

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/2260
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Responsible Officer:	Megan Surtees
Land to be developed (Address):	Lot 27 DP 6544, 11 Oak Street NORTH NARRABEEN NSW 2101
Proposed Development:	Demolition works and construction of a dwelling house including a swimming pool
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	Yes
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Axil Raymond Pavy
Applicant:	Planning Approvals

Application Lodged:	24/11/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	02/12/2021 to 16/12/2021
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 993,940.00
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PROPOSED DEVELOPMENT IN DETAIL

This development application seeks consent for the following works, pursuant to the *Pittwater Local Environmental Plan (PLEP) 2014*:

- Demolition of the existing dwelling and outbuildings.
- Removal of five (5) trees and associated landscaping works, including additional planting throughout the site.
- Construction of a swimming pool.
- Construction of an accessible two (2) storey residential dwelling, including a new driveway and pedestrian access path.

Dwelling House Ground Floor

- Single vehicle garage
- Carers room
- Main bedroom with ensuite
- Laundry
- Lift & staircase
- Storage
- Open plan living room, dining room and kitchen.

Dwelling House First Floor

- Therapy room
- Bathroom
- Linen cupboard
- Bedrooms 2, 3 and 4.

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.

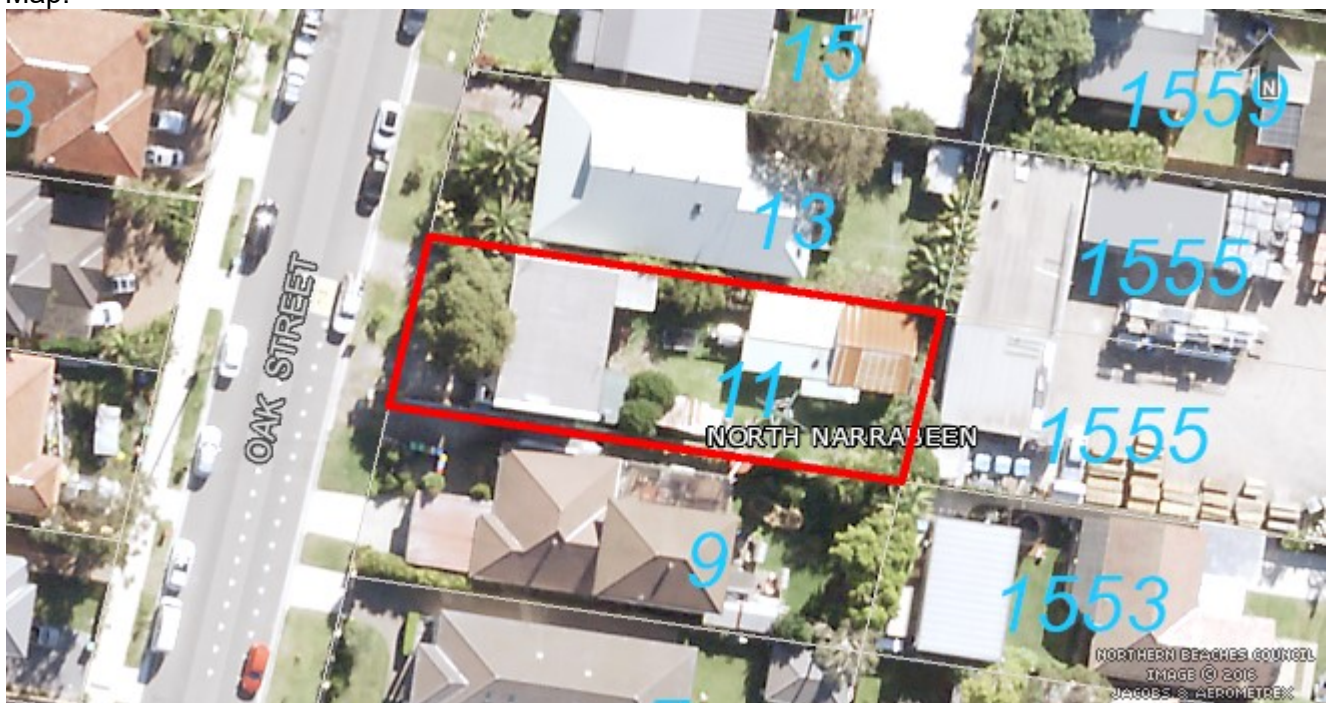
SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
Pittwater 21 Development Control Plan - C1.4 Solar Access
Pittwater 21 Development Control Plan - C1.5 Visual Privacy
Pittwater 21 Development Control Plan - D14.8 Side and rear building line
Pittwater 21 Development Control Plan - D14.11 Building envelope
Pittwater 21 Development Control Plan - D14.12 Landscaped Area - General

SITE DESCRIPTION

Property Description:	Lot 27 DP 6544 , 11 Oak Street NORTH NARRABEEN NSW 2101
Detailed Site Description:	The subject site consists of one (1) allotment located on the eastern side of Oak Street. The site is irregular in shape with a frontage of 15.24m along Oak Street and a depth of 45.70m. The site has a surveyed area of 693.0m². The site is located within the R2 Low Density Residential zone and accommodates a two (2) storey residential dwelling, one (1) storey detached granny flat and three (3) sheds within a landscaped setting. The site has a westerly orientation and is located on a gentle slope, falling from the street frontage toward the rear boundary. The site is not known to have any threatened species. A large tree is located centrally within the front setback area. Smaller trees are located along the northern and southern boundaries. Detailed Description of Adjoining/Surrounding Development Adjoining and surrounding development is characterised by one (1) and two (2) storey residential dwellings to the north, south and west of the subject site. Directly to the rear (east) of the property is JBH Fencing and Landscape Supplies.

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:

N0683/02 was submitted to Council on 20 August 2002 to modify the ground level to be used as a separate dwelling, thus resulting in a dual occupancy structure. Council's records indicate this development application was refused based on inadequate off-street parking provisions.

A Construction Certificate (**CC0551/02**) was lodged with Council for the construction of internal stud walls on 25 November 2004.

APPLICATION HISTORY

An assessment was conducted of the proposed architectural plans against all relevant controls within the *PLEP 2014* and P21 DCP. During the assessment, on 20 January 2022, Council sought clarification from the Architect with regards to the accuracy of the shadow diagrams provided. Updated and accurate shadow diagrams were provided to Council on the same day. At this point, Council was satisfied the shadow diagrams that accompanied the application were accurate.

Following the assessment, Council noted multiple areas of concern with regards to the proposed development, including a numerically non-compliant landscaped area and potential solar access impacts.

A Request for Further Information (RFI) was prepared and sent to the Applicant on 14 February 2022. Prior to provided updated plans, on 7 March 2022, the Applicant requested a video conference with Council to discuss the RFI. This meeting was held online on 17 March 2022 with the Applicant (Planning Approvals), the builder and Architect, as well as Council's Planner and Manager. The outcome of this meeting was that amended plans would be provided to Council which depicted a significant reduction in the roof pitch (from 22.5 degrees down to 17 degrees) in order to mitigate the shadows cast to the adjoining property. The reduced roof pitch also contributed to an overall reduction in the building height (from 8.4m to 7.7m). Council has accepted that, due to the accessibility needs of a resident on the subject site, a reduced landscaped area is acceptable, in this instance. A detailed discussion on the non-compliant landscaped area can be found in this report under section **D14.12 Landscaped Area - General**.

The amended plans, as discussed, were provided to Council on 17 March 2022, and a 3D solar analysis was provided to Council on 18 March 2022.

As these amended plans resulted in a reduction of the proposed development it was considered that renotification was not required in accordance with the Northern Beaches Community Participation Plan.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of

Section 4.15 Matters for Consideration	Comments
instrument	Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested which resulted in the building height been lowered and a reduction in the roof pitch. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.

Section 4.15 Matters for Consideration	Comments
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

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 02/12/2021 to 16/12/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Mark John Willsher	9 Oak Street NORTH NARRABEEN NSW 2101

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

- **Solar Access**

The matters raised within the submissions are addressed as follows:

- *The owner of the adjoining property to the south, being 9 Oak Street, has raised concern*

regarding the accuracy of the existing and proposed shadow diagrams provided. In addition, this owner has requested that the current solar access experienced to the northern part of the property, specifically the timber deck, remain with as minimal reduction as possible.

Comment:

In accordance with Council's Lodgment Requirements, shadow diagrams must be certified as accurate and can be prepared by an Architect. It is also a requirement when lodging a development application that all information provided is true and accurate. However, to ensure the accuracy of the provided shadow diagrams, Council sought clarification and confirmation from the architects who prepared the plans, being DSA Daniel Siric Architects. It was noted that there was an error in the existing shadow diagrams (the heights of the buildings in the rear yard were approximately 340mm **higher** than what is existing). As such, the architect has amended this error, as well as included RLs on the shadow diagrams which are consistent with the survey provided. The amended existing shadow diagrams indicate there are shadows cast to the northern elevation of the adjoining property (being 9 Oak Street). The proposed shadow diagrams do not improve this. However, the remaining rear yard of 9 Oak Street will continue to experience and enjoy solar access at 9am, 12noon and 3pm on June 21, which is the basis to which shadow diagrams are prepared.

Council is satisfied that the shadow diagrams provided are accurate and depict the expected shadows cast as a result of the proposed development.

Council did not renotify the amended existing shadow diagrams as the existing shadow diagrams are not indicative of the proposed shadows cast as a result of the new proposed dwelling. No changes were made to the proposed shadow diagrams.

A further discussion on the proposed solar access can be found under section C1.4 Solar Access of this report.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	General Comments Geotechnical investigation revealed that there is no indication of potential or actual acid sulfate soils being exposed via the proposed works. These findings are in line with the Acid Sulfate Soils Manual and Laboratory Methods documents.
Landscape Officer	The development application is for construction of a new dwelling, associated works and landscape works. Council's Landscape Referral section have assessed the application against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP controls (but not limited to): • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D11 North Narrabeen Locality A Landscape Plan is submitted with the application. It is reported in the Statement of Environmental Effects that a Landscape Area of

Internal Referral Body	Comments
	37.5% is provided which is less than required. To ensure that a satisfactory landscape outcome is achieved, should Planning determine that the Landscape Area is acceptable, additional landscape treatment is required and shall be the subject of conditions as imposed, including appropriate tree planting and boundary screen planting to soften the development. The planting of a large canopy tree (<i>Angophora costata</i>) within the front setback in a garden bed of minimal width and adjacent to the driveway and common boundary is not appropriate and this tree shall be substituted with a small native tree as imposed by conditions. To satisfy DCP control C1.1, a native canopy tree shall be located within the lawn area of the front setback, and as imposed by conditions. Similarly the proposed location of the <i>Angophora costata</i> at the rear of the property in close proximity to the adjoining property building at 1555 Pittwater Road, estimated to be within 2 metres of the building, is inappropriate and may be interpreted that such planting can therefore be removed under the 2m exemption rule. As such conditions shall be imposed for location of an appropriate tree away from existing buildings. Screen shrub planting shall be provided to the extent of the swimming pool and surrounds alignment extent. A Arboricultural Impact Assessment is submitted investigating impacts to existing trees and vegetation in proximity to the development works, including within the property, road reserve, and within adjoining properties. Existing trees within the property include Exempt Species that may be managed or removed without Council consent and these include: trees exempt by species type (tree 2 - Avocado, and tree 3 - Privet) and trees exempt by height (tree 5 and 6 - Hibiscus, and tree 7 and 8 - Murraya). Existing trees and vegetation within adjoining properties shall be protected as will the existing street tree within the road reserve fronting the development site. Should Planning approve the development application, Landscape Referral provide conditions of consent.
NECC (Bushland and Biodiversity)	Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable biodiversity related controls: • Biodiversity Conservation Act 2016 • Pittwater 21 DCP cl. B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land • Coastal Management SEPP 2018 cl. 11 Development on land in proximity to coastal wetlands or littoral rainforest • Coastal Management SEPP 2018 cl. 13 Development on land within the coastal environment area

Internal Referral Body	Comments
	The Development Application seeks consent for demolition works and construction of a dwelling house including a swimming pool. The Arboricultural Impact Assessment submitted with the Development Application recommends the removal of six (6) trees (Trees 2, 3, 5, 6, 7, 8). All trees are exempt based on species or height. The Landscape Plan is supported and proposes a suite of suitable native vegetation for planting within the site. Subject to conditions, Council's Biodiversity Referrals team are satisfied that the proposed development complies with the above listed biodiversity controls.
NECC (Development Engineering)	The subject site is flood affect and as such OSD is not required. Connection of stormwater to the kerb is acceptable. The proposed driveway crossing is acceptable. Development Engineering support the proposal, subject to conditions as recommended.
NECC (Riparian Lands and Creeks)	This application has been assessed against relevant legislation and policy relating to waterways, riparian areas, and groundwater. No objection to the application.
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposal includes the demolition of a two storey house and five outbuildings, then the construction of a new two storey house and a pool. The property lies just inside the extent of the Flood Planning Area, and is partially affected by the 1% AEP flood level which is 3.03m AHD. Flooding is categorised as flood fringe, with a Flood Life Hazard Category mainly H4, but some H5 near the eastern boundary. The ground floor level is 3.53m AHD which is at the Flood Planning Level, and the first floor level is 6.53m AHD which is above the PMF level of 4.86m AHD. The Flood Management Report has addressed the old DCP Flood Clause which was superseded on 21.01.2021. However the proposed development still generally complies with the flood requirements of the DCP and LEP.

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and

Council Policies have been considered in the merit assessment of this application.

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1246215S, dated 18 October 2021).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	58

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

power line.

Comment:

The proposal was referred to Ausgrid who 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.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

10 Development on certain land within coastal wetlands and littoral rainforests area

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- (a) *the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
 - (b) *the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
 - (c) *the carrying out of any of the following:*
 - (i) *earthworks (including the depositing of material on land),*
 - (ii) *constructing a levee,*
 - (iii) *draining the land,*
 - (iv) *environmental protection works,*
 - (d) *any other development.*

Comment:

This Clause is not relevant to the subject site.

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

Council's Biodiversity Officer has reviewed this development application and is satisfied the proposed development will not significant impact on the characteristics as detailed in sub-clauses (a) and (b).

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as

“coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- (a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) the proposed development:*
 - (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
 - (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
 - (iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) measures
are in
place
to
ensure
that
there
are
appropriate
responses
to, and
management
of,
anticipated
coastal
processes
and
current
and
future
coastal
hazards.*

Comment:

This Clause is not relevant to the subject site.

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*

Comment:

Council's Biodiversity Officer has reviewed this development application and has considered the proposed development against sub-clauses (a) - (g). No issues were raised.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

Council's Biodiversity Officer has reviewed this development application against the abovementioned sub-clauses and is satisfied that the proposed development can comply with sub-clauses (a)-(c).

14 Development on land within the coastal use area

- (1)
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
 - (b) is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

This Clause is not relevant to the subject site.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposed development is unlikely to result in an increase risk to coastal hazards.

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	7.7m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	8.2m - 10.3m	N/A	Yes
Rear building line	6.5m	Dwelling: 13.4m - 14.5m Swimming pool: 1.0m - 1.5m	N/A 84.6% & 77.0%	Yes No
Side building line	2.5m (Northern boundary)	Dwelling: 2.5m Swimming pool: >2.5m	N/A N/A	Yes Yes
	1m (Southern)	Dwelling: 1.0m Swimming pool: 1.5m	N/A N/A	Yes Yes

	boundary)			
Building envelope	3.5m (Northern elevation)	Within envelope	N/A	Yes
	3.5m (Southern elevation)	Outside envelope (0.6m - 0.7m)	N/A	No
Landscaped area	50% (346.5m ²)	36.5% (252.8m ²)	27%	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	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
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	No	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
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes
D14.2 Scenic protection - General	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D14.3 Building colours and materials	Yes	Yes
D14.7 Front building line	Yes	Yes
D14.8 Side and rear building line	No	Yes
D14.11 Building envelope	No	Yes
D14.12 Landscaped Area - General	No	Yes
D14.15 Fences - General	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

Detailed Description

The proposed development will result in a dwelling with four bedrooms. As such, this control requires the development to provide two (2) off-street parking spaces. The proposal, however, provides a single vehicle enclosed garage, which is numerically non-compliant with the requirements of this control.

Merit Assessment

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

Comment

One (1) off-street parking space is provided. However, there is ample space between the garage entry and the front boundary line to accommodate a second off-street parking space. Additionally, the availability of on-street parking along Oak Street will further provide parking spaces that will meet the demands generated by the construction of a new dwelling.

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

Comment

The proposed parking arrangement will result in functional parking that minimises rainwater runoff and, as the proposed garage is located within the dwellings footprint, will not result in an adverse visual or environmental impact. Strict compliance with this control would result in additional impervious land and further reduce the proposed landscaped area, which would not be supported. Due to the availability of on-street parking, the need to provide off-street parking to achieve compliance with this control is not considered as important if it means the landscaped area of the site is severely reduced.

Safe and convenient parking.

Comment

The proposed development will provide safe and convenient parking.

With regards to the above merit consideration, Council is satisfied the proposed development can achieve the outcomes of this control. As such, the proposed development can be supported on its merits, in this particular circumstance.

C1.4 Solar Access

Detailed description

A submission was received by the owner of 9 Oak Street, North Narrabeen - being the property directly to the south of the subject site. This submission raised concern with regards to the accuracy of the existing and proposed shadow diagrams. As discussed under the 'Submissions' section of this report, clarification and confirmation was sought from the architect who generated the shadow diagrams. The shadow diagrams do not depict the existing shadows cast by the 1.8m high timber boundary fence or the existing vegetation along the southern boundary.

Council requested the Applicant provide amended plans, including shadow diagrams, to address, as best as possible, concerns relating to solar access to the existing northern side boundary deck at 9 Oak Street. In order to address this, Council accepted that a reduced roof pitch would be satisfactory in attempting to minimise the shadows cast to the deck at 9 Oak Street. As such, the roof pitch was reduced from 22.5 degrees to 17.0 degrees. This contributes to a reduction in building height - from 8.4m to 7.7m.

It is unclear where the internal living area is within the dwelling 9 Oak Street. However, due to the orientation of the allotments of the dwellings along Oak Street, any dwelling to the south of the neighbouring properties will be vulnerable to overshadowing. Therefore, it is unlikely the proposed development can provide solar access to the main **internal** living area of 9 Oak Street, in accordance with the requirements of this control. It would be unreasonable to expect properties to the north to achieve strict compliance with this control. It should be noted, however, that the rear yard of 9 Oak Street will continue to receive solar access in accordance with Council's requirements for solar access.

Council is satisfied that all efforts have been made to mitigate shadows cast to the property to the south.

In any case, a merit consideration of the proposed development against the objectives of this control is conducted below.

Merit consideration

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

Comment:

The proposed development achieves compliance with the numeric requirements of this control. Additionally, the proposed dwelling is generally compliant with the built form controls. The amended plans provided to Council (dated 17 March 2022) indicate a reduced roof pitch, and subsequently a lesser building height. As such, Council is satisfied the proposal has been appropriately sited and designed to ensure solar access is maintained to the rear private open space of adjoining properties, particularly the property to the south.

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

Comment:

As discussed above, the proposed development achieves compliance with the numeric requirements of this control.

Reduce usage and/dependence for artificial lighting.

Comment:

The proposed development is not expected to unreasonably increase the usage or dependence on artificial lighting for the subject site and adjoining property.

With regards to the above merit consideration, Council is satisfied the proposed development can achieve the outcomes of this control. As such, the proposed development can be supported on its merits, in this particular circumstance.

C1.5 Visual Privacy

Detailed description

The proposed development includes windows along the northern and southern elevation along both the ground floor and first floor. Council is not concerned with the windows on the ground floor as there is a 1.8m high timber fence along the northern, eastern and southern boundaries - thus, privacy is maintained on the ground level.

The windows along the **northern elevation** include: two (2) highlight windows (with a sill height of 1.6m) sited to the therapy room, and the other window to the wet area with a 1.0m sill height. As this window is to a wet area (bathroom), there is no need to increase the sill height as it is a low-use room and privacy can still be achieved.

The windows along the **southern elevation** include: one (1) window to the landing from the staircase, adjacent to a study space, and one (1) to the therapy room. The window to the therapy room is 7.7m from the adjoining dwelling (being 9 Oak Street). The front portion of the dwelling at 9 Oak Street is single storey with no windows along the northern elevation. As such, the window to the therapy room poses a negligible privacy impact to the occupants of the subject site and those of 9 Oak Street. The window at the staircase landing, however, is within 9m of the first floor level of 9 Oak Street. However, this window provides natural light to an area of the dwelling that is used for trafficable reasons only and it is not expected that residents of the subject site dwelling will use this small space (being the staircase landing) for a lounge area or entertaining purposes.

Merit consideration

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

Comment:

The proposed development offers good design outcomes that, in turn, optimises visual privacy between buildings.

A sense of territory and safety is provided for residents.

Comment:

The proposed development provides a sense of territory and safety for residents.

With regards to the above merit consideration, Council is satisfied the proposed development can achieve the outcomes of this control. As such, the proposed development can be supported on its merits, in this particular circumstance.

D14.8 Side and rear building line

Detailed Description

This control requires side setbacks to be a minimum of 2.5m on one side, and 1.0m on the other side. The proposal achieves compliance with this control.

Additionally, this control also requires the rear setback to a minimum of 6.5m. The proposed dwelling house achieves compliance with this control. However, the proposed swimming pool is numerically non-compliant with this control with a rear setback distance of 1.0m and 1.5m, which presents a variation of 84.6% and 77.0%, respectively.

This control allows for a variation to be considered for a 1.0m minimum setback for swimming pools and spas from the boundary to the pool coping where the proposed development meets the specified criteria under the control. As detailed below the proposed development can meet the objectives of this control, as such, a 1.0m rear setback distance to the swimming pool is acceptable.

Merit Assessment

To achieve the desired future character of the Locality.

Comment

The proposed development is consistent with the desired future character of the North Narrabeen locality.

The bulk and scale of the built form is minimised.

Comment

The area of non-compliance, being the swimming pool, will be located entirely in-ground. As such, there is no bulk associated with the swimming pool. The scale of the swimming pool is considered acceptable.

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

Comment

Notwithstanding the non-compliance, views and vistas to and/or from public/private places will be preserved.

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

Comment

The swimming pool is located entirely in-ground. As such, any views obtained will not be obstructed.

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

Comment

The non-compliance will not give rise to any unreasonable privacy, amenity or solar access impacts to adjoining properties.

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

Comment

A Landscape Plan (prepared by Discount Landscape Plans, Sheet No. L/01, dated 13/09/21) was provided with this application. This Landscape Plan indicates substantial landscape planting throughout the site, particularly between the pool coping and side and rear boundaries. The non-compliance is not sited within the front setback, however, the landscape works sited between the front boundary line and building line will make for an attractive streetscape.

Further, Council's Landscape Officer has reviewed this application and raised no concern with the proposed development, subject to conditions (please see section **Referrals** for detailed comments).

Flexibility in the siting of buildings and access.

Comment

The numerical non-compliance to the rear boundary line is a result of the proposed swimming pool, which is confined to the south-east corner of the site. As such, flexibility and access throughout the site is afforded in this instance.

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

Comment

Vegetation removal is not required for the swimming pool. However, the proposed development in its entirety does require vegetation removal. As such, a Landscape Plan has been provided which indicates substantial landscape planting throughout the site. For the length of the swimming pool along the rear and side boundary, screen planting is proposed which will visually reduce the built form of the swimming pool.

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

Comment

The subject site is not located with a bushland locality. However, the Landscape Plan shows substantial and satisfactory replacement planting throughout the site that contributes to the landscape setting which is indicative of the character of the North Narrabeen locality.

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

Comment

The subject site is within, and surrounded by, a residential zone. However, the site to the east of the subject site (known as 1555 Pittwater Road, North Narrabeen) is a commercial property within a residential zone. The Landscape Plan, however, indicates planting to the majority of the rear (eastern) boundary which provides a landscape buffer between the sites.

Notwithstanding the numerical non-compliance, the above merit consideration has shown that the proposal can meet the objectives of this control and is, therefore, supported on merit.

D14.11 Building envelope

Detailed Description

This control requires development to be sited within a building envelope, which is measured from the side boundary at a height of 3.5m and angled inward at 45 degrees.

The proposed development results in a minor encroachment between 0.6m and 0.7m for a distance of

11.2m along the southern elevation (see Image 1., below). A merit assessment of the proposed development against the controls requirements is conducted below.

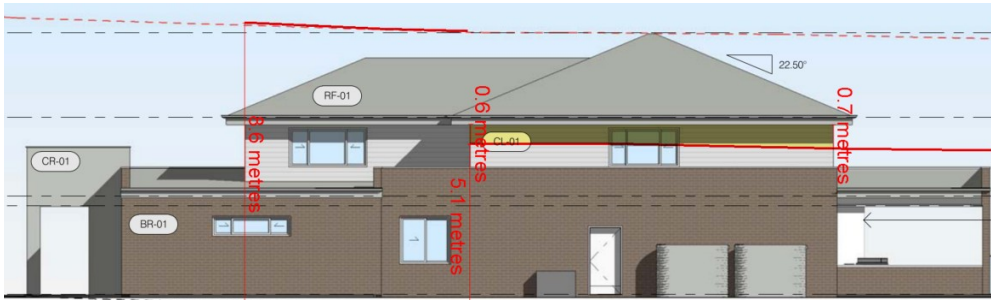


Image 1. Southern elevation envelope breach indicated at the rear of the dwelling (yellow).

Merit Assessment

To achieve the desired future character of the Locality.

Comment

The proposed development includes the construction of a dwelling house that is no more than two (2) storeys, which is commensurate with dwellings within the immediate vicinity. Additionally, the proposed landscaping works will provide visual relief of the built form, and positively contribute to the landscape setting of the locality. As such, the proposed development is consistent with the desired future character of the North Narrabeen locality.

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

Comment

As discussed above, the proposed development is no more than 2 storeys, which is commensurate with surrounding developments along Oak Street, thus promoting an appropriate building scale and density. The landscaping works proposed will also enhance the existing streetscape. Initially the dwelling will be well above the natural environment of the subject site due to the removal of existing trees and inclusion of replacement planting. However, once the proposed canopy trees reach maturity, the dwelling will appear as a height below the natural environment.

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

Comment

Based on the scope of the works, some trees are required to be removed to facilitate the new dwelling. As the site is generally flat, the only excavation required is for the proposed swimming pool. As a whole, the proposed development appropriately responds to, reinforces and sensitively relates to the spatial characteristics of the existing natural environment.

The bulk and scale of the built form is minimised.

Comment

As discussed elsewhere in this report, the proposed dwelling is generally compliant with the built form controls (side and front setbacks), with a maximum height that is no more than 2 storeys. The non-compliant building envelope is minor and does not give rise to any unreasonable environmental or amenity impacts. Additionally, the proposal also includes substantial replacement planting which will provide visual relief of the built form. As such, Council can be satisfied that the bulk and scale of the

built form is minimised.

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

Comment

The encroachment into the building envelope does not impact upon any views obtained by adjoining properties. As such, the proposed development provides the 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 residential properties.

Comment

As discussed above, and elsewhere throughout the report, the non-compliance does not give rise to any unreasonable amenity impacts upon the subject site and adjoining properties.

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

Comment

As previously discussed, the proposed development requires the removal of multiple trees throughout the site to facilitate the proposed new dwelling. The proposed replacement planting, however, and once at maturity, will visually reduce the built form.

Notwithstanding the numerical non-compliance to the building envelope control, as indicated in the above merit consideration, the proposed development can achieve the objectives of this control. The non-compliance can be supported on its merit.

D14.12 Landscaped Area - General

Detailed Description

This control requires development to result in a minimum landscaped area of 50% (or 346.5m²).

Amended plans were provided to Council, including a Landscaped Plan, which indicated increased areas of pervious surfaces to allow for the infiltration of water into the water table, and will thus be included in the landscaped area calculations. As such, the proposed landscaped area, as amended, is 36.5% (or 252.8m²).

Provided the outcomes of this control can be achieved, the following may be permitted to be included in the landscape area calculations: impervious areas less than 1m in width (such as pathways), and up to 6% of the total site area may be included provided these areas are used for outdoor recreational purposes only. With the inclusion of the 6%, the landscaped area is increased to 42.47% (294.38m²), which remains numerically non-compliant. Unfortunately, the pathways on site cannot be used under this variation as these exceed the 1.0m width.

It must be noted that a contributing factor to the increased hardstand surface of the site, and thus a reduced landscaped area, is a direct result of the proposed dwelling being designed to ensure it is accessible for all residents of the dwelling. Council accepts this as an acceptable reason for variation, in this instance.

A merit assessment is conducted below.

Merit Assessment

Achieve the desired future character of the Locality.

Comment

Notwithstanding the numerical non-compliance to this control, the proposed development is consistent with the desired future character of the North Narrabeen locality.

The bulk and scale of the built form is minimised.

Comment

As discussed elsewhere in this report, the proposed development results in a generally compliant built form, with a maximum height no more than 2 storeys. The non-compliance does not give rise to any unreasonable environmental or amenity impacts. The proposal also includes substantial replacement planting throughout the site which will contribute to providing visual relief of the built form, when viewing the dwelling from adjoining properties and the street frontage.

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

Comment

The proposed development, as conditioned, will result in a reasonable level of amenity. A discussion on the proposed solar access is discussed under section C1.4 Solar Access.

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

Comment

Multiple trees are required to be removed to facilitate the dwelling house. However, the proposed replacement planting will suffice and will visually reduce the built form.

Conservation of natural vegetation and biodiversity.

Comment

As discussed above, and elsewhere in this report, trees and vegetation are proposed to be removed. However, the proposed landscape plan indicate substantial planting throughout the site. As such, the proposal will contribute to the promotion of natural vegetation and biodiversity.

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

Comment

Council's Development Engineer has reviewed the proposed development and is satisfied with the proposal, subject to conditions. Additionally, a condition of consent will be included to ensure appropriate measures are installed to prevent soil erosion and siltation of natural drainage channels.

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

Comment

As discussed elsewhere in this report, the subject site is not located with a bushland locality. However, the Landscape Plan shows substantial and satisfactory replacement planting throughout the site that contributes to the landscape setting which is indicative of the character of the North Narrabeen locality.

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

Comment

While numerically non-compliant, the proposed development will provide soft surfaces of sufficient dimensions to allow for the infiltration of water into the water table. Additionally, the conditions applied by Council's Development Engineer will ensure that the proposed development will minimise stormwater run-off and it will assist with effective stormwater management.

Notwithstanding the numerical non-compliance, the above merit consideration has shown that the proposal can meet the objectives of this control and is, therefore, supported on merit.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

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

A monetary contribution of \$9,939 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$993,940.

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 DA2021/2260 for Demolition works and construction of a dwelling house including a swimming pool on land at Lot 27 DP 6544, 11 Oak Street, NORTH NARRABEEN, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A001 (Rev N) Site Plan	17.03.2022	DSA Daniel Siric Architects
A003 (Rev N) Demolition Plan	17.03.2022	DSA Daniel Siric Architects
A101 (Rev N) Ground Floor Plan	17.03.2022	DSA Daniel Siric Architects
A102 (Rev N) First Floor Plan	17.03.2022	DSA Daniel Siric Architects
A103 (Rev N) Roof Plan	17.03.2022	DSA Daniel Siric Architects
A201 (Rev N) West Elevation (Facade)	17.03.2022	DSA Daniel Siric Architects
A202 (Rev N) East Elevation	17.03.2022	DSA Daniel Siric Architects
A203 (Rev N) North Elevation	17.03.2022	DSA Daniel Siric Architects
A204 (Rev N) South Elevation	17.03.2022	DSA Daniel Siric Architects
A301 (Rev N) Long Section	17.03.2022	DSA Daniel Siric Architects
A302 (Rev N) Sections B and C - Cross Section (B) & Pool Section (C)	17.03.2022	DSA Daniel Siric Architects
A303 (Rev N) Driveway Section	17.03.2022	DSA Daniel Siric Architects

Engineering Plans

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Drawing No.	Dated	Prepared By
S101 Cover Sheet	3/11/2021	Deboke Engineering Consultants
S200 Site Stormwater Management Plan	3/11/2021	Deboke Engineering Consultants
S201 First Floor Plan	3/11/2021	Deboke Engineering Consultants
S202 Roof Plan	3/11/2021	Deboke Engineering Consultants
S300 Catchment Plan	3/11/2021	Deboke Engineering Consultants
S301 Details Sheet	3/11/2021	Deboke Engineering Consultants
S400 Erosion and Sediment Control Plan	3/11/2021	Deboke Engineering Consultants

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate 1246215S	18 October 2021	Integreco Consulting Pty Ltd
NATHERS Certificate No. 0006679716	18 October 2021	Integreco Consulting Pty Ltd
Arboricultural Impact Appraisal and Method Statement	6 October 2021	Naturally Trees
Flood Management Report (Job No. 210076)	15 October 2021	GRC Hydro
Geotechnical Investigation Report (Ref: 13942-GR-1-1)	22 October 2021	Alliance Geotechnical Pty Ltd
Geotechnical Risk Management Policy for Pittwater - Form No 1.	22 October 2021	Alliance Geotechnical Pty Ltd

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
L/01 (Rev B) - Proposed Landscape Plan	13/09/21	Discount Landscape Plans

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	20/10/21	Jeremy Moy

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	Not dated.

(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 (Demolition):**

(a) 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 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
- (ii) 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.

(b) 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.

(c) 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.

Reason: Legislative Requirement.

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 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.

5. **General requirements (Demolition):**

(a) Unless authorised by Council:

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) At all times after the submission a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. The consent shall be available for perusal of any Authorised Officer.

(c) 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.

(d) 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.

(e) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

(i) 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.

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

6. 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

7. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$9,939.40 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 \$993,940.00.

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.

8. Security Bond

A bond (determined from cost of works) of \$2,000 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

9. **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 Oak Street.

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.

10. **Flooding**

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

Building Components and Structural Soundness – B1

All new development below the Flood Planning Level of 3.53m AHD shall be constructed from flood compatible materials.

Building Components and Structural Soundness – B2

All new development must be designed to ensure structural integrity up to the Probable Maximum Flood level of 4.86m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion.

Building Components and Structural Soundness – B3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 3.53m AHD

Floor Levels – C1

New floor levels within the development shall be set at or above the Flood Planning Level of 3.53m AHD.

Storage of Goods – G1

Storage areas for hazardous or potentially polluting materials (such as pool chemicals) shall not be located below the Flood Planning Level of 3.53m AHD unless adequately protected from floodwaters in accordance with industry standards.

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

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

11. **No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

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

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

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

13. **Boundary Identification Survey**

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

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

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

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

14. **Structural Adequacy and Excavation Work**

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

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

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

Reason: To provide public and private safety.

15. **Vehicle Crossings Application**

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

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

Reason: To facilitate suitable vehicular access to private property.

16. **Compliance with standards (Demolition):**

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 Council prior to the commencement of demolition works.

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

17. **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.

18. **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.

19. **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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. **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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. **Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum the tree protection fencing for the street tree fronting the development site shall consist of standard 2.4m panel length to four sides, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

All street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited.

No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Street tree protection.

22. **Tree and Vegetation Protection**

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

- i) all trees and vegetation located on adjoining properties,
- ii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to

be placed within the canopy dripline of trees and other vegetation required to be retained,

v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,

vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,

vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,

viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,

ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,

x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,

xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment, as listed in the following sections:

i) Tree Management Plan TMP01

The Certifying Authority must ensure that:

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

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

Reason: Tree and vegetation protection.

23. 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.

24. Removing, Handling and Disposing of Asbestos

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

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)];

- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

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

25. **Demolition Works - Asbestos**

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

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

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

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

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

26. **Survey Certificate**

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

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

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

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

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

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

27. **Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is

sufficiently stabilised with vegetation.

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

28. Vehicle Crossings

The Applicant is to construct one vehicle crossing 3 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to kerb and grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

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

29. Landscape Completion

Screen shrub planting shall be provided to the extent of the swimming pool and surrounds alignment extent.

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

- i) the nominated *Angophora costata* within the front setback shall be substituted with one (1) *Livistona australis* (Cabbage Tree Palm) installed at a min 1 metre trunk height,
- ii) one (1) *Syzygium paniculatum* (Magenta Lillypilly) tree shall be planted within the front setback lawn area and at least 3 metres minimum from the building,
- iii) the nominated *Angophora costata* within the rear setback shall be substituted with one (1) *Syzygium smithii* (Common Lillypilly) tree, planted within the rear setback lawn area and at least 3 metres minimum from any building,
- iv) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees,
- v) all trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 3 metres from buildings, and at least 2 metres from common boundaries,
- vi) screen shrub planting shall be provided to the extent of the swimming pool and surrounds alignment extent, to achieve a mature height of at least 3 metres at maturity, installed at minimum 1 metre intervals and of a minimum 200mm container size at planting, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- vii) selected planting near the swimming pool shall comply with the requirement of Australian Standard AS 1926.1 for a Non Climbable Zone for planting care.

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

Reason: Environmental amenity.

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

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

30. Stormwater Disposal

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

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

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

31. Certification of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans (Discount Landscape Plans, September 2021) and these conditions of consent.

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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

32. No Weeds Imported On To The Site

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

Details demonstrating compliance are to be submitted to the Principal 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.

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

A suitably qualified structural engineer is to certify the structural stability of the new development considering lateral flood flow, buoyancy, suction effects, wave action and debris load impact of the Probable Maximum Flood up to the level of 4.86m AHD.

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

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

34. Certification of Services (B3)

A suitably qualified electrical engineer or contractor is to certify that all new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections are located above the Flood Planning Level of 3.53m AHD or are protected from water egress or have residual current devices installed to cut electricity supply during flood events.

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

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

35. Geotechnical Certification Prior to Occupation Certificate

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

Reason: To ensure geotechnical risk is mitigated appropriately.

36. Environmental Reports Certification

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

(a) Arboricultural Impact Appraisal and Method Statement, dated 6 October 2021, prepared by Naturally Trees.

(b) Flood Management Report (Job No. 210076), dated 15 October 2021, prepared by GRC Hydro.

(c) Geotechnical Investigation Report (Ref: 13945-GR-1-1), 22 October 2021, Alliance Geotechnical Pty Ltd.

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

Reason: To ensure compliance with standards.

37. House / Building Number

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

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

Reason: Proper identification of buildings.

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

38. Landscape Maintenance

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

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

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

Reason: To maintain local environmental amenity.

39. **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

40. **Flood Management**

Storage of Goods (G1)

Hazardous or potentially polluting materials (such as pool chemicals) shall not be stored below the Flood Planning Level of 3.53m AHD unless adequately protected from floodwaters in accordance with industry standards.

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

41. **Geotechnical Recommendations**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

42. **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.

43. **Air-conditioning Unit**

The air-conditioning units 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



Megan Surtees, Planner

The application is determined on 24/03/2022, under the delegated authority of:



Phil Lane, Acting Development Assessment Manager