

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/2097
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Responsible Officer:	Nick England
Land to be developed (Address):	Lot 16 DP 650061, 918 Barrenjoey Road PALM BEACH NSW 2108
Proposed Development:	Alterations and additions to a dwelling house including a swimming pool
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Lyndall Ruth Crampton Richard Grant Crampton
Applicant:	Matt Ross Goodman

Application Lodged:	05/11/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	18/11/2021 to 02/12/2021
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 660,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The application proposes the following:

- alterations and additions to an existing dwelling house;
- demolition of existing outbuilding;
- proposed double-car garage;
- retaining walls and landscaping; and
- removal of two (2) trees.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
 Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection
 Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards
 Pittwater Local Environmental Plan 2014 - 7.10 Essential services
 Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
 Pittwater 21 Development Control Plan - C1.19 Incline Passenger Lifts and Stairways
 Pittwater 21 Development Control Plan - D12.5 Front building line
 Pittwater 21 Development Control Plan - D12.6 Side and rear building line
 Pittwater 21 Development Control Plan - D12.8 Building envelope

SITE DESCRIPTION

Property Description:	Lot 16 DP 650061 , 918 Barrenjoey Road PALM BEACH NSW 2108
Detailed Site Description:	The subject site consists of one (1) allotment located on the northern side of Barrenjoey Road, legally described as Lot 16 in Deposited Plan 650061 or No.918 Barrenjoey Road, Palm Beach. The site is generally regular in shape with a frontage of 17.18m along Barrenjoey Road on the southern frontage and a depth varying between 55 and 56m. The site has a surveyed area of 851.2m². The site is located within the C4 Environmental Living zone and accommodates a residential dwelling and secondary dwelling.

The site is accessed from Barrenjoey Road from a steep driveway that traverses the road reserve and also provides access to No.916 Barrenjoey Road.

The topography of the site has a southerly aspect with a significantly steep slope falling down from the rear north boundary to the front south boundary. The frontage of the site is at least 7m above the carriageway of the adjoining Barrenjoey Road and the slope underneath the proposed building footprint is estimated at 43%.

Natural features of the site include significant rock outcrops and mature vegetation, much of it remnant to the rear of the site. The site has been identified as being subject to a number of biodiversity values, including: Pittwater Spotted Gum Forest - Endangered Ecological Community; land in proximity to coastal wetlands or littoral rainforest (Coastal Management SEPP 2018) and most recently the NSW Biodiversity Values (BV) Map and the associated Biodiversity Offsets Scheme (BOS).

Adjoining and surrounding development is characterised by dwelling houses to the east and west. Adjoining the site to the north is the McKay Reserve, which is small tract of remnant urban bushland.

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested on 22 December 2021 and 7 February 2022 in relation to biodiversity. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.

Section 4.15 Matters for Consideration	Comments
	<u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Australian Bushfire Consulting Services, dated 1 September 2021) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

The application was referred to the NSW Rural Fire Service, who responded in correspondence dated 30 November 2021, that they have no objection to the proposed development, subject to conditions which have been incorporated into the conditions of development consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 18/11/2021 to 02/12/2021 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 2 submission/s from:

Name:	Address:
Helen Dickenson	15 Melford Street HURLSTONE PARK NSW 2193
Mr Peter John Galvin	PO Box 557 WINSTON HILLS NSW 2153

The application was notified in accordance with Council's Community Consultation Plan (CPP). With regard to the amended plans, the amendments were made to: retain existing trees previously sought for removal; and relocate an existing garage to preserve existing significant trees and biodiversity. Hence, the amended plans have both a reduced environmental impact and amenity impact and as such, were not re-notified, consistent with the requirements of the CPP.

During notification, a total of (2) submissions were made in regard to the proposed development. In the submissions, the following issues were raised:

- Removal of significant trees / protected vegetation;
- Impact on biodiversity;
- Insufficient arborist report; and
- Guidance from the NSW RFS should be sought.

The above issues are addressed as follows:

- *Removal of significant trees / protected vegetation*

The submissions raised concerns that the number of trees to be removed in the original proposal would have an adverse impact on the biodiversity of the surrounding area.

Comment: The application has been since been amended to remove two (2) trees, rather than the four (4) trees originally proposed to be removed. The revised proposal has been referred to Council's Landscape and Biodiversity Officer, who both support the proposed removal of the trees, based on their significantly reduced impact. Hence, this issue is no longer considered a valid reason to refuse the application.

- *Impact on biodiversity*

The submissions raised concerns that the proposed development will result in an adverse impact on the biodiversity of the established ecological communities in which the site is located.

Comment: As touched upon in the previous issue, the proposal has been amended to reduce the number of trees being removed on the site. This results in a development that will sufficiently maintain the biodiversity values of the site, as advised by Council's Biodiversity Officer. Hence, this issue is no longer considered a valid reason to refuse the application.

- *Insufficient arborist report*

The submissions raised concerns that the arborist report provided with the application is insufficient.

Comment: Council's Landscape Officer has reviewed the documentation provided with the application, including the revised arborist report, and have advised no objection the proposed development. Hence, this issue is no longer considered a valid reason to refuse the application.

- *Guidance from the NSW RFS should be sought*

The submissions raised concerns that the application should be referred to the NSW Rural Fire Service (RFS) for comment.

Comment: The application was referred to the RFS, who responded via correspondence dated 30 November 2021. The RFS advised that they had no objection to the application, subject to conditions.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<i>further revised comments:</i> An amended master set with revised garage and driveway layout away from existing tree T4 (<i>Eucalyptus acmenoides</i>) is submitted and accomodates the retention of T4, with encroachment within the tree protection zone substantially reduced, such that the previous request for a non-destructive root mapping investigation is no longer required. The proposal as revised requires the removal of two native trees identified as T5 (Cheese Tree) within the property and tree T2 (<i>Eucalyptus pipertia</i>) located on common property. Conditions shall be imposed for tree protection measures as listed in the Arboricultural Impact Assessment reports. Landscape revegetation works as described in the Biodiversity Development Assessment reports shall be undertaken including works as illustrated and scheduled in the Kingfisher Landscape Plan. <i>updated comments:</i> The Landscape Plan prepared by Kingfisher Urban Ecology & Wetlands / Ecological Consultants Australia remains unaltered and as per previous comments no concerns are raised. The Landscape Plan includes the planting of Pittwater Spotted Gum Forest trees including 2 Spotted Gums (<i>Eucalyptus maculata</i>) and 2 Sydney Red Gums (<i>Angophora costata</i>), as well as other locally native understorey species, and in total the following planting is proposed: 4 canopy trees, 40 small trees, and 85 mid level shrubs. The Arboricultural Impact Assessment is updated and recommends the retention of existing trees T1 (<i>Eucalyptus pipertia</i>) and T3

Internal Referral Body	Comments
	(Eucalyptus gummifera) as proposed initially, as additionally under the revised scheme T4 (Eucalyptus acmenoides). However the retention of T4 is recommended based on a non-destructive root mapping investigation. The impact therefore from the proposed garage and entrance pathway is unknown and a 32% major incursion of the tree protection zone is calculated from the proposed development works. Existing tree T5 within the property remains as supported for removal as it is within the proposed garage footprint, and the removal of tree T2 (Eucalyptus pipertia) located on common property remains based on the recommendations of the Arboricultural Impact Assessment with concerns for risk to property. Without the non-destructive root mapping investigation prior to development application determination, Council are unable to assess accurately if tree T4 is realistically able to be retained, or whether further design modifications are required to preserve this tree. As such Landscape Referral require a non-destructive root mapping investigation prior to continuing the assessment. <i>previous comments:</i> The development application is for alterations and additions to the existing dwelling, and construction of associated garage, external decking and swimming pool. A Landscape Plan and a Arboricultural Impact Assessment accompany the application and are assessed as part of this Landscape Referral. Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause C4 zone Environmental Living, and the following Pittwater 21 DCP controls (but not limited to): • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D12 Palm Beach Locality The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the E4 Environmental Living zone. This proposal requests the removal of four existing trees to accommodate the proposed dwelling including one within adjoining property. The tree removal has been discussed with the adjoining neighbour at No. 920 Barrenjoey Road and a letter of consent has been provided for the removal of existing tree number 2. Three replacement trees are proposed including two in the front garden and one in the rear of the property. The Landscape Plan provides for replacement tree canopy planting and includes additional understorey planting to enhance the

Internal Referral Body	Comments
	landscape setting and satisfies the intent of the LEP clause C4 Environmental Living zone and DCP control C1.1 Landscaping.
NECC (Bushland and Biodiversity)	<u>Further Revised Comments</u> The revised development designs have been reviewed by the arborist, who has confirmed that Tree 4 can be retained. The development will now require the removal of two trees, thereby avoiding and minimising impacts that would have previously resulted. Mitigation measures include the planting of 6 replacement trees (4 to survive to maturity), additional landscaping across the site using suitable small tree, shrub and ground cover native species, as well as weed removal and bush regeneration works. Offsetting under the NSW Biodiversity Offset Scheme is also required to offset the residual impacts of the amended design. Based on the above the development satisfies the relevant biodiversity planning controls that are applicable to the site. <u>Updated Comments</u> Without the non-destructive root mapping investigation prior to development application determination, Council are unable to assess accurately if tree T4 is realistically able to be retained, or whether further design modifications are required to preserve this tree. This tree is recommended for retention to clearly demonstrate that the proposed development will avoid and minimise impacts to biodiversity values of the site, and not result in a significant onsite loss of canopy cover. <u>Revised Comments</u> Council notes the revised and finalised BDAR (Kingfisher October, updated November 2021), including additional information related to the BAM plot and survey methods. While the previous comments have not been addressed in full, especially whether or not the 1000m² plot area requirement has been addressed, the degraded nature of the site due to past disturbance is acknowledged and the application in this instance has been assessed based on the information provided. A key aspect of biodiversity conservation legislation, including both the Biodiversity Conservation Act 2016 and the applicable local planning controls, is that a development must first demonstrate appropriate and sufficient steps have been taken to avoid or minimise impact to areas of biodiversity value (see Chapter 7 of the BAM, cl 7.6 of Pittwater LEP and SEPP (Coastal Management) 2018). Only then, if the consent authority is satisfied that this is achieved, relevant biodiversity conservation measures should be considered to offset or compensate any impacts. Sufficient efforts to avoid and minimise impacts on biodiversity values, including retention of trees # 1, 2 & 4)

Internal Referral Body	Comments
	associated with the proposed development have not been demonstrated. Currently, the proposed development will result in the majority of trees within the site, and one tree from the adjoining property. Further analysis of alternatives such as construction methods, alternative locations and designs that would avoid or minimise impacts on biodiversity values and native trees is required. Specifically, increasing the setback of the proposed patio and swimming pool from the western boundary, and relocation of the stairs in this area is recommended in order to retain the two trees proposed for removal. The redesign of the garage, stairs and driveway to facilitate the retention of the eucalyptus tree within the front yard is also recommended. <u>Original Comments 14/12/21</u> Council's Biodiversity referrals team have assessed the Development Application for compliance against the following applicable biodiversity related controls: • Biodiversity Conservation Act 2016 (BC Act) • Biodiversity Conservation Regulation 2017 • Pittwater LEP cl. 7.6 Biodiversity Protection • Pittwater 21 DCP cl. B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community • 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 The Development Application seeks consent for alterations and additions to the existing dwelling house including the installation of a swimming pool and garage. The application also seeks to establish an Asset Protection Zone (APZ) over the entirety of the site in perpetuity. The property is located within the Biodiversity Values (BV) Map designated by the NSW State Government (Department of Planning, Industry and Environment), making it subject to the provisions of the NSW Biodiversity Conservation Act 2016. Development occurring within the BV Map will require assessment under the Biodiversity Assessment Methodology (BAM) 2020 if it involves: • Impacts to Native Vegetation (as defined under 60B of the Local Land Services Act 2013), including clearing and/or establishment of Asset Protection Zones; or • Prescribed actions (as defined under 6.1 of the Biodiversity Conservation Regulation 2017). Impacts including those outlined above that occur within the

Internal Referral Body	Comments
	Biodiversity Values Map will trigger the Biodiversity Offsets Scheme (BOS) and require a Biodiversity Development Assessment Report (BDAR) to be prepared by an accredited assessor and submitted with the application. Four (4) native trees are proposed for removal as part of the development application (Vertical Tree Management & Consultancy, August 2021), two (2) of which are located within the BV map (Trees 4 and 5). Additionally, the APZ will overlap with the BV Map. Submission of a (1) Landscape Plan (Matt Goodman, October 2021) and (2) Biodiversity Development Assessment Report (BDAR) (Kingfisher Urban Ecology and Wetlands, October 2021) are noted. (1) The Landscape Plan seeks to remove weeds, and restore locally-native vegetation. It is noted that whilst the Landscape Plan has proposed a range of native species for planting, none of the species selected are representative of Pittwater Spotted Gum Forest. As such, the Landscape Plan is to be amended. Four (4) replacement canopy trees are required to be planted within the site as part of landscaping to comply with P21 DCP cl. B4.7 to ensure that the development does not result in no significant onsite loss of canopy cover or a net loss in native canopy trees. Canopy species are required to be selected from Pittwater Spotted Gum Forest species, including at least one (1) <i>Corymbia maculata</i>. (2) Broadly, no objection is raised to the impact assessment, or recommendations presented in the submitted BDAR, however concern is raised over the method in which the Vegetation Integrity (VI) score was calculated for the Plant Community Type within the site. Section 3.1.1 of the BDAR (Kingfisher 2021) states: <i>"Due to the small size of vegetation the plot was split into 2 sections to make up the survey area. Plots were as per the BAM Method with 20x20 plots (400m²) for assessing structure and composition with a center line extending 50m to great a 20 x 50 plot (1000m²) to assess function."</i> Mapping files submitted to Council, indicate that the BAM Plot was limited to two (2) separate areas of 189m² and 312m² for assessing structure and composition. This is a total of only 501m². The Accredited Assessor must demonstrate how the 1000m² of data that the BAM-C required for 'function' analysis has been derived (i.e. duplicating data to model 1000m²), or should in future use a surrogate plot (i.e. in a nearby Council reserve within the same PCT, such as McKay Reserve at the rear of the site). In this case, a surrogate plot would be recommended due to the recent understory clearing within the site. Due to the methodology in which the BAM Plot was undertaken, a number of important canopy species, located within or overhanging the site, were missed, and only one (1) tree species was recorded within the Plot - <i>Glochidion ferdinandi</i>. An additional three (3) canopy species (<i>Eucalyptus piperita</i>, <i>Corymbia gummifera</i> and

Internal Referral Body	Comments
	<i>Eucalyptus acmenoides</i> (identified by Council's Biodiversity Officers as <i>Eucalyptus umbra</i>), as outlined in the Arborist Report (Vertical Tree Management & Consultancy, August 2021) should also be represented in the BAM Plot. Further, the Accredited Assessor has calculated an area of impact of approximately 0.02ha. This calculation does not take into account the proposed APZ which is recommended by the Bushfire Consultant to cover the entire site in perpetuity. The impact area is to be updated to include all vegetated areas, including those recently cleared areas, within the site. Due to these limitations and other factors, a VI Score of <15 (i.e. '10') was determined by the Accredited Assessor based on a single BAM Plot, which if correct would not require Ecosystem Credits per 9.2.1 of BAM 2020. It is also noted that the BDAR submitted to Council did not appear to be a finalised version. A finalised version should be resubmitted to Council with the required amendments as discussed above. Upon receiving the amended and finalised BDAR and BAM-C data as requested within these comments, Council's Biodiversity Referrals team will reassess the application.
NECC (Coast and Catchments)	The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP. Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>. State Environmental Planning Policy (Coastal Management) 2018 The subject land has been included on the ' Proximity to Littoral Rainforest Area', 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 11, 13, 14 and 15 of the CM SEPP apply for this DA. Comment: On internal assessment, the DA satisfies requirements under clauses 11, 13, 14 and 15 of the CM SEPP.

Internal Referral Body	Comments
	As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018. Pittwater LEP 2014 and Pittwater 21 DCP No other coastal related issues identified. As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.
NECC (Development Engineering)	The proposed impervious area exceeds 50 sqm and as such on-site stormwater detention (OSD) is required for the proposal. Conditions for this requirement are included to provide the design prior to the construction certificate. The existing driveway crossing is via a right of way and is to remain which is acceptable. The submitted Geotechnical report addresses the relevant DCP controls. Development Engineers support the proposal, subject to conditions as recommended. Amended Plans Received 31/03/2022 The amended garage plan does not include any dimensions and it is unclear if the dimensions are in accordance with the DCP which requires a minimum width for a double garage of 5.7 metres and minimum length of 6 metres with a minimum door opening of 5.4 metres. Provided the plans are amended to indicate the required dimensions, Development Engineers support the proposal, subject to conditions as recommended. <u>Planner's Note:</u> A condition has been provided to require the garage be widened to have a minimum door opening of 5.4m, to comply with part of the DCP and the relevant Australian Standard.
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 (Water Management)	This application has been assessed against relevant legislation and policy relating to waterways, riparian areas, and groundwater. The development is subject the Water Management for Development Policy.
Parks, reserves, beaches,	The development property is located upslope of McKay Reserve, and

Internal Referral Body	Comments
foreshore	as such no concerns are raised for construction impacts into the Reserve.
Road Reserve	There is no impact on existing road infrastructure assets.
Traffic Engineer	The proposed alterations and additions include the construction of a double garage and retention of the existing turntable which facilitates forwards entry and exit from the site. The Transport Network team does not oppose approval of the DA

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	Ausgrid have advised they have no objection to the proposal or any recommended conditions.
NSW Rural Fire Service – local branch (s4.14 EPAA)	The NSW Rural Fire Service responded via correspondence dated 30 November 2021, advising they had no objection subject to conditions.
Aboriginal Heritage Office	The Aboriginal Heritage Office have advised that they have no objection to the proposed development.

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.A436454 dated 29 October 2021).

The BASIX Certificate indicates that the development will achieve the sustainability requirements of the State policy.

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 raised no objections.

SEPP (Coastal Management) 2018

The site is classified as land within: proximity to littoral rainforest; coastal use area; and coastal environment area under the State Environmental Planning Policy (Coastal Management) 2018. Accordingly, an assessment under the SEPP has been carried out as follows:

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: Through the amendment of the proposed development, the biodiversity values of the littoral rainforest area will be retained.

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: The proposed development will not adversely effect the values of the coastal environment area contained within Clause 13(1).

- (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: The proposed development will not adversely effect the values of the coastal environment area contained within Clause 13(2). Council is hence satisfied that development consent could be granted for the proposed development.

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: Council is satisfied that the proposed development will not have an adverse impact on the environmental and cultural values stated within Clause 14.

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 increased risk of coastal hazards.

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

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:	10m (>30% slope)*	8.5m	N/A	Yes

*slope at building footprint estimated at 43%

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

7.2 Earthworks

The objective of Clause 6.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

(b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment: The excavated material will be processed according to the Waste Management Plan for the development.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment: The excavated material will be processed according to the Waste Management Plan for the development.

(f) the likelihood of disturbing relics

Comment: The site is not mapped as being a potential location of Aboriginal or other relics.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

Comment: The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: Conditions are included in the recommendation of this report that will minimise the impacts of the development.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment: The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of PLEP 2014, Pittwater 21 DCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

7.6 Biodiversity protection

Before determining a development application for development on land to which this clause applies, this clause requires the consent authority to consider:

(a) whether the development is likely to have:

- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (iv) any adverse impact on the habitat elements providing connectivity on the land, and*

Comment: The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, Council can be satisfied that the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land; the importance of the vegetation on the land to the habitat and survival of native fauna; or the habitat elements providing connectivity on the land. Council is also satisfied that the development will not unreasonably fragment, disturb, or diminish the biodiversity structure, function, or composition of the land.

- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, Council can be satisfied that the proposal includes appropriate measures to avoid, minimise, or mitigate the impacts of the development.

Before granting development consent, this clause also requires the consent authority to be satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment: The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, Council can be satisfied that the development is designed, sited and will be managed to any significant adverse environmental impact.

7.7 Geotechnical hazards

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

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

Comment: The proposed development is supported by a geotechnical risk assessment, architectural plans, an excavation plan, and stormwater management plans that demonstrate all geotechnical risks have been taken into account. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

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

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

(b) the consent authority is satisfied that:

(i) the development is designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development, or

(ii) if that risk or impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that risk or impact, or

(iii) if that risk or impact cannot be minimised - the development will be managed to mitigate that risk or impact.

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

7.10 Essential services

Under this clause, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) stormwater drainage or on-site conservation,

(e) suitable vehicular access.

Comment:

The site is adequately serviced by utilities to satisfy the provisions of this clause.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	Nil - 0.8m (garage)	100%	No
Rear building line	6.5m	18.4m	N/A	Yes
Side building line	2.5m (east)	1.7 - 2.7m	Nil - 32%	No
	1m (west)	1 - 4.4m	N/A	Yes
Building envelope	3.5m (east)	Breach of 10.9m (length) x 2.5m (at maximum height)	45	No
	3.5m (west)	Breach of 2.2m (length) x 0.6m (height)	13	No

Landscaped area	60%	561.3m ² or 66%	N/A	Yes
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***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
A4.12 Palm Beach Locality	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	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	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.19 Incline Passenger Lifts and Stairways	No	Yes
C1.23 Eaves	Yes	Yes
D12.1 Character as viewed from a public place	Yes	Yes
D12.3 Building colours and materials	Yes	Yes
D12.5 Front building line	No	Yes
D12.6 Side and rear building line	No	Yes
D12.8 Building envelope	No	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D12.12 Fences - Flora and Fauna Conservation Areas	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

Part B6.3 specifies that an enclosed garage(internal dimension) is to be:

"3.0 metre x 6.0 metre, with 2.4 metre minimum width entry"

The proposed garage will vary between 4.7m to 6.5m in width, short of the minimum standard of 6m.

The garage has been re-designed to a wedge-shape to protect the existing significant tree (Tree 4) between the proposed garage and the existing house, which must be retained to ensure biodiversity values are met. Council's Development Engineer has advised that the width of the garage opening must be at least 5.4m, to at least comply with the Australian Standards.

Council's Landscape Officer has advised that such a re-design is unlikely to adversely effect Tree 4 and hence a condition of consent is recommended to require that the garage be modified in a minor way to ensure that the vehicular access can at least satisfy the Australian Standards for vehicular access.

Hence, despite the non-compliance with the minimum width requirements the proposal can at least satisfy the Outcomes of the control, which is to provide safe and convenient vehicular access.

C1.19 Incline Passenger Lifts and Stairways

The proposed inclinator carriage is located 1m from the side (west) boundary, short of the minimum 2m requirement. It should be noted that the proposed garage (and the associated inclinator) in its original form was consistent with the minimum requirement yet needed to be located closer to west boundary, to avoid adverse landscape and biodiversity impacts.

Despite the non-compliance, the amended location of the inclinator is unlikely to have an adverse impact on the privacy of the adjoining dwelling at No. 920 Barrenjoey Road as the east elevation of this dwelling has no significant windows that will result in an adverse privacy impact.

Therefore, the proposed development can achieve the Outcomes of the control, despite the variation to the setback requirement for the inclinator.

D12.5 Front building line

Description of Non-Compliance

The proposed garage (as amended) will have a nil to 0.8m setback from the front boundary. This is up to a 100% variation with the minimum front setback.

Consideration of the Outcomes

Achieve the desired future character of the Locality.

Comment: The proposed garage will not be readily visible from the public domain of Barrenjoey Road, based on the topography, which will place the proposed works well above the roadway (approximately 5m difference in level). The adjoining road reserve is also heavily vegetated. Based on these circumstances, the desired future character of the proposal is unlikely to be compromised and this Outcome is achieved.

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

Comment: There are not likely to be any views lost as a result of the proposed non-compliance with the front building line, given that the proposed garage is located well down the slope from other adjoining dwellings.

The amenity of residential development adjoining a main road is maintained. (S)

Comment: The proposed garage is not in close proximity to any residential dwellings both on and adjacent the subject site. Hence, this Outcome is achieved.

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

Comment: The proposed garage has been amended since lodgement of the application for the express purpose of protecting existing significant vegetation. Therefore, this Outcome has been achieved.

Vehicle manoeuvring in a forward direction is facilitated. (S)

Comment: The site is serviced by a turn-table that allows vehicles to access and enter the site in a forward direction

To preserve and enhance the rural and bushland character of the locality. (En, S)

Comment: The proposed garage has been amended from its original location for the specific purpose of protecting the significant vegetation on the site, consistent with this Outcome.

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

Comment: The proposed garage is a single storey structure that will be consistent with the character and density of the surrounding area and will be mostly invisible from the Barrenjoey Road frontage based on the elevated position above the roadway and the thick vegetation on the road reserve.

To encourage attractive street frontages and improve pedestrian amenity.

Comment: As stated previously, the proposed works will have limited visibility from the public domain. The proposal will not effect any existing pedestrian access points. Hence, this Outcome is achieved.

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

Comment: Given the steep topography along this section of Barrenjoey Road, parking structures in close location to the front boundary are common and a necessary method of providing safe and convenient access which also limits its impact on the natural environment. Hence the proposal adequately relates to the spatial characteristics of the existing urban environment.

In summary, despite the variation, the proposal can achieve the Outcomes of the front building line control.

D12.6 Side and rear building line

Description of Non-Compliance

A 2.5m setback should apply to the east boundary of the site. The setback of the proposed works are located between 1.7 and 2.7m from this boundary, which at points represents a 32% variation with the control.

Consideration of The Outcomes

The non-compliance is tested against the Outcomes of the control, as below:

To achieve the desired future character of the Locality. (S)

Comment: The setback on the east boundary is based on the setback of the existing dwelling and only breaches the setback the rear portion of the dwelling and pool. Hence, there will be no adverse loss of streetscape character and the desired future character is not compromised.

The bulk and scale of the built form is minimised. (En, S)

Comment: The breach relates to a minor portion of the proposed works on the east elevation, which is adequately modulated to limit its visual impact on the surrounding area.

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

Comment: An inspection of the site has revealed that there is unlikely to be lost views from either adjoining residential dwellings or public spaces, as a consequence of the non-compliance with the side setback control.

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

Comment: As stated above, it is unlikely that there will be lost views from either adjoining residential dwellings or public spaces, as a consequence of the non-compliance with the side setback control.

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

Comment: No adverse amenity impact is likely as a result of the proposed non-compliance with the side setback control.

Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)

Comment: Significant areas of landscaped open space is provided around the site to ensure protection of the existing mature tree canopy and an attractive streetscape.

Flexibility in the siting of buildings and access. (En, S)

Comment: The proposed setbacks represent an adequate response to the existing opportunities and

constraints of the site.

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

Comment: The proposed setback, being predicted on the existing building footprint, will not result in the loss of any existing vegetation, consistent with this Outcome.

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

Comment: Not applicable to the proposed development.

In summary, the proposed development can demonstrate consistency with the Outcomes of the control and the proposed variation is supported under the circumstances.

D12.8 Building envelope

Description of the Non-Compliance

The proposed works are outside the Building Envelope in the following manner:

East elevation: breach of 10.9m (length) x 2.5m (at maximum height) or a 45% variation.

West elevation: breach of 2.2m (length) x 0.6m (height) or a 13% variation.

Consideration of the Outcomes

The proposed development is tested against the Outcomes of the control, as below:

To achieve the desired future character of the Locality. (S)

Comment: The breach on the west elevation is very minor. On the east elevation, the dwelling is located on a significant slope that is not readily visible from the public domain or other residential properties, with the exception of the dwelling at No.916. In this regard, the desired future character is maintained.

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

Comment: The more significant breach on the east elevation is nonetheless not visible from the public domain and will remain under the tree canopy that exists on the site. Therefore, this Outcome is maintained.

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

Comment: The proposed breaches will remain mostly invisible when viewed from adjoining public and private domains and in turn will respond adequately to the spatial characteristics of the existing natural environment.

The bulk and scale of the built form is minimised. (En, S)

Comment: The upper level which constitutes the breaches are adequately articulated to minimise the bulk and scale of the proposal.

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

Comment: There is unlikely to be any significant views lost as a result of the proposed development.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties. (En, S)

Comment: No adverse amenity impact is likely.

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

Comment: The proposed breach will not result in any loss of any significant vegetation.

In summary, the proposed development can satisfy the Outcomes of the control and the proposed variation to the built form control is supported.

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 \$6,600 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$660,000.

CONCLUSION

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

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

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

In consideration of the proposal and the merit consideration of the development, the proposal is

considered to be:

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/2097 for Alterations and additions to a dwelling house including a swimming pool on land at Lot 16 DP 650061, 918 Barrenjoey Road, PALM BEACH, 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
DA004 Revision 2	24 March 2022	Matt Goodman Architecture
DA005 Revision 2	24 March 2022	Matt Goodman Architecture
DA100 Revision 2	24 March 2022	Matt Goodman Architecture
DA101 Revision 2	24 March 2022	Matt Goodman Architecture
DA102 Revision 2	24 March 2022	Matt Goodman Architecture
DA103 Revision 2	24 March 2022	Matt Goodman Architecture
DA104 Revision 2	24 March 2022	Matt Goodman Architecture
DA105 Revision 2	24 March 2022	Matt Goodman Architecture
DA106 Revision 2	24 March 2022	Matt Goodman Architecture
DA107 Revision 2	24 March	Matt Goodman

	2022	Architecture
DA200 Revision 2	24 March 2022	Matt Goodman Architecture
DA201 Revision 2	24 March 2022	Matt Goodman Architecture
DA202 Revision 2	24 March 2022	Matt Goodman Architecture
DA203 Revision 2	24 March 2022	Matt Goodman Architecture
DA204 Revision 2	24 March 2022	Matt Goodman Architecture
DA205 Revision 2	24 March 2022	Matt Goodman Architecture
DA206 Revision 2	24 March 2022	Matt Goodman Architecture
DA300 Revision 2	24 March 2022	Matt Goodman Architecture
DA301 Revision 2	24 March 2022	Matt Goodman Architecture
DA302 Revision 2	24 March 2022	Matt Goodman Architecture
DA303 Revision 2	24 March 2022	Matt Goodman Architecture
DA304 Revision 2	24 March 2022	Matt Goodman Architecture
DA305 Revision 2	24 March 2022	Matt Goodman Architecture
DA400 Revision 2	24 March 2022	Matt Goodman Architecture

Engineering Plans		
Drawing No.	Dated	Prepared By
DA604	29 October 2021	Matt Goodman Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report Title / No.	Dated	Prepared By
BASIX Certificate No.A436454	29 October 2021	Matt Goodman Architecture
Geotechnical Site Investigation Report	31 August 2021	Soilsrock
Bushfire Assessment Report	1 September 2021	Australian Bushfire Consulting Services
Arboricultural Impact Assessment & Tree Protection Plan	24 March 2022	Vertical Tree Management

Biodiversity Development Assessment Report	February 2022	Kingfisher
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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		
Title / Drawing No.	Dated	Prepared By
Landscape Plan Version 2	February 2022	Kingfisher

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
-	28 October 2021	Matt Goodman Architecture

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
NSW Rural Fire Service	RFS Referral Response	30 November 2021

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

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

3. Prescribed Conditions

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

- (iii) stating that unauthorised entry to the work site is prohibited.
Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

4. **General Requirements**

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the

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

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

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$6,600.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$660,000.00.

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

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

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

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

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

6. Security Bond

A bond (determined from cost of works) of \$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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Soilsrock Engineering Pty Ltd dated 31/08/2021 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

8. **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.

9. **Installation of Nest Boxes**

A minimum of two nest boxes suitable for microbat fauna species are to be installed in retained trees / throughout the trees within areas of retained native vegetation / on the site.

Nest boxes must be attached in accordance with industry best practice (e.g. expandable tree sensitive methods).

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To maintain wildlife habitat.

10. **Fencing for Wildlife Passage**

Any new permanent fencing (with the exception of swimming pool fencing) is to be made passable to native fauna through the provision of access gaps or raised fencing to provide appropriate ground clearance. Any access gaps are to be a minimum of 150mm wide x 100mm high at ground level and spaced at a minimum of 6m intervals.

Plans are to be certified as complying with this condition and provided to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To preserve wildlife corridors.

11. **Notification of determination to which the Biodiversity Offset Scheme applies**

The applicant or Project Ecologist, on behalf of the applicant, must download and complete the "Biodiversity Offsets Scheme – Notification of Determination" form.

The completed form and attachments, including a copy of the determination and any conditions of approval, must be emailed to the LMBC Service Centre bam.support@environment.nsw.gov.au. The LMBC Service Centre arranges for determination outcomes to be recorded in the Biodiversity Offset and Agreement Management System (BOAMS).

Council's Manager Bushland and Biodiversity and the Certifying Authority must be copied into the notification email to confirm compliance.

Reason: To ensure the NSW Department of Planning, Industry and Environment are notified of

determinations where the Biodiversity Offsets Scheme applies and Council are notified for compliance.

12. **Like for like credit retirement conditions - Species credit retirement conditions**

Prior to issue of the relevant Construction Certificate the class and number of species credits in Table A must be retired to offset the impacts of development.

The requirement to retire credits outlined in Table A may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table A requirements must be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and the Certifying Authority prior to release of construction certification.

Table A Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
<i>Chalinolobus dwyeri</i>	One (1)	Pittwater

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

13. **Compliance with approved BDAR impact mitigation to minimise impacts – Prior to Construction**

The approved BDAR includes mitigation measures (s10 Recommendations) , which must to be implemented before, during and after construction to avoid and minimise the impacts of the proposal, including action, outcome, timing and responsibility.

All biodiversity-related measures are to be implemented prior to construction, as specified in the approved BDAR and these conditions of consent.

The Project Ecologist is required to provide details of compliance, including written and photographic evidence, and provide to the Certifying Authority and Council prior to issue of Construction Certificate.

Reason: To - compliance with the approved BDAR.

14. **Erosion and Sediment Control Plan**

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

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas)

- and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

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

Reason: Protection of the receiving environment.

15. Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

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

16. Erosion and Sediment Control Plan

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

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

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

Reason: Protection of the receiving environment.

17. Stormwater Treatment Measures – Minor

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

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

Reason: Protection of the receiving environment.

18. **Amendments to the approved plans - Garage**

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

- The garage entry door is to have a minimum width of 5.4m

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

Reason: To ensure development provides sufficient vehicular access to meet the current national standards.

19. **On-site Stormwater Detention Details**

The Applicant is to provide a drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy Section 9.0. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

1. A summary table for the design.
2. Any proposed detention tanks are not to be provided under habitable floors.
3. The control pit must be located in an easily accessible location for future maintenance and inspection.
4. The orifice plate details must be provided.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

20. **Structural Adequacy and Excavation Work**

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

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

Reason: To provide public and private safety.

21. **Engagement of Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with the Biodiversity Development Assessment Report and Landscape Plan (Kingfisher Updated February 2022).

The Project Ecologist must have one of the following memberships / accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method Accredited Assessor under the relevant legislation

(<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Certifying Authority Prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

22. **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.

23. **External Finishes to Roof**

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

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

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

24. **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

25. **Tree Removal Within the Property**

This consent approves the removal of the following tree(s) as recommended in the Arboricultural Impact Assessment:

- tree number 5 - Cheese Tree, subject to tree replacement within the property
- tree number 2 - Sydney Peppermint located on common boundary in majority within No. 920 Barrenjoey Road, and with owners consent

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised development works.

26. **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.

27. **Compliance with approved BDAR impact mitigation table to minimise impacts – During Construction**

The approved BDAR includes mitigation measures (section 10 Recommendations), which must to be implemented before, during and after construction to avoid and minimise the impacts of the proposal, including action, outcome, timing and responsibility.

All biodiversity-related measures are to be implemented during construction, as specified in the approved BDAR and these conditions of consent.

The Project Ecologist is required to keep details of compliance, including written and photographic evidence.

Reason: To ensure compliance with the approved BDAR.

28. **Road Occupancy Licence**

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on Barrenjoey Road.

Reason: Requirement of TMC for any works that impact on traffic flow.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

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

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

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

Reason: Preservation of significant environmental features.

30. **Tree and Vegetation Protection**

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

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

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, to preserve existing trees numbered 1, 3 and 4.

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.

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

Reason: Tree and vegetation protection.

31. **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.

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

Council proactively regulates construction sites for sediment management.

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

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

Reason: Protection of the receiving environment.

33. **Survey Certificate**

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

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

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

34. **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.

35. **Waste Management During Development**

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

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

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

36. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

37. **Aboriginal Heritage**

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection.

38. **Stand Plant permits**

Applications for a Stand Plant permits shall be lodged for any work which involves the standing of construction plant on the Road Reserve. These applications would need to be accompanied by a Road Occupancy License where it impacted upon the flow of traffic on Barrenjoey Road.

Reason: <to ensure traffic impacts and minimised and managed appropriately> (DACTREDW1)

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

39. **Landscape Completion**

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

i) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space, and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

Prior to the issue of an Occupation Certificate, details 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.

40. **Condition of Retained Vegetation**

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

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

Reason: Tree protection.

41. **Certification of Landscape Plan**

Landscaping is to be implemented in accordance with the designs, Proposed Actions and Recommendations of the approved Landscape Plans (Kingfisher VA2 Updated Feb 2022) 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.

42. **Compliance with approved BDAR impact mitigation table to minimise impacts – Occupation Construction**

The approved BDAR includes mitigation measures (see BDAR section 10 Recommendations), which must be implemented before, during and after construction to avoid and minimise the impacts of the proposal, including action, outcome, timing and responsibility.

All biodiversity-related measures are to be implemented immediately after construction, as specified in the approved BDAR and these conditions of consent.

The Project Ecologist is required to provide details of compliance, including written and photographic evidence, and provide to the Principal Certifying Authority and Councils Bushland Manager prior to issue of Occupation Certificate.

Reason: To ensure measures required to avoid and minimise residual biodiversity impacts are undertaken in accordance with the approved BDAR.

43. **Installation of Rainwater Tanks**

Rainwater tanks shall comply with the following:

- a) Be fitted with a first-flush device that causes initial rainwater run-off to bypass the tank and must drain to a landscaped area. The first flush device will not be permitted to connect to the stormwater system
- b) Have a sign affixed to the tank stating the contents is rainwater
- c) Be constructed or installed in a manner that prevents mosquitoes breeding, such as the use of mesh to protect inlets and overflows
- d) Have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners
- e) Pumping equipment must be housed in a soundproof enclosure
- f) Where the rainwater tank is interconnected to a reticulated water supply, it must be installed in accordance with Plumbing Code of Australia, particularly backflow/cross connection prevention requirements

A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To conserve potable water.

44. **Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures**

The Applicant shall lodge the Legal Documents Authorisation Application with Council. The application shall include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA), a copy of the Works-as-Executed plan (details overdrawn on a

copy of the approved drainage plan), and Hydraulic Engineers' certification.

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgment with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted.

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

45. **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.

46. **Swimming Pool Requirements**

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

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

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

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

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

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

(e) Signage showing resuscitation methods and emergency contact

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

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

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

Reason: To protect human life.

47. Installation and certification of solid/fuel burning heater

The solid fuel heater must be certified to comply with Australian Standards 4012 and 4013.

Provide to the Principal Certifier certification that the solid fuel heater has been installed by an appropriately experienced and qualified person, in accordance with the relevant provisions of AS2918 – Domestic Solid Fuel Burning Appliances – Installation.

Reason: To ensure the installation is completed in a legislatively compliant manner.

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

48. 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.

49. 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.

50. Maintenance of Stormwater Treatment Measures - Minor

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

51. 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.

52. **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.

53. **Operation of solid fuel burning heaters**

The owner/operator must take all practicable measures to prevent the likelihood of causing smoke and/or odour nuisances. Such measures must include:

- Using dry seasoned hardwood
- Storing wood in a dry well-ventilated place
- Having a hot and well oxygenated fire
- Ensuring that the chimney flue is clean
- Checking the chimney at different stages of the fire to see if there is any smoke
- Maintenance according to the manufacturer's specifications

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

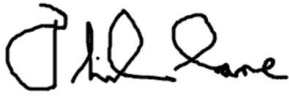
In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Nick England, Planner

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



Phil Lane, Acting Development Assessment Manager