultants dated 14 March

2023 are to be incorporated into the construction plans and documentation. 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 Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

14. Boundary Identification Survey

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

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

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

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

15. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:

1. Council's relevant development control plan,
2. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

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

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

16. Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of the driveway access, stairs, retaining walls, stormwater connection and associated landscaping which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1, and the letter from Transport for NSW ref: SYD23/00951 dated 7 September 2023. The plans shall be prepared by a qualified Civil Engineer and Landscape Architect. The design must include the following information:

1. 6 metre wide driveway crossing in accordance with Council's Normal Profile.
2. Gutter crossing in accordance with TfNSW requirements. (Approval from TfNSW to be submitted with the application).
3. Retaining wall details including plan and sections.
4. Stair details including handrails.
5. Geotechnical Report including Form 2 in accordance with Council's Geotechnical Policy.
6. Stormwater outlet connection in accordance with TfNSW requirements. (Approval from TfNSW to be submitted with the application).
7. Detailed Landscaping plans including specifications for the proposed planting in the road reserve.
8. Services Plan to ensure no services are affected by the works. Concurrence from the relevant service authority if any services are affected.

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 Principal Certifier prior to the issue of the Construction Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

17. **Photographic Heritage Record**

A simple photographic heritage record of the site is to be made of all buildings and structures, as a record of the site prior to works. This record must be submitted to Council's Heritage Advisor for approval prior to commencement of any demolition or works on-site.

This photographic record should be made using digital technology and should include:

- Location of property, date of survey and author of survey;
- A site plan at a scale of 1:200 showing all structures and major landscape elements;
- Existing plans of any buildings (floor plans and elevations);
- Photographs of all elevations, interiors and key features (including gardens, fences, architectural details such as windows, joinery etc.) as well as a number of contextual shots depicting the sites surrounding environment.

All images should be cross-referenced to a catalogue sheet.

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

Reason: To provide an historical photographic record of the site, including any buildings and landscape elements, prior to any works.

18. **Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a *Transport for NSW* accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following, as applicable:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
 - Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
 - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
 - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
 - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
 - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
 - A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must compare the post-construction report with the pre-construction report, clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of

the development works, should any damage have occurred, identify remediation actions taken and be submitted to Council with the Occupation Certificate.

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

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

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

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the *Construction Traffic Management Plan* approved by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and

vehicular traffic systems.

19. Compliance with Standards

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

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

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

20. External Finishes to Roof

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties and local scenic views of the area. Any roof with a metallic steel silver / light colour finish is not permitted.

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

21. Tree Removal Within the Property

This consent approves the removal of existing trees on the subject site as identified in the Arboricultural Impact Assessment, approved Plans, or as listed below:

- a) tree 4 (Kurrajong)
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

22. Pre-Construction Dilapidation Report

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

Property / Properties:

- No.1170 Barrenjoey Road, Palm Beach
- No.1166 Barrenjoey Road, Palm Beach
- Any other private or public property assets in proximity that may be subject to dilapidation risk during works.

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier 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 Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

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

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

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

DURING BUILDING WORK

23. **Protection of Rock and Sites of Significance**

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

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

24. **Tree and Vegetation Protection**

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

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project 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/Project 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/Project Arborist to the Principal Certifier,

- 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 AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 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.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

25. Wildlife Protection

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

Reason: To protect native wildlife.

26. Protection of Habitat Features

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

Reason: To protect wildlife habitat.

27. 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.

28. Geotechnical Requirements

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

Reason: To ensure geotechnical risk is mitigated appropriately.

29. Survey Certificate

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

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved

levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

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

30. Waste Management During Development

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

31. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with TfNSW Traffic Control At Work Sites Manual and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

32. Landscape Completion

Landscape works are to be implemented in accordance with the approved Amended Landscape Plan(s), and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) tree, shrub, groundcover and other planting shall be installed as indicated on the approved Amended Landscape Plan(s),
- c) where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone.

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

Reason: Environmental amenity.

33. Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:

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

Reason: Tree and vegetation protection.

34. Replacement of Canopy Trees

At least 4 locally native canopy trees are to be planted on the site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Native Planting Guide available on Council's website.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

35. No Weeds Imported On To The Site

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

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

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

36. Priority Weed Removal and Management

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

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

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

37. Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction Certificate plans. The certification shall be submitted to Council for acceptance and Council's acceptance submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

38. Stormwater Disposal

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

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

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

39. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

40. 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 Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

41. House / Building Number

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

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

Reason: Proper identification of buildings.

42. Swimming Pool Requirements

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

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

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

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

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

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

- (e) Signage showing resuscitation methods and emergency contact
- (f) All signage shall be located in a prominent position within the pool area.
- (g) Swimming pools and spas must be registered with the *Division of Local Government*.

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

Reason: To protect human life.

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

43. 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(s) and any conditions of consent.

A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

The approved landscape planted areas consisting of lawn, planting at grade, planting on structure shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

44. Swimming Pool/Spa Motor Noise

The swimming pool / spa motor or any external air conditioner motors / lift plant shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

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

45. No approval for Secondary dwelling

No approval is granted or implied under this Development Consent for the use of any part of the dwelling house for the purpose of a *Secondary dwelling* or separate occupancy. Other built-in indoor cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area.

Reason: To ensure compliance with the terms of this consent.

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

Signed



Alex Keller, Principal Planner

The application is determined on 21/12/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments