

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1487
Responsible Officer:	Megan Surtees
Land to be developed (Address):	Lot 1 DP 22275, 22 Binburra Avenue AVALON BEACH NSW 2107
Proposed Development:	Alterations and Additions to an existing dual occupancy
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Ivy Colleen Ovzinsky Craig Robert Ovzinsky
Applicant:	Ivy Colleen Ovzinsky Craig Robert Ovzinsky
Application lodged:	07/09/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	14/09/2018 to 02/10/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval
Estimated Cost of Works:	\$ 65,000.00

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest

- groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - B8.2 Construction and Demolition - Erosion and Sediment Management

Pittwater 21 Development Control Plan - D1.8 Front building line

Pittwater 21 Development Control Plan - D1.9 Side and rear building line

Pittwater 21 Development Control Plan - D1.13 Landscaped Area - General

Pittwater 21 Development Control Plan - D1.15 Fences - General

SITE DESCRIPTION

Property Description:	Lot 1 DP 22275 , 22 Binburra Avenue AVALON BEACH NSW 2107
Detailed Site Description:	<p>The subject site consists of two (2) allotments located on the southern side of Binburra Avenue.</p> <p>The site is regular in shape with a primary frontage of 19.28m along Binburra Avenue, and a secondary frontage of 42.06m along Burrawong Road and a depth of 45.72m. The site has a surveyed area of 1042m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates an attached dual occupancy residential dwelling.</p> <p>The site has a short but steep slope situated on the south-east corner of the rear yard.</p> <p>The site has multiple large trees and small to medium sized palm trees in the front yard along the primary street frontage. There are multiple medium-large palm trees along the secondary street frontage. The rear yard has minimal shrubs, and no trees. There is also a large grassed area.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by one (1) and two (2) storey residential dwelling houses.</p>

Map:



SITE HISTORY

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

- Development Application for dual occupancy (attached). Consent No: 90294 PF 525/22
- Development Application for proposed strata subdivision, including alterations and additions to existing dual occupancy

PROPOSED DEVELOPMENT IN DETAIL

The proposed development includes the following alterations and additions to an existing dual occupancy residential dwelling:

Dwelling No.1 (22 Binburra Avenue)

- Demolition of existing shared laundry
- Addition of internal laundry facilities
- Works to replace portion of existing driveway across Binburra Avenue.

Dwelling No.2 (22A Binburra Avenue)

- Addition of internal laundry facilities
- Internal reconfiguration - new formal entry, dining room and bathroom
- New french style doors to northern elevation of bedroom 1 with small brick paved sitting area.

External Works:

- Construction of a brick paved parking space with demountable carport for dwelling No. 2
- Addition of landscaped area between dwelling no.1 and no.2 where shared laundry used to be
- Low level timber deck over already existing paved area surrounding dwelling No. 2
- A stepping stone entry path from Burrawong Road to dwelling No. 2
- Brick paved parking space adjacent to western boundary

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	None applicable.
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)	<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>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.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><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.</p> <p><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.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements</p>

Section 4.15 Matters for Consideration'	Comments
	<p>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> <p><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.</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 Pittwater 21 Development Control Plan 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	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited 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 process council is in receipt of 1 submission/s from:

Name:	Address:
Ms Christabel Fairfax Bishop	9 Whale Beach Road AVALON BEACH NSW 2107

The following issues were raised in the submissions and it has been addressed below:

- Adjoining property owner has outlined stormwater drainage issues at 22 Binburra Avenue which result in significant flooding of the rear of their property during heavy rainfall.

The matters raised within the submissions are addressed as follows:

- Stormwater Drainage
Comment:
Council's Development Engineer has assessed the proposal in relation to water management and supports the proposal subject to conditions of consent requiring stormwater management details to be provided prior to a Construction Certificate being issued. It is considered that this will satisfactorily address any concerns regarding water management raised by the adjoining property.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The landscape component of the proposal is acceptable subject to the protection of existing trees and vegetation, and the completion of landscaping.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.22 Preservation of Trees or Bushland Vegetation</p> <p>C1.1 Landscaping</p> <p>C1.11 Secondary Dwellings and Rural Worker's Dwellings</p>
NECC (Bushland and Biodiversity)	<p>The site is on the Pittwater LEP Biodiversity map and DCP Wildlife Corridors map. The proposal has been assessed against the relevant LEP and DCP controls. The new driveway and carport on the north west side of the property will be within 5m of neighbours trees. Pursuant to P21 DCP B4.6 and B4.22, an Arborist report is required to assess the impact on these trees. It is recommended the application be referred to Council's Landscape Officer to assess the proposal</p>

Internal Referral Body	Comments
	<p>against the P21 DCP B4.22 control. There are no further Biodiversity issues.</p> <p><u>Planner Comment:</u></p> <p>The orientation of the carport outlined as north east in this comment has been amended to reflect the north west to remain consistent with the assessment report.</p>
NECC (Development Engineering)	The proposal is for two vehicular crossings which is permitted for this property. A Trench grate is required for the car port. The trench grated drainage connection into the existing stormwater drainage pipe system located within proposed vehicular crossing may be constrained due possible insufficient cover. As a result a new connection to kerb is required.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. Ausgrid consents to the proposed developed and have outlined their conditions which will be addressed as conditions of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

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

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

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

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.A325103 on 10 August 2018).

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

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
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Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.3m		Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	%
Front building line	6.5m (Binburra Avenue) 6.5m (Burrawong Road)	6.56m Nil	
Rear building line	N/A	N/A	
Side building line	2.5m (south-west boundary) 1m (north-west boundary)	2.68m 0.2m	
Building envelope	3.5m 3.5m	Within envelope Within envelope	
Landscaped area	50%	47%	

***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: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B4.6 Wildlife Corridors	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	No	Yes
B8.3 Construction and Demolition - Waste Minimisation	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
C1.8 Dual Occupancy Specific Controls	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
C5.17 Pollution control	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.4 Scenic protection - General	Yes	Yes
D1.5 Building colours and materials	Yes	Yes
D1.8 Front building line	No	Yes
D1.9 Side and rear building line	No	Yes
D1.11 Building envelope	Yes	Yes
D1.13 Landscaped Area - General	No	Yes
D1.15 Fences - General	No	Yes

Detailed Assessment

B8.2 Construction and Demolition - Erosion and Sediment Management

A detailed Waste Management Plan has not been submitted with the application. To ensure proper disposal of demolition and builders' waste, a condition of consent has been included requiring the Waste Management Plan be provided prior to the issue of a Construction Certificate.

D1.8 Front building line

The site is identified as having two (2) street frontages, the primary being located along Binburra Avenue maintains a setback of 6.56 metres. The proposed works are located within the front setback of

the secondary frontage located along Burrawong Road which is non-compliant with the controls of D1.8 of Pittwater 21 Development Control Plan.

Due to the location of the existing structure within the setback, Council may consider a variation where it can be demonstrated that the outcomes of the control are achieved. The outcomes of the control can be achieved in the following ways:

To achieve the desired future character of the Locality.

- The proposed development remains consistent with the controls of the R2 Low-Density Residential zone.

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

- The proposed development will maintain the residential character of the surrounding environment.

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

- The proposed development includes the removal of some vegetation and small trees, however this is being replaced with vegetation to thus reduce the built form along Burrawong Road.

To encourage attractive street frontages and improve pedestrian amenity.

- The additional planting along Burrawong Road within the front setback will maintain and enhance an attractive street frontage.

While the proposal is numerically non-compliant along the secondary street frontage, it is determined that the outcomes of the Clause can be achieved and is therefore supported on merit.

D1.9 Side and rear building line

The proposed hardstand space and demountable carport structure is located along the north west side boundary between the secondary dwelling and the rear boundary line of 9 Whale Beach Road at a distance of 0.2 metres, which is non-compliant with the controls of D1.9 of Pittwater 21 DCP. Currently, this space is used for parking by the residents of the secondary dwelling, however the ground is compact dirt which does not provide an attractive street frontage along Burrawong Road.

While the proposed hardstand space and demountable carport structure is numerically non-compliant to the side boundary minimum requirements, Council may accept a variation if the outcomes of the control can be achieved in the following ways:

To achieve the desired future character of the Locality.

- The proposed development will be in keeping with the requirements of the R2 Low-Density Residential zone.
- Vegetation will be planted along Burrawong Road and integrated into the development.

The bulk and scale of the built form is minimised.

- The proposed planting along Burrawong Road will minimise the bulk and scale of the

development.

- The secondary dwelling will remain one (1) storey, therefore not increasing the bulk and scale of the development.

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

- Any views currently obtained by the site and/or adjoining properties will not be adversely affected by the proposed development.

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

- There is considerable privacy maintained through large trees and vegetation along the side boundary line.

While the proposed hardstand space and demountable carport is numerically non-compliant with the controls of D1.9 of P21 DCP it will, however, provide the residents of the secondary dwelling with safe and convenient off-street parking. As the proposed development can achieve the outcomes of the control, it is deemed satisfactory and is therefore supported on merit.

D1.13 Landscaped Area - General

Required:

521m² or 50%

Current:

478.11m² or 45%

Proposed:

Principle Dwelling: 404.26m² or 38.7%

Secondary Dwelling: 84.55m² or 8.1%

Total: 488.81m² or 46.8% (without variation)

Total: 551.33m² or 54% (with variation)

The proposed development is shown to increase the landscaped area by 10.7m² (without the variation), however it remains numerically non-compliant. Clause D1.13 Landscaped Area - General of P21 DCP permits a variation to the minimum landscaped area requirement, provided the outcomes of the Clause can be achieved.

The proposal can meet the outcomes of the Clause in the following ways:

Achieve the desired future character of the Locality.

- The proposed development contributes to the desire for the Locality of Avalon Beach to remain a low-density residential area.
- The height of the proposed development will not exceed the tree canopy.
- The building materials and colours will harmonise with the existing dwelling and surrounding environment.

The bulk and scale of the built form is minimised.

- The proposed additional planting in the front setback of the secondary dwelling will contribute to

minimising the built form.

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

- The proposed development will provide a reasonable level of amenity for the site

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

- The management of stormwater runoff has been addressed as a condition of consent to ensure the site and surrounding properties can have adequate drainage to reduce flooding.

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

- The proposed development will not adversely impact the rural and bushland character of the area.

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

- The removal of the internal common laundry will be replaced with landscaping, this will increase the soft surface of the site.

While the proposal is numerically non-compliant, it is considered to be appropriate and consistent with the outcomes of the Clause and is therefore supported on merit.

D1.15 Fences - General

The plans provided show the secondary dwelling to have a courtyard area off bedroom 1 which opens onto Burrawong Road. This courtyard area is proposed to have a 1.8 metre lapped and capped timber fence. Furthermore, the proposal includes a 1.2 metre high picket fence and gate at the proposed new entryway for the secondary dwelling.

In P21 DCP D1.15 Fences - General, Council outlines the controls relating to front fences, which states that a front fence must not exceed a maximum height of 1 metre above existing ground level. However, Council permits a variation provided the outcomes of the Clause can be achieved. Fencing to a maximum of 1.8 metres may be considered if the lot is a corner lot or has more than one (1) frontage.

The proposed development can achieve the outcomes of the variation in the Clause in the following ways:

Be setback a minimum of one metre for any fence higher than one (1) metre, and

- Based on the site constraints - on a corner lot and consisting of two (2) frontages as well as providing reasonable amenity and privacy to the secondary dwelling - the proposed 1.8 metre high lapped and capped fence is considered appropriate for the site. Furthermore, the height and material of the proposed fence along Burrawong Road at the site is consistent with the fencing height and materials used by surrounding residential dwellings.

Be articulated to provide visual interest and further opportunities for landscaping, and

- The design of the proposed fence will be consistent with the existing streetscape of Burrawong Road, thus maintaining the visual interest of the surrounding environment.

Be screened by landscaping within the setback area, and

- Appropriate landscaping will be planted within the setback area to provide an attractive streetscape along Burrawong road.

Not restrict casual visual surveillance of the street, and

- Casual visual surveillance of the street will be maintained.

Provide a 45 degree splay (or equivalent) either side of any vehicular entrance, minimum dimensions of 2 metres by 2 metres, and

- The proposed 1.8 metre high fence is a reasonable distance (1 metre) from the driveway, thus allowing for sufficient and safe surveillance for vehicles exiting the site.

50% or more of the fence is transparent

- The length of the proposed fencing along Burrawong Road is 14.5 metres, with 7.25 metres of the fencing being the 1.2 metre high picket fence. Therefore, 50% of the fence will be transparent.

While the proposed fencing along Burrawong Road is numerically non-compliant with the controls outlined in Clause D1.15 of P21 DCP, it is consistent with the fencing used by surrounding residential dwellings along Burrawong Road and it ensures a reasonable level of privacy and safety is maintained and enhanced for the residents of the site. The proposal is therefore supported on merit.

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

Pittwater Section 94 Development Contributions Plan

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 DA2018/1487 for Alterations and Additions to an existing dual occupancy on land at Lot 1 DP 22275, 22 Binburra Avenue, AVALON 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
18153 - 01	July 2018	H & C Design Pty Ltd
18153 - 02	July 2018	H & C Design Pty Ltd
18153 - 03	July 2018	H & C Design Pty Ltd
18153 - 04	July 2018	H & C Design Pty Ltd
18153 - 05	July 2018	H & C Design Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	P
BASIX Certificate A325103	10 August 2018	H

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

Waste Management Plan		
Drawing No.	Dated	Prepared By
Northern Beaches Council - Waste Management Plan	24 August 2018	Vaughan Milligan Development Consulting Pty Ltd

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral TRIM 2017/31/228	9/10/18

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

3. **Prescribed conditions (Demolition):**

(a) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (ii) stating that unauthorised entry to the work site is prohibited.

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

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

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

- A. the name of the owner-builder, and
- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

(c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

Reason: Legislative Requirement (DACPLB09)

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 (DACPLB09)

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

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

- (e) The applicant shall bear the cost of all works that occur on Council's property.
- (f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

6. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) 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.

- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) 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.

- (k) 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. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

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. Vehicle Crossings Application

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

Approval of the application by Council is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

9. Application for Stormwater Drainage Approval

An application for stormwater drainage approval under Section 68 of the Local Government Act 1993 is to be submitted with Council for the design and construction of the drainage system including connection to the street/table drain in Burrawong Road and in accordance with clause 5.10 of Pittwater 21 DCP 2014.

The submission is to include four (4) copies of stormwater detail design plans for addressing the above requirements prepared by a suitably qualified Civil Engineer, who has membership to the

Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The fee associated with the assessment and approval of the Section 68 of the Local Government Act 1993 application is to be in accordance with Council's fees and charges.

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

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

10. **Tree protection plan/Arborist Report**

Prior to the issue of a Construction Certificate, a Tree Protection Plan is to be prepared by a suitably qualified Arborist that assesses the impacts and provides measures to ensure the retention of trees that are within 5m of the proposed works.

The Plan is to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate and measures implemented prior to construction.

Reason: Tree Protection (DACNECPCC2)

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

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

Details demonstrating compliance with the relevant Australian Standard are to be submitted to Council prior to the commencement of demolition works.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

12. **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. (DACPLC02)

13. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.

- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

14. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Pittwater 21 Development Control Plan.

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. 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 Council prior to any works being finalized.

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

16. Vehicle Crossings

The provision of vehicular crossing to the following requirements:-

1. A normal low vehicle crossing 5.0 meters wide at the boundary and 3.8 meters at the kerb alignment in accordance with Northern Beaches Council Drawing No A4-3330/3 and specifications fronting Burrawong Road.
2. A normal low vehicle crossing 5.0 metres wide at the boundary and 3.5 metres at the kerb alignment in accordance with Northern Beaches Council Drawing No A4-3330/3 and specifications fronting Binburra Avenue. The lay back shall be reconstructed to ensure the access is perpendicular to the road.

An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

17. Tree and vegetation protection

A) Existing trees and vegetation shall be retained as follows:

- i) all trees and vegetation within the site, as shown on the survey plans, shall be protected during all construction stages, excluding exempt trees under the relevant planning instruments or legislation,

ii) all other trees and vegetation located on adjoining properties,

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, with particular attention to section 4,

ii) any tree roots exposed during excavation with a diameter greater than 25mm within the TPZ must be assessed by an Arborist,

iii) 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,

iv) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorized by the Project Arborist on site,

v) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,

vi) should either or both iv) and v) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations and shall report on the tree protection action undertaken, including photographic evidence,

vi) 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, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009.

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

18. **Excavation Near to Trees on Adjacent Properties**

As excavation is required within five metres of an existing significant tree or trees and vegetation on an adjoining site, the excavation is to be supervised by a qualified consulting arborist. In the event that major structural roots or feeder roots are encountered, the arborist is to require the builder to carry out appropriate action to ensure the retention of the tree or other vegetation, and is to advise the Principal Certifying Authority accordingly. Works are not to progress past this point until the Principal Certifying Authority has confirmed that this condition has been satisfied.

Where the subject trees are on neighbouring property and are on Council's list of exempt species, tree removal remains subject to the owner's consent. Council will not be involved in approving or refusing removal/damage to these trees, and any future decisions made in relation to them is a civil matter between the neighbouring parties.

Reason: To ensure the protection and retention of neighbouring property trees.

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

20. **Landscape maintenance**

All landscape components are to be maintained for the life of the development. A maintenance program is to be established. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components and species to maintain the landscape theme and be generally in accordance with the Landscape Plan.

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

21. **Environmental and priority weed control**

All weeds are to be removed and controlled in accordance with the Biodiversity Conservation Act 2016.

Reason: preservation of environmental amenity.

22. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

23. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

24. **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.

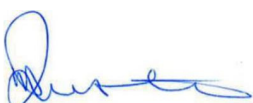
Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

25. **Building Colours & Materials**

The proposed development is to ensure and maintain that the external colours and materials adhere to Council's requirements of dark and earth tones to match the existing dwelling for the life of the development.

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

Signed



Megan Surtees, Planner

The application is determined on 20/12/2018, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments