

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0260
Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 17 DP 7686, 32 Quinlan Parade MANLY VALE NSW 2093
Proposed Development:	Construction of a detached Secondary dwelling
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Ann Marie Chaimandos
Applicant:	Alessia Granny Flat Solutions
Application Lodged:	16/03/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New second occupancy
Notified:	07/04/2020 to 25/04/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 120,000.00

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the construction of a detached secondary dwelling. The proposed secondary dwelling comprises:

- A living area;
- Two (2) bedrooms;
- A bathroom;
- A tiled porch on the northern-western corner with access from the kitchen; and
- An alfresco on the eastern elevation with access to the secondary dwelling.

A 1.8m high retaining wall is also proposed to facilitate the secondary dwelling.

Three (3) trees approximately 8m in height are proposed to be removed to accommodate the secondary dwelling.

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

Warringah Local Environmental Plan 2011 - 6.2 Earthworks
 Warringah Development Control Plan - C4 Stormwater
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
 Warringah Development Control Plan - D8 Privacy
 Warringah Development Control Plan - D12 Glare and Reflection
 Warringah Development Control Plan - E1 Preservation of Trees or Bushland Vegetation
 Warringah Development Control Plan - E6 Retaining unique environmental features
 Warringah Development Control Plan - E10 Landslip Risk

SITE DESCRIPTION

Property Description:	Lot 17 DP 7686 , 32 Quinlan Parade MANLY VALE NSW 2093
Detailed Site Description:	<p>The site consists of one (1) allotment located on the corner of Quinlan Parade (primary frontage) and Gibbs Lane (secondary frontage) in Manly Vale. Vehicular and pedestrian access is provided via Quinlan Parade.</p> <p>The site has a primary frontage of 18.11m along Quinlan Parade and a secondary frontage of 51.41m along Gibbs Lane. The site has a surveyed area of 923.2sqm.</p> <p>The site is located within the R2 Low Density Residential zone pursuant to the WLEP 2011 and accommodates a face</p>

brick single storey detached dwelling house. A carport and garage are located behind the front building line adjacent to the western elevation of the dwelling.

The front yard contains landscaped open space and numerous garden beds. The rear yard contains landscaped open space, numerous rock outcrops, three (3) trees approximately 8m in height, numerous shrubs and a detached shed.

The site experiences a fall of approximately 5.95m that slopes from the south-western front corner towards the north-eastern rear corner, representing an approximate slope of 10.87%. It is noted that the majority of the site experiences a gradual fall, with the exception of the rear portion, which drops approximately 2m down retaining walls and numerous rock outcrops.

The site is identified within the 'Landslip Risk Area A' and 'Landslip Risk Area B' precincts pursuant to the WLEP 2011.

The north-western rear corner is identified on the 'Warringah Bush Fire Prone Land Map 2016'.

Detailed Description of Adjoining and Surrounding Development

Adjoining and surrounding development is characterised by one (1) and two (2) storey detached dwelling houses. The surrounding dwellings generally present with face brick or rendered facades, with hipped or gable roof forms. There are also examples of dwellings that present with timber weatherboard cladding facades.

Map:



SITE HISTORY

The site has been used for residential purposes for a significant period of time. A search of Council's records has revealed no recent applications relevant to this Development Application.

Site Visits

A site visit was undertaken at the subject site on 03 March 2020.

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	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><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.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to an Arborist Report.</p> <p><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.</p> <p><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.</p>
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	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(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.</p>
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	No submissions were received in relation to this application.
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 bushfire 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 Bushfire Assessment was submitted with the application that included a certificate (prepared by Sydney Bushfire Consultants, dated 13 January 2020) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bushfire Assessment have been included as conditions of consent.

The application as not referred to the NSW Rural Fire Service for comment.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Landscape Officer	<p>The development application is for the construction of a secondary dwelling. The location of the proposed secondary dwelling will require the removal of 3 indigenous trees.</p> <p>An Arboricultural Impact Assessment is provided with the application. No landscape plans are provided, and conditions of consent shall be imposed to require planting along the northern boundary to reduce the bulk and scale of the development and provide privacy to the adjoining property.</p> <p>The Arboricultural Impact Assessment concludes that the three indigenous trees can't be retained due to their location within the footprint. There is no alternative such as dwelling relocation away from the trees as the existing slope would result in excessive excavation, contrary to Warringah DCP control C7 Excavation and Landfill.</p> <p>The Landscape Referral is assessed against the following Warringah DCP controls: D1 Landscaped Open Space and Bushland</p>

Internal Referral Body	Comments
	D8 Privacy D9 Building Bulk E1 Preservation of Trees and Bushland Vegetation
NECC (Development Engineering)	No objections to the proposed secondary dwelling subject to conditions. The stormwater drainage/downpipes can be charged to a pit near the boundary and then the outlet pipe (within the footpath area) can be via gravity to Gibbs street.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	Ausgrid have reviewed the proposal and raised no objections, subject to conditions. The conditions have been included as part of this consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

Division 2: Secondary dwellings

Clause 19: Definition

Development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

Note: The standard instrument defines secondary dwelling as follows:

"secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling."*

Comment:

The proposed use is defined under WLEP 2011 as a secondary dwelling. The definition is the same as the Standard Instrument LEP definition.

Clause 20: Land to which this Division applies:

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but <i>only if</i> development for the purposes of a dwelling house is permissible on the land:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or (d) Zone R4 High Density Residential, or (e) Zone R5 Large Lot Residential.	Consistent. The site is located within the R2 Low Density Residential zone and, as such, the proposed use is permissible with consent under WLEP 2011.

Clause 21: Development to which this Division applies

Requirement	Comment
This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.	Consistent. The development involves the construction of a secondary dwelling, as defined by the Standard Instrument. Therefore, this Division applies.

Clause 22: Development may be carried out with consent

Development to which this Division applies may be carried out with consent.

Requirement	Comment
(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	The proposed development will result in one (1) principal dwelling and one (1) secondary dwelling on the site. The proposed secondary dwelling will be detached from the principal dwelling.
(3) A consent authority must not consent to	The site is not subject to a floor space ratio

development to which this Division applies unless:	control.
(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and	Clause 5.4 (9) of the WLEP 2011 stipulates that the gross floor area of secondary dwellings must not exceed 60sqm, which correlates with this SEPP.
(b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.	The proposed secondary dwelling has a gross floor area of 60sqm, which satisfies the requirements of this SEPP and the WLEP 2011.
(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:	The proposed secondary dwelling is detached from the principal dwelling.
(a) site area if:	The site has a surveyed area of 923.2sqm.
(i) the secondary dwelling is located within, or is attached to, the principal dwelling, or	The existing garage and carport structures are retained as part of this application, with no additional parking proposed. The WDCP 2011 does not require additional off-street parking for secondary dwellings. The existing off-street parking facilities satisfies the minimum of two (2) off-street parking spaces, as required by the WDCP 2011.
(ii) the site area is at least 450 square metres.	
(b) parking if no additional parking is to be provided on the site.	The proposal is not refused on any of the matters prescribed within subclause (4).

Note: A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

Clause 24: No subdivision

Requirement	Comment
A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	Consistent. This application does not propose any subdivision of the existing allotment.

Conclusion

The proposed secondary dwelling demonstrates compliance with the requirements of the SEPP ARH and is worthy of Council support.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been submitted with the application (see Certificate No. 1069826S dated 13 January 2020). A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

Ausgrid have reviewed the proposal and raised no objections, subject to conditions. The conditions have been included as part of this consent.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	4.9m	-	Yes
Gross Floor Area	60sqm	60sqm	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

6.2 Earthworks

The application comprises earthworks up to 1.8m in depth to facilitate the proposed secondary dwelling. As such, prior to granting development consent, Council must consider the matters specified within Clause 6.2 (3) of the WLEP 2011.

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

Comment:

The proposed development is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

(3) (a) the effect of the proposed development on the likely future use or redevelopment of the land,

Comment:

The proposal will not adversely impact the future residential use of the site, nor will the proposal preclude future development on the site.

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

Comment:

The site has been used for residential purposes for an extended period of time, with no prior land use. In this regard, it is not anticipated that the soil will be contaminated. The majority of the excavated material will be spread throughout the site, with the remaining material taken to a landfill site in accordance with the approved Waste Management Plan.

(3) (d) the effect of the proposed development on the existing and future amenity of adjoining properties,

Comment:

As noted above, the cut associated with the proposal is up to a maximum depth of 1.8m. It is not anticipated that the earthworks associated with the proposal will unreasonably affect the existing and future amenity of adjoining properties. The Geotechnical Investigation (prepared by Geotechnical Consultants Australia, dated 06 February 2020) submitted with this application states that the proposal is acceptable from a geotechnical standpoint, subject to compliance with the recommendations of the report. Suitable conditions have been included with this consent requiring compliance with the recommendations indicated in the Geotechnical Investigation.

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

Comment:

As noted above, the majority of excavated material will be spread throughout the site, with the remaining material taken to a landfill site in accordance with the approved Waste Management Plan.

(3) (f) the likelihood of disturbing relics,

Comment:

The site is not identified as being a potential location of Aboriginal or other relics. In this regard, it is unlikely that the earthworks associated with the proposal will disturb Aboriginal or archaeological relics.

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

Comment:

The site is located approximately 194m south-east from nearby waterways and riparian land. In this regard, it is not anticipated that the proposal will adversely impact watercourses, drinking water catchments or environmentally sensitive land. Suitable conditions have been included with this consent requiring the applicant to maintain sediment and erosion control measures for the duration of the development. Therefore, the proposal will minimise sediment migration into adjoining lands.

Having regard to the above assessment, it is concluded that the proposal satisfies the relevant provisions within Clause 6.2 of the WLEP 2011. Therefore, the application is supported in this particular circumstance, subject to conditions.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m (east) 7.2m (west)	3.42m 4.09m	- -	Yes Yes
B3 Side Boundary Envelope	4m then projected at 45 degrees (east)	Within envelope	-	Yes
	4m then projected at 45 degrees (west)	Within envelope	-	Yes
B5 Side Boundary Setbacks	0.9m (east)	1m	-	Yes
B7 Front Boundary Setbacks	6.5m - Primary Frontage (south)	42.2m	-	Yes
	3.5m - Secondary Frontage (west)	3.5m	-	Yes
B9 Rear Boundary Setbacks	0.9m - Corner Allotments (north)	1m	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (369.28sqm)	37.32% (343.7sqm)	6.7%	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	No	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	No	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E6 Retaining unique environmental features	No	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

C4 Stormwater

Council's Development Engineer has assessed the application with respect to stormwater management and raised no objections, subject to conditions. Subject to compliance with the conditions of consent, the proposal will satisfy the requirements of this control.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

Clause D1 of the WDCP 2011 requires at least 40% (369.28sqm) of the site area to be landscaped open space (LOS). In calculating LOS, landscaped areas with dimensions less than 2m are excluded

from the calculation, whereas natural impervious surfaces such as rock outcrops are included. The proposed LOS represents 37.32% (343.7sqm) of the site area, which fails to comply with this control.

Merit Assessment

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

- *To enable planting to maintain and enhance the streetscape.*

Comment:

The proposal does necessitate the removal of three (3) Cheese Trees, however suitable conditions have been included to ensure replacement planting occurs. One (1) tree will be planted between the primary residence and the Quinlan Parade frontage, whereas the other (2) will be planted between the principal dwelling and secondary dwelling. The replacement trees will contribute to the ecological amenity of the site and enhance the streetscape. Furthermore, the secondary dwelling is appropriately setback from the Gibbs Street frontage to minimise any unreasonable visual impacts upon the streetscape.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

Upon maturity, the replacement tree species will serve as potential habitat for wildlife.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

The 343.7sqm of landscaped open space is considered sufficient and provides appropriate dimensions for the establishment of further shrubs and canopy trees on the site.

- *To enhance privacy between buildings.*

Comment:

Screen planting is recommended along the northern boundary to avoid any unreasonable overlooking impacts between the subject site and 123 Campbell Parade (northern adjoining property). This matter is discussed in further detail under the section of this report relating to Clause D9 of the WDCP 2011.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The proposed development has compliant dimensions for private open space that will serve the needs of the occupants within the principal dwelling and the proposed secondary dwelling.

- *To provide space for service functions, including clothes drying.*

Comment:

There is a sufficient amount of outdoor open space to service functions, including clothes drying.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

Landscaped Areas as defined in the WLEP 2011 means "A part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area". When landscaping is calculated on this basis, the total landscaped area represents 51.18% (472.5sqm) of the site area. These dimensions are sufficient to allow for adequate stormwater infiltration, which in turn will minimise stormwater runoff. Furthermore, Council's Development Engineers have reviewed the proposal with respect to stormwater management and raised no objections, subject to conditions.

Having regard to the above assessment, it is concluded that the applicable objectives of the control have been achieved. Therefore, the application is supported on merit, subject to conditions.

D8 Privacy

Description of non-compliance

Clause D8 of the WDCP 2011 requires building layout to be designed to optimise privacy for occupants of the development and occupants of adjoining properties. The policy further states that windows should be orientated to limit overlooking into adjoining properties. The proposal comprises two (2) windows (Windows W3 and W4) on the northern elevation adjoining a living room, with 1.5m high window sills above the finished floor level. Due to the 2m fall within the rear of the site, the windows are sited between 2.65m and 3.01m above the existing ground level. It is noted that the windows are orientated towards the private open space (POS) on the northern adjoining property (123 Campbell Parade), which comprises landscaped open space and a swimming pool. It is noted that the subject site and 123 Campbell Parade are not visually separated by vegetation or the built environment. Furthermore, the proposal comprises an elevated porch on the north-western corner of the secondary dwelling. The northern elevation of the porch is oriented towards the aforementioned POS at 123 Campbell Parade. As a consequence, the proposal would result in potential overlooking into the adjoining properties' POS, which is contrary to the requirements of this control.

Merit Assessment

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

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

The proposed secondary dwelling is setback 1m from the northern boundary. Having regard to the elevation of the window sills W3 and W4, in conjunction with the close proximity of the structure in relation to the adjoining POS, the proposed development will encourage direct overlooking into the POS at 123 Campbell Parade. Given the windows adjoin a living space, where residents are likely to spend most of their waking time, the proposed development in its current form will result unacceptable privacy impacts. Furthermore, the elevated porch contains a finished floor level up to 0.91m above the existing ground level. The porch is considered to be an area in which the occupants would spend a large amount of their waking time and therefore, would allow for unreasonable overlooking into the adjoining POS. To mitigate the privacy impacts, a suitable condition has been included with this consent requiring the applicant to plant clumping non-invasive bamboo along the northern boundary, selected to reach a maximum 4m in height. Subject to compliance with the recommended condition noted above, the proposed development will provide a building design that provides a high level of visual privacy for the occupants of the subject site and northern adjoining property.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

Subject to compliance with the condition noted above, the proposed development will provide a design that is considered acceptable in the context of the site and locality.

- *To provide personal and property security for occupants and visitors.*

Comment:

Subject to compliance with the condition referenced above, the occupants will maintain a sense of personal and property security.

Having regard to the above assessment, it is concluded that the applicable objectives of the control have been achieved. Therefore, the application is supported on merit, subject to conditions.

D12 Glare and Reflection

Details of the chosen roof colour have not been provided. Accordingly, a suitable condition has been included with this consent requiring the chosen roof colour to be within the medium to dark range to mitigate potential reflectivity issues. Subject to compliance with the conditions of consent, the application will comply with the requirements of this control.

E1 Preservation of Trees or Bushland Vegetation

Council's Landscape Officer has assessed the application against the requirements of this control and raised no objections, subject to conditions pertaining to tree replacement planting. Subject to compliance with the conditions of consent, the proposal will satisfy the requirements of this control.

E6 Retaining unique environmental features

Description of non-compliance

The proposed development requires the removal of rock outcrops, which conflicts with the requirements of this control.

Merit Assessment

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

- *To conserve those parts of land which distinguish it from its surroundings.*

Comment:

The existing rock outcrops have been partially damaged by dilapidated retaining walls in the rear yard. Furthermore, the rock outcrops are not readily visible from the street frontage and do not form a distinct natural feature within the streetscape. Therefore, the proposed removal is supported. It is noted that the proposal will retain portions of the existing rock outcrops, which will contribute to the natural amenity of the site.

Having regard to the above assessment, it is concluded that the applicable objectives of the control have been achieved. Therefore, the application is supported on merit.

E10 Landslip Risk

The site is identified within the 'Landslip Risk Area B' precinct under the provisions of the WLEP 2011. Accordingly, a Geotechnical Investigation (prepared by Geotechnical Consultants Australia dated 06 February 2020) was submitted with this application. A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the Geotechnical Investigation.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$ 600 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 120,000.

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;
- Warringah Local Environment Plan;
- Warringah 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 DA2020/0260 for Construction of a detached Secondary dwelling on land at Lot 17 DP 7686, 32 Quinlan Parade, MANLY VALE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
CDC 02 Revision E - Site Plan	21 February 2020	Granny Flat Solutions
CDC 03 Revision E - Floor Plan	21 February 2020	Granny Flat Solutions
CDC 04 Revision E - Elevations & Section	21 February 2020	Granny Flat Solutions

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By

BASIX Certificate No. 1069826S	13 January 2020	AWG Design
Bushfire Assessment and Recommendations Ref. 100B - 380 - 2	28 February 2020	Sydney Bushfire Consultants
Geotechnical Investigation and Site Lot Classification Report No. G2051-1	6 February 2020	Geotechnical Consultants Australia Pty Ltd
Arboricultural Impact Assessment	21 May 2020	Bradshaw Consulting Arborists

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:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	not dated	Granny Flat Solutions

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

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

2. Compliance with Other Department, Authority or Service Requirements

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

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

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

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

3. Approved Land Use

Nothing in this consent shall authorise the use of the structure as detailed on the approved plans for any land use of the site beyond the definition of a Secondary Dwelling.

The Warringah Local Environmental Plan 2011 (as amended) defines a Secondary Dwelling as: *"a self-contained dwelling that -*

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and*
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling.*

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

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

4. Prescribed Conditions

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

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

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

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

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

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

Reason: Legislative requirement.

5. **General Requirements**

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

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

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$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 2019. The monetary contribution is based on a development cost of \$120,000.00.

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 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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

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

7. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security 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, 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

8. **Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the secondary dwelling. The down pipes are to be charged to a pit near the Gibbs Street boundary, Stormwater shall then be conveyed via gravity from the pit to the Gibbs street gutter.

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

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

9. **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.

10. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. 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.

11. **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.

12. **Certification of Geotechnical Requirements**

A suitably geotechnical consultant is to provide written certification that the recommendations of the approved Geotechnical Investigation and Site Lot Classification Report referenced in Condition 1 of this consent have been incorporated into the Construction Certificate plans.

Documented evidence is to be provided to the Certifying Authority prior to the issuance of the Construction Certificate.

Reason: To mitigate geotechnical risks.

13. **Certification of Bushfire Requirements**

A suitably qualified bushfire consultant is to provide written certification that the recommendations of the approved Bushfire Risk Assessment referenced in Condition 1 of this consent have been incorporated into the Construction Certificate plans.

Documented evidence is to be provided to the Certifying Authority prior to the issuance of the Construction Certificate.

Reason: To ensure compliance with Planning for Bushfire Protection 2019.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

14. **Tree removal within the site**

Approval is granted for the removal of the existing trees identified in the Arboricultural Impact Assessment prepared by Bradshaw Consulting Arborists as T2, T3, and T4 - all Cheese Tree, subject to replacement within the site.

Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by a AQF level 5 Arborist that determines that the tree presents an imminent risk to life or property.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. **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.

16. **Survey Certificate**

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

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

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

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

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

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

17. 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 Certifying Authority.

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

18. Tree and vegetation protection

a) Existing trees and vegetation shall be retained and protected as identified within the Arboricultural Impact Assessment prepared by Bradshaw Consulting Arborists, including:

- i) all trees and vegetation within the site not approved for removal, excluding exempt vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties, and in particular T1 Jacaranda and T5 Macadamia as identified and located in section 6.1 Appendix B Tree locations and Tree Protection Plan,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF minimum Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF minimum Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF minimum Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, 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,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF minimum Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF minimum Level 5 Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF minimum Level 5 Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF minimum Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) 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 AS 4970-2009,
- xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) Specifically, the following tree protection measures as recommended in the Arboricultural Impact Assessment prepared by Bradshaw Consulting Arborists shall be undertaken:

- i) actions recommended under section 6.1 Tree Protection Plan,
- ii) actions recommended under section 7 Tree Protection Specifications.

Reason: to retain and protect significant planting on development and adjoining sites.

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

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

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

20. **Landscape works completion**

Landscape works shall be installed to satisfy Warringah DCP controls in accordance with the following requirements:

- i) 3 replacement small trees shall be planted within the site, with one located within the front setback of the primary residence and two located between the secondary dwelling and the primary residence,
- ii) all trees shall be planted at 75 litre container size and shall be planted at least 4 metres from existing or proposed dwellings, and at least 4 metres from existing trees and other proposed trees,
- iii) tree selection shall be a species capable of attaining at least 6 metres in height as selected from the Tree Guide on Northern Beaches Council's website,
- iv) clumping non-invasive Bamboo shall be planted at the northern boundary, selected to reach a maximum 4 metres in height, such as Bambusa multiplex 'goldstripe' or similar.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the conditions of consent.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity.

21. **Stormwater Disposal**

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

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

22. **Certification of Bushfire Requirements**

A suitably qualified bushfire consultant is to provide written certification that the recommendations of the approved Bushfire Risk Assessment referenced in Condition 1 of this consent have been incorporated into the as-built development.

Documented evidence is to be provided to the Certifying Authority prior to the issuance of the Occupation Certificate.

Reason: To ensure compliance with Planning for Bushfire Protection 2019.

23. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management.

24. **Certification of Geotechnical Requirements**

A suitably geotechnical consultant is to provide written certification that the recommendations of the approved Geotechnical Investigation and Site Lot Classification Report referenced in Condition 1 of this consent have been incorporated into the as-built development.

Documented evidence is to be provided to the Certifying Authority prior to the issuance of the Occupation Certificate.

Reason: To mitigate geotechnical risks.

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

25. **Landscape maintenance**

Any existing landscaping including trees required to be retained together with any additional landscaping required by this consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

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

Signed



Thomas Burns, Planner

The application is determined on 27/05/2020, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments