

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2017/1233
Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 76 DP 661007, 26 Calvert Parade NEWPORT NSW 2106
Proposed Development:	Alterations and additions to a dwelling house and construction of a new secondary dwelling
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Malcolm James Bullen Anne-Marie Moore
Applicant:	Malcolm James Bullen Anne-Marie Moore
Application lodged:	15/12/2017
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New second occupancy
Notified:	17/07/2018 to 02/08/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval
Estimated Cost of Works:	\$ 356,000.00

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 - B5.7 Stormwater Management - On-Site Stormwater Detention

Pittwater 21 Development Control Plan - B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential (Amended 14/11/15 See B6.3)

Pittwater 21 Development Control Plan - C1.12 Waste and Recycling Facilities

Pittwater 21 Development Control Plan - C1.15 Storage Facilities

Pittwater 21 Development Control Plan - C1.23 Eaves

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

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

Pittwater 21 Development Control Plan - D10.11 Building envelope (excluding Newport Commercial Centre)

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

SITE DESCRIPTION

Property Description:	Lot 76 DP 661007 , 26 Calvert Parade NEWPORT NSW 2106
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of .</p> <p>The site is irregular in shape with a splayed frontage of 14m along Calvert Parade and an average depth of 55.4m. The site has a surveyed area of 703.5m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates a two-storey detached dwelling.</p> <p>The site slopes approximately 8m from south west to north east.</p> <p>The site contains several small trees and one large canopy.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by one- and two-storey detached dwellings.</p>

Map:



SITE HISTORY

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

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

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the following works:

- Partial demolition of existing dwelling;
- Internal reconfiguration at ground and first floors;
- New decks; and
- Construction of a secondary dwelling.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any	Pittwater 21 Development Control Plan applies to this

Section 79C 'Matters for Consideration'	Comments
development control plan	proposal.
Section 79C (1) (a)(iii) – Provisions of any planning agreement	None applicable.
Section 79C (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 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 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> <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 79C (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) 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) The proposed development will not have a detrimental social impact in the locality considering the</p>

Section 79C 'Matters for Consideration'	Comments
	character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (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

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:
Bronwyn Loudon	18 Stanley Street NEWPORT NSW 2106

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

- The existing dwelling does not have any off-street parking and the proposed new secondary dwelling does not include any parking.
- The proposal is not compliant with the landscaped area requirement.
- Rainwater tank is required by the BASIX Certificate, but is not shown on plans.
- Alterations have already commenced, with warning tape string on site.
- The proposal is not in keeping with houses in the area.
- Proposed colours are not compliant with 'earthy tone' requirements.
- The proposed works will impact on our privacy.

The matters raised within the submissions are addressed as follows:

- Parking
Comment:
The proposed development is acceptable in relation to off-street parking, as detailed in the section of this report relating to Section B6.3 of the P21 DCP.
- Landscaped Area
Comment:

The proposed development is acceptable in relation to landscaped area, as detailed in the section of this report relating to Section D10.13 of the P21 DCP.

- Rainwater Tank

Comment:

The water tank required by the BASIX Certificate is demonstrated on the Landscape & Concept Plan.

- Commencement of Works

Comment:

A site inspection concluded that construction works have not yet commenced on site and that the warning tape relates to a stockpile of materials only.

- Character

Comment:

The proposed development is consistent with the character of the locality, as demonstrated throughout the assessment within this report.

- Proposed Colours

Comment:

The proposed colours are consistent with the existing dwelling on site and are therefore acceptable.

- Privacy

Comment:

The proposed development is acceptable in relation to privacy, as noted in the section of this report relating to Section C1.5 of the P21 DCP, as the proposal includes adequate setbacks and does not lead to unreasonable overlooking between sites.

MEDIATION

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

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.</p> <p><i>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</i></p>
Landscape Officer	The landscape proposal is generally acceptable.
NECC (Development Engineering)	The proposed development exceeds 50 square metres of impervious area and as such in accordance with clause B5.7 of the DCP, OSD is required. Also there is no existing parking on the site and in accordance with clause B6.3, 2 spaces are required for the existing

Internal Referral Body	Comments
	<p>dwelling and an additional space is required for the proposed secondary dwelling.</p> <p>The proposal cannot be supported as there is insufficient information to assess:</p> <ul style="list-style-type: none"> • Stormwater Management in accordance with clause B5.7 of the DCP • Off-street Vehicle Parking Requirements in accordance with clause B6.3 of the DCP. <p>Additional information received 29/05/2018</p> <p>The submitted drainage design is satisfactory. The off-street parking issue has been addressed by the Planning Officer. No objection to approval, subject to conditions as recommended.</p>
Traffic Engineer	<p>The existing driveway crossover which they propose to use is sited approximately 4m from the crossover serving No.24 Calvert Parade. The 4m gap between driveways is too small to accommodate a standard sized vehicle without encroaching on one or both driveways. I don't therefore believe the proposed crossover location is appropriate and the crossover should be shifted south by approximately 2m, nearer to Stanley Street. Provided that the crossover was located 10m or more from the northern Stanley Street kerb alignment I don't foresee any issues with this. The above action would also result in the crossing being located in front the benefiting property rather than the neighbouring residence which is not ideal.</p> <p>The existing redundant crossovers on both the Stanley Street and Calvert Parade street frontages should be removed and kerb and gutter reinstated in their place.</p> <p><u>Assessing Officer's Comment:</u> Suitable conditions requiring the relocation of the proposed driveway, and the removal of existing crossovers and reinstatement of kerb and gutter have been applied.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	

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. SEPP ARH does not apply in this case, as it applies to secondary dwellings only in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential and R5 Large Lot Residential zones, and the subject site is zoned E4 Environmental Living.

SEPP (Building Sustainability Index: BASIX) 2004

BASIX certificates have been submitted with the application (see Certificate Nos. A298544 and 885925S). A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.91m to dwelling	N/A	Yes

4.9m to secondary dwelling

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	10m (or building line)	12.14m (consistent with bulidling line)	N/A	Yes
Rear building line	6.5m	5.89m	9.4%	No
Side building line (Dwelling)	2.5m	1.245m (south)	N/A	Yes - Existing
	1m	1.118m (north)	N/A	Yes - Existing
Side building line (Secondary Dwelling)	2.5m	2m (north)	20%	No
	1m	1.295m to deck (south) 3.65m to building proper (south)	N/A	Yes
Building envelope (Dwelling)	3.5m	1.8m outside envelope (north)	38.9%	No
	3.5m	927mm outside envelope (south)	19.5%	No
Building Envelope (Secondary Dwelling)	3.5m	Within envelope (north)	N/A	Yes
	3.5m	Within envelope (south)	N/A	Yes
Landscaped area	60%	57% (402sqm)	4.7%	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	No	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential (Amended 14/11/15 See B6.3)	No	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.10 Building Facades	Yes	Yes
C1.11 Secondary Dwellings and Rural Worker's Dwellings	Yes	Yes
C1.12 Waste and Recycling Facilities		
C1.13 Pollution Control	Yes	Yes
C1.15 Storage Facilities	No	Yes
C1.23 Eaves	No	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.3 Scenic protection - General	Yes	Yes
D10.4 Building colours and materials	No	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	Yes	Yes
D10.8 Side and rear building line (excluding Newport Commercial Centre)	No	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	No	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	No	Yes
D10.16 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

B5.7 Stormwater Management - On-Site Stormwater Detention

The proposed development includes additional impervious area of greater than 50sqm, but does not include provision for onsite detention. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

Rates of stormwater discharged into receiving environment maintained or reduced. (Ec, S)

As required by conditions of consent, details of an onsite detention system to be installed on site are to be provided to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. As such, the proposed development will appropriately and adequately deal with stormwater discharge on the site.

B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential (Amended 14/11/15 See B6.3)

No off-street parking currently exists on site. One new parking space is proposed for the proposed development. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

Safe and convenient parking.

The subject site currently operates without off-street parking. The density of the existing principal dwelling does not increase as a result of this proposal. In conjunction with the new parking space proposed, the availability of on-street parking in the immediate vicinity of the development on surrounding streets is considered to meet the parking demands generated by the development. Further, the location of the proposed driveway and crossover (as modified by conditions of consent) provides a safe distance between cars using the driveway and cars turning the corner of Stanley Street and Calvert Parade. The proposed development therefore provides safe and convenient parking.

C1.12 Waste and Recycling Facilities

The submitted plans do not demonstrate waste storage locations for the principal or secondary dwellings. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

Waste and recycling facilities are accessible and convenient, and integrate with the development. (En)

Adequate space exists on site for the required accessible waste and recycling facilities to be integrated with the development.

Waste and recycling facilities are located such that they do not adversely impact upon amenity of the adjoining development or natural environment. (En, S)

As above, adequate space exists on site to provide the required accessible waste and recycling facilities, away from the street frontages, in order to provide adequate amenity for the subject site and adjacent sites.

C1.15 Storage Facilities

No specific lockable storage space is demonstrated on plans for the secondary dwelling. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

Provision of convenient storage with the development. (S)

While no specific lockable storage space is demonstrated on plans, the proposed secondary dwelling is of adequate dimensions to allow for the required area of internal storage.

C1.23 Eaves

The eaves of the proposed secondary dwelling are approximately 320mm in width. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

Housing that reflects the coastal heritage and character of Pittwater. (S)

The eaves of the proposed secondary dwelling provide visual interest to the built form, consistent with the eaves on the existing principal dwelling on site.

Optimise roof forms. (S)

The proposed secondary dwelling includes a skillion roof that creates visual interest while minimising overall height, thereby optimising the proposed roof form.

Appropriate solar access and shading is achieved. (En)

The proposed secondary dwelling is sited in order to achieve adequate solar access to the internal rooms, while also providing shade to the proposed attached deck to the south.

D10.4 Building colours and materials

The submitted External Colour Schedule includes white for the eaves and the window frames. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

Achieve the desired future character of the Locality.

The proposed development, being alterations and additions to the existing principal dwelling, and the construction of a secondary dwelling, is consistent with existing development in the locality, as well as the desired future character of the locality.

The development enhances the visual quality and identity of the streetscape. (S)

The majority of the proposed development is to be in a mid-grey colour, with the eaves and window frames to be white. The chosen colours are consistent with and complimentary to the visual quality and identity of the existing streetscape.

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

As above, the majority of the proposed development is to be in a mid-grey colour, with the eaves and window frames to be white. As the chosen colours are predominantly mutes, they create visual interest in the built form and contribute positively to the streetscape.

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

The proposed mid-grey and white colours and materials chose are consistent with and complimentary to the visual character of existing development in the locality.

The colours and materials of the development harmonise with the natural environment. (En, S)

As above, the majority of the proposed development is to be in a mid-grey colour, with the eaves and window frames to be white. The chosen colours adequately harmonise with the natural environment, while creating visual interest.

The visual prominence of the development is minimised. (S)

As above, the majority of the proposed development is to be in a mid-grey colour, with the eaves and window frames to be white, acting as a visually interesting feature. In this way, as the majority of the proposal is not bright, the visual prominence of the development is minimised.

Damage to existing native vegetation and habitat is minimised. (En)

The proposed development does not unreasonably impact upon native vegetation and habitat.

The use of materials with low embodied energy is encouraged. (En)

The proposed development is predominantly mid-grey and to be constructed of weather-resistant cladding and roof materials.

New buildings are robust and durable with low maintenance requirements. (S)

The proposal includes weather resistant cladding and roofing materials, requiring low maintenance.

In the Newport Commercial Centre, roofs of lighter colours are permitted to improve the thermal performance of the roof system. (En, Ec, S)

Not applicable. The subject site is not located within the Newport commercial Centre.

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

The proposed development includes non-compliant side building lines to the principal dwelling (these setbacks are existing) and the proposed secondary dwelling. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

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

The proposed alterations and additions to the existing principal dwelling are relatively minor in nature and follow the existing side setbacks. The proposed secondary dwelling has a southern setback of 3.65m to the building proper and 1.295m to the attached deck. The setback to the building proper is consistent with the control and the established building line. The deck is not unreasonably raised and is subservient in nature to the secondary dwelling, so does not pose an unreasonable visual imposition on the streetscape. As such, the proposed works are consistent with the existing development and the character of the locality.

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

The bulk and scale of the proposed works is minimised as the setbacks provide adequate building separation on site and between adjacent sites, and as the proposal includes planting. By way of condition of consent, further landscaping is to be provided, which will further lessen the visual impact of the bulk and scale of the proposal.

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

The proposed development does not unreasonably impact upon views to, from or across the site from public or private places.

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

As above, the proposed development does not unreasonably impact upon views, so retains existing view sharing.

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

The proposed development retains a compliant level of privacy, amenity and solar access for the subject site and adjacent sites.

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

The proposed development results in the loss of 54sqm of landscaped open space. However, existing significant vegetation is retained on site and additional planting is proposed. Further, by way of

condition of consent, the subject site is to include additional planting around the secondary dwelling, in order to provide a greater buffer between the subject site and adjacent sites, as well as the streetscape.

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

The proposed development provides adequate flexibility in the siting of the development and retains existing access arrangements

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

Significant existing vegetation is not impacted upon by the proposed works. The existing and proposed vegetation on site, in conjunction with the additional planting required by way condition of consent adequately reduces the visual impact of the proposed works.

To ensure a landscaped buffer between commercial and residential zones is established. (En, S)

Not applicable. The subject site and adjacent sites are zoned E4 Environmental Living.

D10.11 Building envelope (excluding Newport Commercial Centre)

The proposed alterations and additions to the existing principal dwelling include non-compliances with the building envelope. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

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

The proposed development, being alterations and additions to the existing principal dwelling, and the construction of a secondary dwelling, is consistent with existing development in the locality, as well as the desired future character of the locality. The proposed alterations and additions to the existing principal dwelling are relatively minor in nature and follow the existing side setbacks, thereby maintaining the existing spatial proportions within the streetscape.

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

The proposed development is well below the height of existing significant vegetation on site (proposed to be retained) and on the road reserve.

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

The proposed development adequately responds to the spatial characteristics of the site by adequately setting the development away from the street frontages and adjacent sites, and by minimising earthworks and respecting the natural topography of the site.

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

The bulk and scale of the proposed works is minimised as the setbacks (which form part of the building envelope) provide adequate building separation on site and between adjacent sites, and as the proposal includes planting. By way of condition of consent, further landscaping is to be provided, which will further lessen the visual impact of the bulk and scale of the proposal. Further, the proposed development is consistent with the height of building development standard within Clause 4.3 of the Pittwater LEP 2014.

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

The proposed development does not unreasonably impact upon views to, from or across the site from public or private places.

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

The proposed development allows for a compliant level of privacy, amenity and solar access for the subject site and adjacent sites.

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

Significant existing vegetation is not impacted upon by the proposed works. The existing and proposed vegetation on site, in conjunction with the additional planting required by way condition of consent adequately reduces the visual impact of the proposed works.

D10.13 Landscaped Area - Environmentally Sensitive Land

The proposed development includes 57% of the site (402sqm) as landscaped open space. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

Achieve the desired future character of the Locality. (S)

The proposed development, being alterations and additions to the existing principal dwelling, and the construction of a secondary dwelling, is consistent with existing development in the locality, as well as the desired future character of the locality. The proposed secondary dwelling (which removes existing landscaped open space, is of compliant dimensions, so does not pose an unreasonable visual impact on the streetscape.

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

The bulk and scale of the proposed works is minimised as the setbacks allow for landscaped area around the principal and secondary dwellings and provide adequate building separation on site and between adjacent sites. By way of condition of consent, further landscaping is to be provided, which will further lessen the visual impact of the bulk and scale of the proposal. Further, the proposed development is consistent with the height of building development standard within Clause 4.3 of the Pittwater LEP 2014.

A reasonable level of amenity and solar access is provided and maintained. (En, S)

The proposed development allows for a compliant level of amenity and solar access for the subject site and adjacent sites.

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

Significant existing vegetation is not impacted upon by the proposed works. The existing and proposed vegetation on site, in conjunction with the additional planting required by way condition of consent adequately reduces the visual impact of the proposed works.

Conservation of natural vegetation and biodiversity. (En)

As above, significant existing vegetation is not impacted upon by the proposed works, thereby retaining adequate biodiversity.

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

The proposed development reduces landscaped area on site with the inclusion of the secondary dwelling and parking space. However, the secondary dwelling is of compliant and reasonable dimensions, given the context of the site, and the additional parking space accounts for additional parking demand on site. The proposal retains adequate landscaped open space on site and does not unreasonably alter stormwater arrangements.

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

The subject site is not rural. The proposed works do not impact on the bushland character of the locality, as the site retains existing significant vegetation.

Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and

assist with stormwater management. (En, S)

The proposal retains adequate landscaped open space on site and does not unreasonably alter stormwater arrangements.

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 DA2017/1233 for Alterations and

additions to a dwelling house and construction of a new secondary dwelling on land at Lot 76 DP 661007, 26 Calvert Parade, NEWPORT, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (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
Proposed First Floor Plan and Ground Floor Plan	6 December 2017	McCarry Homes
West (Rear) Elevation, North (Side) Elevation, East (Front) Elevation, South (Side) Elevation	6 December 2017	McCarry Homes
Section A-A	6 December 2017	McCarry Homes
Amended Site Plan	20 June 2018	McCarry Homes
SK-001 Floor Plan	20 October 2017	Lounging Lizards
SK-002 Elevations - Section	20 October 2017	Lounging Lizards

Engineering Plans		
Drawing No.	Dated	Prepared By
Stormwater Plan	21 November 2017	Graeme C Moulston

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A228544	16 November 2017	W.P.O'Brien & Co
BASIX Certificate No. 885925S	7 December 2017	Energysraters

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:

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape & Concept Plan	Undated	Scott Roxburgh

Waste Management Plan		

Report	Dated	Prepared By
Waste Management Plan	8 December 2017	SKL Planning

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. (DACPLB01)

2. **Amendments to the approved plans**

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

- The proposed driveway is to be relocated south by 3.5m, in order for the driveway and crossover to be wholly located in front of the subject site's front boundary.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land. (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:

- o 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. On-site Stormwater Detention Compliance Certification

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Northern Beaches Council's Pittwater DCP 21 Clause B5.7 and the concept drawing by Jack Hodgson Consultants Pty Ltd, drawing number 31478-H1 dated 28 May 2018.

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

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

9. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

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

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

Reason: Safety. (DACENC19)

10. Soil and Water Management Program

A Soil and Water Management Plan prepared in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and implemented on site until the works are completed.

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

issue of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACHPC02)

11. **Screen Planting to site boundaries**

Shrub screen planting capable of reaching 3-4m in height at maturity shall be installed along the western, northern and eastern boundary of the secondary dwelling development. At least 50% of the plant species shall be locally native.

Reason: to provide visual privacy to open space areas within adjoining properties.

12. **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)

13. **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)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

14. **Protection of Existing Road Reserve vegetation**

A Project Arborist with minimum qualification equivalent to AQF Level 5 is to be appointed prior to the commencement of works to oversee tree protection measures and works in the vicinity of the existing trees with the road reserve along Calvert Parade and Stanley Street impacted by the development. These include the Melaleuca along Calvert Parade and the 5 Gums along Stanley Street.

Additionally the existing Gum located within the site southern boundary shall be protected.

Details are to be submitted to the Certifying Authority by the Project Arborist, that tree protection measures have been maintained during construction works and that the health of the existing trees remain healthy, prior to the issue of the Occupation Certificate.

The following protection measures shall be addressed during construction works:

- i) tree protection in the form of 1.8m high construction fencing shall be erected around the existing street trees, in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to section 4 - tree protection measures.
- ii) to minimise the impact on 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 existing vegetation.

iii) 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.

iv) no tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.

v) all structures are to bridge tree roots greater than 50mm diameter unless directed by a qualified Project Arborist on site.

vi) should either or both iv) and v) occur during site establishment and construction works, advice shall be taken from the Project Arborist on construction techniques required to protect the health of all existing retained trees, and details shall be submitted by the Project Arborist to the Certifying Authority.

Reason: to satisfy C1.1 Landscaping of Pittwater DCP21

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

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

16. Authorisation of Legal Documentation Required for On-site Stormwater Detention

An application for the authorisation of legal documents is to be lodged with Council and payment of the associated fee. The application is to include the original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and photographic evidence of the completed system.

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 the on-site stormwater disposal system is maintained to an appropriate operational standard

17. Registration of Encumbrances for On-site Stormwater Detention

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To identify encumbrances on land. (DACENF02)

18. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of

such restriction are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

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 modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

19. **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.

Note: The following Standards and Codes applied at the time of determination:

- (a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage
- (b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage
- (c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

20. **On-Site Stormwater Detention Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council.

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 stormwater disposal is constructed to Council's satisfaction. (DACENF10)

21. **Positive Covenant for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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 ongoing maintenance of the on-site stormwater detention system.

(DACENF12)

22. **Creation of Positive Covenant and Restriction as a User**

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Northern Beaches Council for authorisation.

A certified copy of the documents shall be provided to Northern Beaches Council after final approval and registration has been affected by the "Department of Lands".

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

Reason: To identify encumbrances on land. (DACENF14)

23. **Kerb, Gutter and Nature Strip Reinstatement**

All surplus vehicular crossings and/or kerb laybacks must be removed and the kerb, gutter and nature strip reinstated prior to issue of the Occupation Certificate.

Reason: To provide on-street parking, suitable vehicular access to private sites, and infrastructure protection.

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

Signed




Claire Ryan, Principal Planner

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



Anna Williams, Manager Development Assessments

ATTACHMENT A















Notification Plan	Title	Date
 2017/538213	Plan - Notification	22/12/2017

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2017/538219	Plans - Survey	25/09/2017
 2017/538221	Report - BASIX Certificate (Alterations and Additions)	16/11/2017
 2017/538228	Stormwater Plans	11/12/2017
 2017/538225	Report - Statement of Environmental Effects	11/12/2017
 2017/538227	Report - Waste Management	12/12/2017
 2017/538222	Report - BASIX Certificate (Secondary Dwelling)	12/12/2017
 DA2017/1233	26 Calvert Parade NEWPORT NSW 2106 - Development Application - Alterations and Additions	15/12/2017
 2017/524809	DA Acknowledgement Letter - Anne-Marie Moore - Malcolm James Bullen	15/12/2017
 2017/538218	Plans - Master Set	22/12/2017
 2017/538214	Plans - External	22/12/2017
 2017/538215	Plans - Internal	22/12/2017
 2017/538213	Plan - Notification	22/12/2017
 2017/538207	Applicant's Details	22/12/2017
 2017/538209	DA Checklist	22/12/2017
 2017/538210	Development Application Form	22/12/2017
 2017/538223	Report - Cost Summary	22/12/2017
 2017/538211	Fee Form	22/12/2017
 2017/538212	Letter - Shadow Diagrams	22/12/2017
 2017/538224	Report - Renovation Proposal	22/12/2017
 2018/002832	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2017/1233 - 26 Calvert Parade NEWPORT NSW 2106 - PR	22/12/2017
 2017/539923	DA Acknowledgement Letter (not integrated) - Anne-Marie Moore - Malcolm James Bullen	27/12/2017
 2017/539942	Notification Letter - DA	27/12/2017
 2018/015066	Building Assessment Referral Response	06/01/2018
 2018/032334	Loudon - Submission	10/01/2018
 2018/091400	Bullen - Notification Signage - DA2017/1233 - 26 Calvert Parade Newport	31/01/2018
 2018/097212	Bullen - Development Application Enquiry - DA2017/1233 - 26 Calvert Parade Newport	06/02/2018
 2018/143846	Landscape Referral Response	01/03/2018
 2018/147168	Submission Acknowledgement Letter - Bronwyn Loudon - SA2018/032334	02/03/2018
 2018/201819	Superseded - Development Engineering Referral Response	26/03/2018

	2018/222880	Request for Further Information - DA2017/1233	06/04/2018
	2018/235690	Outgoing Email - 13/04/2018 - to Malcolm Bullen	13/04/2018
	2018/235713	Outgoing Email - 13/04/2018 - to Malcom Bullen	13/04/2018
	2018/241350	Outgoing Email - 17/04/2018 - to Malcolm Bullen	17/04/2018
	2018/295798	Outgoing Email - 15/05/2018 - to Malcolm Bullen	15/05/2018
	2018/298214	Outgoing Email - 16/05/2018 - to Malcolm Bullen	16/05/2018
	2018/323008	Outgoing Email - 28/05/2018 - to Malcolm Bullen	28/05/2018
	2018/327678	Incoming Email - 29/05/2018 - from Malcolm Bullen - Detention Plan	29/05/2018
	2018/327702	Outgoing Email - 29/05/2018 - to Malcolm Bullen	29/05/2018
	2018/327739	Detention Plan	29/05/2018
	2018/327932	Development Engineering Referral Response	29/05/2018
	2018/328417	Outgoing Email - 30/05/2018 - to Malcolm Bullen	30/05/2018
	2018/334420	Outgoing Email - 31/05/2018 - to Malcolm Bullen	31/05/2018
	2018/348659	Outgoing Email - 07/06/2018 - to Malcolm Bullen	07/06/2018
	2018/359660	Outgoing Email - 14/06/2018 - to Malcolm Bullen	14/06/2018
	2018/390832	Incoming Email - 22/06/2018 - from Malcolm Bullen	22/06/2018
	2018/390442	Internal Email - 26/06/2018 - to James Brocklebank and Joseph di Cristo	26/06/2018
	2018/390815	Internal Email - 26/06/2018 - to Joseph Tramonte	26/06/2018
	2018/390823	Outgoing Email - 26/06/2018 - to Malcolm Bullen	26/06/2018
	2018/390835	Amended Plan - Site Plan	26/06/2018
	2018/392656	Internal Email - 27/06/2018 - from Joseph Tramonte	27/06/2018
	2018/406207	26 Calvert Parade NEWPORT DA:2017/1233 - amended plan - traffic comments	04/07/2018
	2018/408975	Working Plan - Driveway Relocation	05/07/2018
	2018/443664	Outgoing Email - 11/07/2018 - to Malcolm Bullen	11/07/2018
	2018/452099	Outgoing Email - 16/01/2018 - to Malcolm Bullen	16/07/2018
	2018/455134	Outgoing Email - 16/07/2018 - to Malcolm Bullen	16/07/2018
	2018/452902	DA Acknowledgement Letter (not integrated) - Anne-Marie Moore - Malcolm James Bullen	17/07/2018
	2018/452928	Re-Notification Letter - 11	17/07/2018
	2018/481472	Incoming Email - 31/07/2018 - from Malcolm Bullen	31/07/2018
	2018/516916	Outgoing Email - 09/08/2018 - to Malcolm Bullen	09/08/2018
	2018/516925	Outgoing Email - 13/08/2018 - from Anna Williams to Malcolm Bullen	13/08/2018
	2018/517297	Outgoing Email - 14/08/2018 - to Malcolm Bullen	14/08/2018