

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2022/0960
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Responsible Officer:	Grace Facer
Land to be developed (Address):	Lot 6 DP 218250, 13 Cheryl Crescent NEWPORT NSW 2106
Proposed Development:	Demolition works and construction of a dwelling house including swimming pool
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Andrew Bruce Strachan Susan Jane Strachan
Applicant:	Allura Homes Pty Ltd

Application Lodged:	24/06/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	01/07/2022 to 15/07/2022
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,301,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development comprises of the following works:

- Demolition of existing dwelling
- Construction of a new two storey dwelling
- Construction of a new swimming pool and spa
- Construction of a new driveway and carport
- New front gate along western boundary
- New landscaping along the northern Council nature strip and associated landscaping within the subject site

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards

Pittwater 21 Development Control Plan - D10.4 Building colours and materials

Pittwater 21 Development Control Plan - D10.7 Front building line (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - D10.8 Side and rear building line (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - D10.13 Landscaped Area - Environmentally Sensitive Land

Pittwater 21 Development Control Plan - D10.14 Fences - General

SITE DESCRIPTION

Property Description:	Lot 6 DP 218250 , 13 Cheryl Crescent NEWPORT NSW 2106
Detailed Site Description:	The subject site consists of one (1) allotment located on a corner block on Cheryl Crescent. The site is irregular in shape with a primary frontage of 3.2m along the southern side of Cheryl Crescent and a secondary frontage of 6.5m along the western side of Cheryl Crescent. The site is bound by a private access road to the west with a tertiary frontage of 5.7m. The site has a maximum depth of 33.5m and has a surveyed area of 716.6m². The site is located within the C4 Environmental Living zone from the Pittwater Local Environmental Plan 2014 and accommodates a single storey dwelling, spa, detached

metal carport and an outbuilding/shed.

The site is located near the crest of an east facing hillside which generally falls at approximately 8° to 10°, among undulating topography.

The site contains lawn areas, garden beds, trees, and sandstone bedrock outcrops. There are no details of any threatened species on the subject site.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one and two storey detached and semi-detached dwellings varying in architectural style and design. The site is directly opposite Cheryl Reserve.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

ePLC2021/2008

Planning Certificate

Dated 17 March 2021

N0072/16/S96/1

Alterations and additions to an existing dwelling house including new double garage, driveway and deck with spa. Modification proposes deletion of turntable in driveway and deletion of condition of consent B11, which required deletion of the spa and associated decking from the plans

Approved on 10 November 2016

N0072/16

Alterations and additions to an existing dwelling house including new double garage, driveway and deck with spa

Approved on 12 April 2016

Application History

Following NECC Development Engineering's preliminary assessment of the application, Council requested that the applicant submit Forms 1 and 1A as required by the Geotechnical Risk Policy.

The additional documents addressed the Geotechnical Risk Policy in accordance with Clause B3.1 of Pittwater DCP, and did not alter the environmental impact, therefore, the application was not required to be re-notified in accordance with the Northern Beaches Community Participation Plan (CPP).

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 applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to Forms 1 and 1A as required by Council's Geotechnical Risk Policy. Subsequently, the applicant provided the requested information. <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

Section 4.15 Matters for Consideration	Comments
	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.
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 01/07/2022 to 15/07/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and

Assessment Regulation 2000 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	The development for the demolition of the existing dwelling and construction of a new two storey dwelling and swimming pool has been assessed against Pittwater LEP cl7.6 Biodiversity and P21 DCP control B4.6 Wildlife Corridors. The works will not require the removal of any significant native trees or vegetation, with Ausgrid removing two trees on the site earlier in 2022. The plans include a Landscape Plan that generally includes a range of suitable native and exotic species. As the site is part of the Wildlife Corridor at least 60% of any new planting should incorporate native vegetation and not include environmental weeds. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.
NECC (Development Engineering)	The submitted Geotechnical report has not included Forms 1 and 1A as required by Council's Geotechnical Risk Policy. The submitted stormwater management plan is acceptable subject to conditions and the proposed driveway off the existing right of way and garage is also satisfactory. Development Engineers cannot support the proposal due to insufficient information to address Council's Geotechnical Risk Policy in accordance with Clause B3.1 of Pittwater DCP. Additional Information Submitted 15/07/2022 The completed geotechnical forms address the relevant DCP controls. Development Engineering support the proposal, subject to conditions as recommended.

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment,

many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

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

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.1259384S dated 14 April 2022). The BASIX Certificate is supported by a NatHERS Certificate (see Certificate No.0007456239-01 dated 13 April 2022).

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

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

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

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

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

Comment:

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

SEPP (Resilience and Hazards) 2021

Chapter 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.

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	8.2m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	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

7.7 Geotechnical hazards

Under Clause 7.7 Geotechnical Hazards, before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:

- (a) site layout, including access,
- (b) the development's design and construction methods,
- (c) the amount of cut and fill that will be required for the development,
- (d) waste water management, stormwater and drainage across the land,
- (e) the geotechnical constraints of the site,
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment:

The proposed development is supported by a geotechnical risk assessment, architectural plans, and

stormwater management plans that demonstrate all geotechnical risks have been taken into account. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

Development consent must not be granted to development on land to which this clause applies unless:
(a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and

Comment:

The proposed development is supported by a geotechnical risk assessment and stormwater management plans that demonstrate waste water, stormwater and drainage are suitably managed on site. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

(b) the consent authority is satisfied that:

- (i) the development is designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development, or
- (ii) if that risk or impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that risk or impact, or
- (iii) if that risk or impact cannot be minimised - the development will be managed to mitigate that risk or impact.

Comment:

The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent. As such, Council can be satisfied that the proposed development has been designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	Primary frontage (Cheryl Crescent Eastern Boundary): 6.5m Secondary frontage (Cheryl Crescent Northern Boundary): 3.25m Tertiary frontage (shared laneway): 3.25m	Primary frontage (Cheryl Crescent Eastern Boundary): 1.2m (pool coping) Secondary frontage (Cheryl Crescent Northern Boundary): 3.2m Tertiary frontage (shared laneway): 5.7m	18.46% (5.3m) 1.5% (0.05m) -	No No Yes
Rear building line	6.5m*	N/A	N/A	N/A
Side building line	2.5m (South)	1.3m (South)	48% (1.2m)	No
	1m*	N/A	N/A	N/A
Building envelope	3.5m (North)	Within envelope	-	Yes
	3.5m (South)	Within envelope	-	Yes
Landscaped area	60% (429.96m ²)	51.4% (368.61m ²)	8.6% (61.35m ²)	No**

*Note: The site has 3 frontages, therefore there is no rear building line and the site only has one side

building line on the southern boundary.

** Note: Therefore 6% (42.8m²) of impervious area can be added to the landscaped open space area, resulting in a landscaped open space area of 56.93%, reducing the non compliance 3.07% (22m²).

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B4.6 Wildlife Corridors	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
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	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C5.1 Landscaping	Yes	Yes
C5.18 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.3 Scenic protection - General	Yes	Yes
D10.4 Building colours and materials	No	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	No	Yes
D10.8 Side and rear building line (excluding Newport Commercial	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Centre)		
D10.13 Landscaped Area - Environmentally Sensitive Land	No	Yes
D10.14 Fences - General	No	Yes

Detailed Assessment

D10.4 Building colours and materials

Description of non-compliance

The proposed development proposes external walls to be rendered a light neutral beige colour, which is inconsistent with the requirements of Clause D10.4 Building colours and materials that prescribes that external colours and materials shall be dark and earthy tones. However, the control allows for a variation for lighter coloured external walls to be considered where the outcomes of the control are also achieved. Notably, the proposed colours are consistent with the existing dwelling house's colour scheme

Merit Assessment

The proposal's non-compliance has been assessed alongside the outcomes of the control as below:

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

Comment:

The proposal is consistent with the desired future character of the Newport Locality through the low density development in a natural landscaped setting, integrated with the landform and existing landscape.

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

Comment:

The palette of proposed materials will enhance the visual quality of the property to the streetscape through the use of compatible colours and materials to that of properties in the surrounding area.

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

Comment:

The proposal is consistent with the built form and streetscape of the surrounding area, and proposes a facade that will compliment the existing natural and built fabric of the environment.

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

Comment:

The proposed new dwelling, swimming pool and associated private open space has been

designed in consideration of the steep topography and irregular shaped site to compliment and enhance the visual character of its location.

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

Comment:

The natural colours and timber materials will harmonise with the surrounding natural environment. Furthermore, the use of frameless glass balustrades on the proposed balcony will reduce visual impact of the dwelling when viewed from public spaces.

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

Comment:

The proposed colours are consistent with the existing dwelling house's colour scheme as well as surrounding developments. Therefore the proposal will not result in an increase in visual prominence.

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

Comment:

All existing trees which are native vegetation are proposed to be retained. Furthermore, the proposal is accompanied by a landscape plan that proposes planting of native shrubs and native trees in the public and private domain.

- ***The use of materials with low embodied energy is encouraged.***

Comment:

The development application is supported by a BASIX Certificate that demonstrates the proposed development is suitably energy efficient.

- ***New buildings are robust and durable with low maintenance requirements.***

Comment:

The proposed secondary dwelling will use new materials and colourbond roof sheeting which are both robust and durable, and have low maintenance requirements.

- ***In the Newport Commercial Centre, roofs of lighter colours are permitted to improve the thermal performance of the roof system.***

Comment:

The subject site is not located in the Newport Commercial Centre, therefore this outcome is not applicable.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / PDCP 21 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.

D10.7 Front building line (excluding Newport Commercial Centre)

Description of non-compliance

Clause D10.7 Front Building Line requires a front boundary setback of 6.5m, and where the outcomes of this control are achieved, Council may accept a minimum building setback to a secondary frontage of half the front building line (3.25m). As per the control, built structures, other than driveways, fences and retaining walls are not permitted within the front building setback.

The proposed swimming pool and spa are located within the primary front setback area, setback 1.2m from the front boundary line along Cheryl Crescent to the east, presenting a 18.46% (5.3m) variation to the control. The dwelling house is fully compliant with the control along this frontage.

The proposed development also proposes a 3.2m setback to the secondary frontage along Cheryl Crescent on the subject site's northern boundary, resulting in a variation of 1.5% (0.05m). Notably, there is an existing non-compliance to the control as the existing dwelling house is setback 2.05m from this secondary front building line.

Merit consideration:

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

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

Comment:

The proposal is consistent with developments in the surrounding area and will maintain the desired future character of the locality.

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

Comment:

Due to the corner lot location of the site, views from public and private places are maintained. The proposed dwelling is fully compliant along the southern boundary, which is the only side of the property that directly adjoins another dwelling house. Therefore, views and visual privacy will be preserved.

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

Comment:

The site does not adjoin a main road, therefore this objective is not relevant for this application.

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

Comment:

The northern boundary of the subject site is heavily vegetated and obscured from Cheryl Crescent, which will visually reduce the built form along the secondary frontage where the front boundary non-compliance occurs. Similarly, the eastern portion of the site contains landscaping and rock outcrops on a steep slope, which is likely to obscure the built form and non-compliant setback to the proposed pool. The proposal therefore maintains adequate vegetation, which

reduces the bulk and scale of the built form when viewed from the public domain.

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

Comment:

The proposed garage is consistent with the existing parking facilities on site, in which vehicle manoeuvring in a forward direction is facilitated.

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

Comment:

The scale of the proposal is consistent with the built form and streetscape of the surrounding built and natural environment. The design promotes a height and density that is unlikely to cause any adverse impacts to the streetscape when compared to neighbouring properties. It should be noted that the proposed setback to the shared laneway along the western boundary, which is where the front of the property will be located, results in full compliance to the control.

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

Comment:

The proposal is consistent with the established building lines for other neighbouring structures along the shared laneway. The proposed development also incorporates suitable articulation including balconies and setbacks to encourage attractive street frontages.

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

Comment:

Given the spatial characteristics of the existing urban environment, the proposed swimming pool and spa located within the front setback area is considered to be the most appropriate design solution for the site. Their proposed location along the eastern side of the property is consistent with the pool locations of the adjoining southern properties. There is an existing portable spa in this eastern front setback, which will be removed with the proposed works to accommodate the new dwelling, pool and spa, therefore the location of the proposed pool is anticipated to have minimal impact on surrounding properties.

The non-compliant setback to the secondary frontage along Cheryl Crescent results in an increase of 64.06% (1.15m) from the existing dwelling's non-compliant front setback, enhancing the spatial characteristics of the existing urban environment.

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

D10.8 Side and rear building line (excluding Newport Commercial Centre)

Description of non-compliance

Clause D10.8 Side and rear building lines of the Pittwater 21 Development Control Plan 2014 prescribe a minimum side building line of 2.5m to at least one side. The site has 3 frontages, therefore the site only has one side along the southern boundary, and there is no rear building line.

The proposed development proposes a setback of 1.3m to the side southern boundary, resulting in a variation of 48% (1.2m) to the control. There is an existing non-compliance to this control with the previously approved dwelling house setback 1.7m from the side boundary.

Merit consideration

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

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

Comment:

The proposed development achieves a scale integrated with the existing landform and landscape, minimising its impact on the natural environment and thereby satisfying the objectives to meet the desired future character of the locality.

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

Comment:

With use of natural materials, form and landscaping, the bulk and scale of the proposed development as viewed from Cheryl Crescent and the shared laneway is subtle and coherent with the locality. Furthermore, the proposal incorporates suitable articulation including balconies and setbacks to the upper level to reduce the visual impact of the built form.

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

Comment:

Existing views from the property have been maintained through the proposed development. Sharing of views from public places, and from surrounding dwellings is achieved through the position of the dwelling on the site and the low roof profile.

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

Comment:

As above, the proposed works are designed and sited so as to provide suitable view sharing for the subject site and surrounding sites.

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

Comment:

Proposed windows as set out in the included plans are considered suitable to adequately screen the adjoining property. Privacy screens are also proposed along the southern sides of the proposed balconies. Therefore, the design of the proposed development enables the new dwelling house to minimise amenity impacts to the neighbouring properties including shadowing, privacy and views.

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

Comment:

The proposal incorporates substantial landscaping planted throughout the site to enhance the

existing streetscape.

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

Comment:

The proposed development demonstrates suitable flexibility in the siting of the works, without resulting in unreasonable amenity impacts for the subject site or surrounding sites.

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

Comment:

The proposal incorporates new vegetation along the northern council nature strip to visually reduce the built form when viewed from the public domain. Notably, new vegetation is also proposed along the southern boundary to soften the scale of the built form when viewed from the adjoining dwelling.

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

Comment:

The subject site is located in a residential zone, and is surrounded by residential properties, therefore

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

D10.13 Landscaped Area - Environmentally Sensitive Land

Description of Non-Compliance

The proposed development will result in a landscaped open space of 50.93% (365.01m²), resulting in a 8.6% (61.35m²) variation to the control of 60%. Notably, the subject site has an existing non-compliant landscaped open space area of 51% (366.1m²). The reduction in landscaped open space area is minor to the existing conditions, resulting in a reduction of 0.7% (1.09m²).

Notably, Clause D10.13 Landscaped Area - Environmentally Sensitive Land states that provided the outcomes of the control are achieved, for single dwellings on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)). Therefore 6% (42.8m²) of impervious area can be added to the landscaped open space area, resulting in a landscaped open space area of 56.93%, reducing the non compliance to 3.07% (22m²).

Merit Consideration

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

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

Comment:

The proposed development is consistent with streetscape and aligns with the desired future character of the Locality.

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

Comment:

The proposed development is compliant with height and building envelope guidelines, and therefore ensure the bulk and scale of the built form is minimised. The use of natural materials and colours, form and landscaping ensures the bulk of the development when viewed from public and private spaces is subtle and coherent with the locality.

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

Comment:

The proposal meets the requirements for solar access as the private open space area has access to direct sunlight throughout the year, and any additional shadowing created from the first floor addition will have a minimal impact given the small portion of the adjoining dwelling affected at limited times of the day. The scale of the new dwelling when compared to the existing dwelling is unlikely to have any adverse amenity impacts on neighbouring properties including shadowing, privacy and views.

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

Comment:

The proposal incorporates substantial landscaping planted throughout the site including native trees and native shrub and ground cover planting to visually reduce the built form.

- ***Conservation of natural vegetation and biodiversity.***

Comment:

The proposal does not involve the removal of any onsite or adjoining trees to conserve natural vegetation and biodiversity.

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

Comment:

The proposal retains adequate soft landscaped area is provided to reduce stormwater runoff, prevent soil erosion and siltation of natural drainage channels.

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

Comment:

The bushland character will be preserved and enhanced as all existing trees which are native vegetation are proposed to be retained.

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

Comment:

There are sufficient portions of soft, permeable surfacing to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21 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.

D10.14 Fences - General

Description of non-compliance

Clause D10.14 Fences stipulates that front fences and side fences (within the front building setback) must not exceed a maximum height of 1 metre above existing ground level, be compatible with the streetscape character and not obstruct views available from the road.

The proposed front fence has a maximum height of 1.5m, which exceeds the 1.0m height requirement of the control.

Merit consideration

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

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

Comment:

The proposed development is consistent with the desired future character of the Newport Locality.

- ***An open streetscape that allows casual surveillance of the street.***

Comment:

The proposed fencing incorporates timber vertical fence panels which are partially see-through to enhance casual surveillance of the street.

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

Comment:

The fence traverses across the front of the site until it meets the driveway. Given the relatively small length of the fence, the structure will not dominate the street frontage.

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

Comment:

The subject site has an existing rock retaining wall along the front boundary line. Therefore, the proposed fence is not expected to unreasonably alter the existing visual character of the street.

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

Comment:

The proposal adequately defines the boundaries between public and private land and

- ***To contribute positively to the public domain.***

Comment:

The proposed fence incorporates design elements and a natural colour palette that is anticipated to contribute positively to the public domain.

- ***To enhance safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians.***

Comment:

The proposed fence is not expected to impact vehicle and pedestrian sightlines.

- ***To ensure heritage significance is protected and enhanced.***

Comment:

The proposed fence is not in the vicinity of any heritage significant items or locations, therefore this objective is not applicable.

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

Comment:

The subject site is not located near any waterways and will not impede views to and from waterways, therefore this objective is not applicable.

- ***To ensure native vegetation is retained.***

Comment:

The proposal will incorporate landscaping capable of establishing native vegetation and planting is proposed along the fence in the front setback.

- ***To ensure any fencing provides for the safe and unhindered travel of native animals.***

Comment:

The design of the fence will not unreasonably endanger or hinder the travel of native animals.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and 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.

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 \$13,010 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,301,000.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2022/0960 for Demolition works and construction of a dwelling house including swimming pool on land at Lot 6 DP 218250, 13 Cheryl Crescent, NEWPORT, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Demolition Plan Revision DA02 - Drawing No.01.02	2 June 2022	Allura Homes
Site Plan Revision DA02 - Drawing No.01.03	2 June 2022	Allura Homes
Setback Calculations Revision DA02 - Drawing No.01.04	2 June 2022	Allura Homes
Ground Floor Plan Revision DA02 - Drawing No.02.01	2 June 2022	Allura Homes
First Floor Plan Revision DA02 - Drawing No.02.02	2 June 2022	Allura Homes
Roof Plan Revision DA02 - Drawing No.02.03	2 June 2022	Allura Homes
Elevations 01 & 02 Revision DA02 - Drawing No.03.01	2 June 2022	Allura Homes
Elevations 03 & 04 Revision DA02 - Drawing No.03.02	2 June 2022	Allura Homes
Front Fence Revision DA02 - Drawing No.03.03	2 June 2022	Allura Homes
Sections A & B Revision DA02 - Drawing No.04.01	2 June 2022	Allura Homes
Sections C Revision DA02 - Drawing No.04.02	2 June 2022	Allura Homes
Pool Plan Revision DA02 - Drawing No.09.01	2 June 2022	Allura Homes
Pool Elevations 1/2 Revision DA02 - Drawing No.09.02	2 June 2022	Allura Homes
Pool Elevations 2/2 Revision DA02 - Drawing No.09.03	2 June 2022	Allura Homes

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report - Revision 1	14 July 2022	Intrax

BASIX Certificate No.1259384S	14 April 2022	Silman Building Pty Ltd
NatHERS Certificate No.0007456239-01	13 April 2022	Silman Building Pty Ltd
Schedule of Colours and Finishes Revision A	1 April 2022	Studio Allura - Natalia Vellar

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Plan	3 February 2022	Greenplan

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	22 June 2022	Allura Homes

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

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

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	1 July 2022

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

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

3. Prescribed Conditions

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

hours, and

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

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

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

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

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

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

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

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

The person responsible for the development site is to erect or install on or around the

development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$13,010.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$1,301,000.00.

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

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

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

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

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

6. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

7. Stormwater Disposal

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

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

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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Intrax Consulting Engineers Pty Ltd dated 14/07/2022 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

9. **Landscape Plan**

The Landscape Plan is to be amended to include a minimum of 60% locally native species as a proportion of the total number of plants. Locally native species are to be consistent with the Pittwater Ward species list available in the relevant section of the Native Plant Species Guide available on Council's website.

The Landscape Plan is to be prepared by a suitably qualified landscape architect and provided to the Certifying Authority prior to issue of the Construction Certificate.

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

10. **Stormwater Drainage Disposal**

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifying Authority prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

11. Waste Management Plan

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

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

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

12. Vehicle Driveway Gradients

The Applicant is to ensure driveway gradients within the private property do not exceed a gradient of 1 in 4 (25%) with transition gradients of 1 in 10 (10%) for 1.5 metres at the boundary and 1.5 metres prior to a level parking facility.

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

Reason: To ensure suitable vehicular access to private property.

13. Structural Adequacy and Excavation Work

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

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

Reason: To provide public and private safety.

14. Compliance with Standards

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

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

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

15. External Finishes to Roof

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

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

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

16. **Sydney Water "Tap In"**

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

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

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

17. **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.

18. **Dead or Injured Wildlife**

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

Reason: To protect native wildlife.

19. **Implementation of Landscape Plan**

Landscaping is to be implemented in accordance with the approved Landscape Plan and these conditions of consent.

The new landscaping is to be certified by a qualified landscape architect as being in accordance with the approved Landscape Plans and these conditions of consent

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

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

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

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

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

21. **Geotechnical Requirements**

All recommendations identified in the Geotechnical Report referenced in Condition 1 of this consent, that are required to occur during works must be done.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

22. **Demolition Works - Asbestos**

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

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

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

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

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

23. **Survey Certificate**

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

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

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

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

24. **Stormwater Disposal**

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

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

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

25. No Weeds Imported On To The Site

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

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

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

26. Priority Weed Removal and Management

All Priority weeds as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) within the development footprint are to be removed.

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

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

27. Stormwater Drainage Disposal Certification

Certification from an appropriately qualified and practising Civil Engineer demonstrating the stormwater drainage systems have been designed and installed in accordance with the requirements of Council's Water Management for Development Policy and where relevant a Geotechnical Engineer shall be provided to the Certifying Authority prior to the issue of an Occupation Certificate, and;

If any on site stormwater detention system is installed the Applicant shall lodge the Legal Documents Authorisation Application with Council.

The application is to include the completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification. A guide to the process and associated Legal Document Authorisation Application form can be found on Council's website. The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent.

The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure satisfactory management of stormwater.

28. Geotechnical Certification Prior to Occupation Certificate

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

Reason: To ensure geotechnical risk is mitigated appropriately.

29. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority 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.

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

31. **Swimming Pool Requirements**

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

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

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

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

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

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

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

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

Reason: To protect human life.

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

32. **Geotechnical Recommendations**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

33. **Swimming Pool/Spa Motor Noise**

The swimming pool / spa motor shall not produce noise levels that exceed 5dB(A) above the background noise when measured from the nearest property boundary.

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

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

Signed



Grace Facer, Planner

The application is determined on 26/07/2022, under the delegated authority of:



Phil Lane, Acting Development Assessment Manager