

# **DEVELOPMENT APPLICATION ASSESSMENT REPORT**

Application Number:	DA2023/1555
Responsible Officer:	Jordan Howard
Land to be developed (Address):	Lot 18 DP 13750, 36 Clontarf Street SEAFORTH NSW 2092
Proposed Development:	Alterations and additions to a dwelling house including a carport
Zoning:	Manly LEP2013 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Liza Maree Agresta Antony George Dimitrovski
Applicant:	Antony George Dimitrovski

Application Lodged:	01/11/2023	
Integrated Development:	No	
Designated Development:	No	
State Reporting Category:	Residential - Alterations and additions	
Notified:	09/11/2023 to 23/11/2023	
Advertised:	Not Advertised	
Submissions Received:	0	
Clause 4.6 Variation:	Nil	
Recommendation:	Approval	

#### PROPOSED DEVELOPMENT IN DETAIL

The proposed development comprises of the construction of alterations and additions to a dwelling house including a carport. Specifically, the proposal comprises of the following:

\$ 225,500.00

#### **Ground Floor Level**

Estimated Cost of Works:

- Demolition of the existing carport and entry porch.
- Conversion of the existing single garage to a storage room.
- Extension to include a guest bedroom and ensuite.
- Conversion of the existing gym to an office and dwelling entry.



- Conversion of the existing office to a gym.
- New porch entry.

### First Floor Level

- Conversion of Bed 1 and Master Bedroom to Master Bedroom only, with WIR and ensuite.
- Reconfiguration of two windows on northern elevation to provide high sill windows.
- Two skylights.

#### **Other Site Works**

- Construction of a timber framed double carport (open on two sides).
- New masonry front wall and entry gate to modified driveway.

Additional information was requested in relation to the provision of Council's Checklist for Preliminary Assessment of Site Conditions (Landslip) at Schedule 11 of the MDCP. This was provided. The additional information received did not require re-notification in accordance with the Northern Beaches Council Community Participation Plan.

#### **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

Manly Local Environmental Plan 2013 - 4.3 Height of buildings Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation Manly Development Control Plan - 4.1.5 Open Space and Landscaping

#### SITE DESCRIPTION



Property Description:	Lot 18 DP 13750 , 36 Clontarf Street SEAFORTH NSW 2092	
Detailed Site Description:	The subject site consists of one (1) allotment located on the eastern side of Clontarf Street, off the end of a cul-de-sac.	
	The site is regular in shape with a frontage of 13.715m along Clontarf Street and a depth of 57.91m. The site has a surveyed area of 794.3sqm.	
	The site is located within the R2 Low Density Residential zone and accommodates a dwelling house (primary dwelling), secondary dwelling and swimming pool.	
	The site is relatively flat.	
	The site contains lawn areas, garden beds and vegetation. There are no details of any threatened species on the subject site.	
	Detailed Description of Adjoining/Surrounding Development	
Man	Adjoining and surrounding development is characterised by dwelling houses.	

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 No. DA2018/0384 for Alterations and additions to the existing dwelling and



construction of a secondary dwelling. Approved on 4 July 2018.

# ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly 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 2021 (EP&A Regulation 2021)	Part 4, Division 2       of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent.         These matters have been addressed via a condition of consent.         Clause 29       of the EP&A Regulation 2021 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.         Clauses 36 and 94 of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to the provision of Council's Checklist for Preliminary Assessment of Site Conditions (Landslip) at Schedule 11 of the MDCP.         Clause 61 of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.         Clauses 62 and/or 64 of the EP&A Regulation 2021 requires the consent.         Clause 62 of the EP&A Regulation 2021 requires the consent.         Clauses 62 and/or 64 of the EP&A Regulation 2021 requires the consent.         Clause 69 of the EP&A Regulation 2021 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.         Clause 69 of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.



Section 4.15 Matters for Consideration	Comments		
	authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.		
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	<ul> <li>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report. </li> <li>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. </li> <li>(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.</li></ul>		
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 from 09/11/2023 to 23/11/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

#### REFERRALS

Internal Referral Body	Comments
Landscape Officer	The proposal is supported with regard to landscape issues. Council's Landscape Referral section have considered the
	application against the Manly Local Environment Plan, and the following Manly DCP 2013 controls (but not limited to):



Internal Referral Body	Comments
	<ul> <li>3.3.1 Landscaping Design</li> <li>3.3.2 Preservation of Trees or Bushland Vegetation</li> <li>4.1.5 Open Space and Landscaping, including 4.1.5.2 (c) Minimum Tree Plantings</li> </ul>
	No significant trees are proposed to be removed; however, no trees are located on the subject site. Some exempt vegetation is proposed to be removed in the front setback and to offset any canopy loss one locally native replacement tree shall be installed, subject to the imposed conditions. The plans shall be amended to provide a minimum 500mm landscaped area between the driveway/carport hardstand and the northern boundary as required under MDCP 4.1.5.2(d). This area shall be landscaped with appropriate planting.
	All existing trees and vegetation shown to be retained must be protected in accordance with the requirements outlined in the conditions of consent, and in particular the existing street tree.
	Planner Comments: The condition recommended by the Landscape Officer requiring amendments to the approved plans has been modified to make the condition clearer. The condition still requires a 500mm landscaped area between the driveway / carport / hardstand and the northern boundary, and stipulates a planting scheme, in accordance with the recommendations from the Landscape Officer.
NECC (Development Engineering)	The proposed development is in Region 3. On-site detention is not required. Vehicle crossing construction is proposed. I have no objections to the proposed development.

External Referral Body	Comments
and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

#### **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

All, Environmental Planning Instruments (SEPPs 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 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. A506837, issued 4 September 2023).

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

#### SEPP (Transport and Infrastructure) 2021

#### <u>Ausgrid</u>

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

#### Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

#### SEPP (Resilience and Hazards) 2021

#### Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

#### Manly Local Environmental Plan 2013

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	5.5m (height of proposed extension)	-	Yes
		7.6m (high of proposed skylight S02)	-	Yes
Floor Space Ratio	FSR: 0.45:1	FSR: 0.37:1*	-	Yes
	(357.4sqm)	(294.6sqm)*		

\* Inclusive of 59.32sqm GFA of existing secondary dwelling at the rear of the subject site. No changes are proposed to this secondary dwelling within this application.

#### **Compliance Assessment**

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.8 Landslide risk	Yes
6.12 Essential services	Yes

#### **Detailed Assessment**

#### 4.3 Height of buildings

Whilst the existing dwelling house has a maximum height of 8.8m, 3.5% above the 8.5m building height development standard, this is an existing non-compliance. The alterations and additions proposed within this application are located within the 8.5m building height development standard. Therefore, the proposal complies with the development standard outlined by this Clause.

# Manly Development Control Plan

Built Form Controls - Site Area: 794.3sqm	Requirement	Proposed	% Variation*	Complies	
4.1.1.1 Residential Density and Dwelling Size	Dwelling Size: 117sqm (principal dwelling: 4 bed, 4 bath)	235.3sqm (principal dwelling)	-	Yes	
4.1.2.1 Wall Height	North: 6.7m (based on gradient 1:30)	3.3m (carport) 3.9m (dwelling extension)	-	Yes Yes	
	South: 6.6m (based on gradient 1:60)	2.5m (carport)	-	Yes	
4.1.2.2 Number of Storeys	2	2	-	Yes	
4.1.2.3 Roof Height	Height: 2.5m	1.3m (carport) 1.8m (dwelling extension)		Yes Yes	
	Pitch: maximum 35 degrees	20 degrees	-	Yes	

#### **Built Form Controls**



	<u> </u>			
4.1.4.1 Street Front Setbacks	Prevailing building line (6m) / or 6m	3.5m (to carport), inconsistent with prevailing setback 6.9m (to front porch steps), consistent with prevailing setback 9.1m (to ground floor dwelling extension), consistent with prevailing setback	41.7% - -	No Yes Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages	North: 1.1m (to carport posts, based on wall height 3.3m) 1.3m (to ground floor dwelling extension, based on wall height 3.9m)	0.2m (carport as proposed) 0.5m (carport as conditioned) 1.4 (ground floor dwelling extension)	81.8% 54.5% -	No No Yes
	South: 0.8m (to carport posts, based on wall height 2.5m)	6m	-	Yes
	No new windows within 3m of a side boundary	4 new windows within 3m of a side boundary	N/A	Νο
4.1.4.4 Rear Setbacks	8m	>8m	-	Yes
4.1.5.1 Minimum Residential Total Open	Open space 55% of site area (436.9sqm)	55.6% (441.8sqm)	-	Yes
Space Requirements Residential Open Space Area: OS3	No more than 25% of total open space to be above ground level (110.5sqm)	6% (26.5sqm)	-	Yes
4.1.5.2 Landscaped Area	Landscaped area 35% of open space (154.6sqm)	39.5% (174.6sqm)	-	Yes
4.1.5.3 Private Open Space	18sqm per dwelling	>18sqm for both existing primary dwelling and secondary dwelling	-	Yes
4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas	Maximum 50% of frontage up to maximum 6.2m	5.5m (as proposed, to be reduced by conditions)	-	Yes
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	-	Yes

# Compliance Assessment



Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.5 Landscaping	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.1.1 Residential Density and Dwelling Size	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes
4.1.3 Floor Space Ratio (FSR)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.5 Open Space and Landscaping	Yes	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	Yes	Yes
4.1.7 First Floor and Roof Additions	Yes	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.1.10 Fencing	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes

# **Detailed Assessment**

# 4.1.4 Setbacks (front, side and rear) and Building Separation

# **Description of non-compliance**



Clause 4.1.4.1 Street Front Setbacks stipulates that proposed front setbacks must relate to the front building line of neighboring properties and the prevailing building lines in the immediate vicinity, or 6m where a pattern is not established. For the purpose of this assessment, 6m is considered to be the prevailing front setback. The proposed carport has a front setback of 3.5m, representing a 41.7% variation to the control.

Clause 4.1.4.2 Side Setbacks and Secondary Street Frontages stipulates that the setbacks between any part of a building and the side boundary must not be less than one third of the wall height. The southern side setback of the proposal is complaint with this requirement. The northern side setback to the carport posts is required to be 1.1m, based on a carport post / wall height of 3.3m. The carport as proposed exhibits a 0.2m northern side setback, representing a 81.8% variation to the control. However, a condition of consent is included in the recommendations of this report requiring the carport / hardstand parking area to be setback 0.5m from the northern side boundary to allow for a landscaped area between the northern boundary and carport. Refer to the section of this report on MDCP Clause 4.1.5 Open Space and Landscaping for further details. This has the effect of increasing the northern side setback to the carport to 0.5m, representing a smaller variation to the control of 54.5%.

The proposal as a whole complies with the required 8m rear setback control, and the elements of the proposal relating to the dwelling extension are compliant with front, side and rear setback controls. It is just the proposed open carport that present non-compliances with front and side setback requirements.

Finally, it is noted that Clause 4.1.4.2 Side Setbacks and Secondary Street Frontages also requires that no new windows be located within 3m of side boundaries. The proposal includes four (4) new windows within this setback area. It should be noted that these windows are designed with consideration of privacy.

#### Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

# <u>Objective 1) To maintain and enhance the existing streetscape including the desired spatial</u> proportions of the street, the street edge and the landscape character of the street.

#### Comment:

The proposed dwelling extension is complaint with front, side and rear setbacks. Only the carport element of the proposal exhibits non-compliances with the front and northern side setback controls. This carport is open in design and not considered to adversely impact the streetscape. Windows on the northern elevation of the dwelling, proposed within 3m of the northern side boundary, do not compromise the desired streetscape. The built form proposed is similar to that of surrounding development.

#### Objective 2) To ensure and enhance local amenity by:

- <u>providing privacy;</u>
- providing equitable access to light, sunshine and air movement; and
- <u>facilitating view sharing and maintaining adequate space between buildings to limit impacts on</u> <u>views and vistas from private and public spaces.</u>
- <u>defining and adding character to the streetscape including the provision of adequate space between</u> <u>buildings to create a rhythm or pattern of spaces; and</u>



#### • <u>facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the</u> <u>street intersection.</u>

### Comment:

The proposal is considered to meet the requirements of relevant clauses of the MDCP relating to amenity. The development is not considered to create unreasonable overshadowing on pubic or private spaces, or to unreasonably impact views from or to public or private spaces. The proposal is also considered to maintain existing streetscape characteristic and not to detrimentally impact on traffic conditions or the privacy of surrounding dwellings.

#### Objective 3) To promote flexibility in the siting of buildings.

#### Comment:

The proposed development is not expected to result in any unreasonable amenity impacts on surrounding properties and has demonstrated it meets the underlying objectives of the control. As such, flexibility is warranted, in this instance.

### Objective 4) To enhance and maintain natural features by:

- <u>accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;</u>
- ensuring the nature of development does not unduly detract from the context of the site and
   particularly in relation to the nature of any adjoining Open Space lands and National Parks; and
- <u>ensuring the provisions of State Environmental Planning Policy No 19 Urban Bushland are</u> <u>satisfied.</u>

#### Comment:

Refer to the section of this report on MDCP Clause 4.1.5 Open Space and Landscaping for comments on landscaped area and landscaping. In summary, the proposal meets the required total open space and landscaped area requirements. The proposal exhibits a non-compliance to a requirement relating to landscaped area between driveways / parking areas and side boundaries. This has been addressed with a recommended condition of consent. As conditioned, the proposal is complaint with the provisions of MDCP Clause 4.1.5 Open Space and Landscaping. Adequate landscaping and vegetation is maintained.

#### Objective 5) To assist in appropriate bush fire asset protection zones.

#### Comment:

The site is not classified as bush fire prone land.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

#### 4.1.5 Open Space and Landscaping

The subject site is located within Residential Open Space Area OS3, which requires at least 55% (436.9sqm) of the site to be open space. In addition, at least 35% (154.6sqm) of the proposed total open space is to be landscaped area. Additionally, no more than 25% (110.5sqm) of total open space



can be provided above ground level.

The proposal achieves compliance with all of these requirements, with the following areas proposed:

- Total open space: 55.6% (441.8sqm) of site area.
- Total open space above ground level: 6% (26.5sqm) of total open space.
- Landscaped area: 39.5% (174.6sqm) of total open space.

Clause 4.1.5.2(d) stipulates the following:

"Driveways alongside boundaries will be sufficiently setback to provide a landscaped area at least 0.5m wide between the driveway area and side boundary for the length of the driveway. Any parking hard stand area or carport associated with the driveway should also be similarly setback unless requiring a greater setback elsewhere under this plan. "

As proposed, the development only included 0.2m of landscaped area between the driveway / carport / hardstand and the northern side boundary, representing a non-compliance with this requirement. A condition of consent is included in the recommendations of this report to require this area to be increased in width to the required 0.5m.

Subject to the recommended conditions of consent, the proposal complies with the requirements and objectives of this Clause. Therefore, no further merit assessment is required.

#### THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

#### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

#### POLICY CONTROLS

#### Northern Beaches Section 7.12 Contributions Plan 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$2,255 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$225,500.

#### 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 2021;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly 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 DA2023/1555 for Alterations and additions to a dwelling house including a carport on land at Lot 18 DP 13750, 36 Clontarf Street, SEAFORTH, subject to the conditions printed below:

#### **Terms and Reasons for Conditions**

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

# **GENERAL CONDITIONS**

#### 1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
	Revision Number	Plan Title	Drawn By	Date of Plan
DA04	A	Site / Roof / Sediment Erosion / Waste Management / Stormwater Concept Plan	Action Plans	28 September 2023
DA07	А	Proposed Ground Floor Plan	Action Plans	28 September 2023



DA08	A	Proposed First Floor Plan	Action Plans	28 September 2023
DA09	A	North / East Elevation	Action Plans	28 September 2023
DA10	A	South / West Elevation	Action Plans	28 September 2023
DA11	A	Long / Cross Section	Action Plans	28 September 2023
DA12	A	Driveway Plan	Action Plans	28 September 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	A506837	Action Plans	4 September 2023
Waste Management Plan	-	-	22 September 2023

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	07/11/2023 (on EDMS)

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

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

#### 3. **Prescribed Conditions**

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).



- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifier 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 Certifier 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 Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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



Reason: Legislative requirement.

#### 4. General Requirements

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

Demolition and excavation works are restricted to:

• 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the following is required:
  - i) Long Service Levy Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
  - ii) Section 7.11 or Section 7.12 Contributions Plan Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
  - iii) Housing and Productivity Contribution Payment must be made on the NSW
     Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.



- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

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

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.



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

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

# FEES / CHARGES / CONTRIBUTIONS

#### 5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$2,255.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$225,500.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

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

#### 6. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or



demolition work commencing, and details demonstrating payment are to be submitted to the Certifier 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.

# **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

#### 7. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent in accordance with AS/NZS 3500 and Council's Water Management for Development Policy, prepared by an appropriately qualified and practicing Civil or Hydraulic Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG), indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the street.

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

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

#### 8. Vehicle Crossings Application

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing 3.0 metres wide on the kerb and a maximum of 4.5 metres wide on the property boundary in accordance with Northern Beaches Council Standard Drawing A4 3330/1 N in accordance with Section 138 of the Roads Act 1993.

Note, driveways are to be in plain concrete only.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

#### 9. Amendments to the approved plans

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

- The driveway, hardstand and carport elements of the proposal are to be amended to provide a 500mm wide planted landscaped area along the northern boundary. This is to be achieved by narrowing the driveway, hardstand and carport at the north to provide this stipulated landscaped setback between the northern boundary and driveway / hardstand / carport.
- Within this 500mm landscaped area, the following planting scheme is to be adhered to; plant species shall be at minimum 1 metre intervals (or less) for shrubs of a minimum



200mm container size at planting, and at minimum 4 plants per metre square for groundcovers of a minimum 140mm container size at planting.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

#### 10. 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 Certifier prior to the issue of the Construction Certificate.

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

#### 11. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

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

- "Tap in" details see http://www.sydneywater.com.au/tapin
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

# **DURING BUILDING WORK**

#### 12. Protection of Existing Street Trees

a) all existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree(s) fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS 4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

b) all street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.



### 13. Tree and Vegetation Protection

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

i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,

- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) tree protection shall be undertaken as follows:

i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,

iii) removal of existing tree roots at or >25mm ( $\emptyset$ ) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,

iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained, v) structures are to bridge tree roots at or >25mm ( $\emptyset$ ) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,

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

vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier, viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009 Protection of trees on development sites,

ix) the activities listed in section 4.2 of AS 4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,

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

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

#### c) the Principal Certifier must ensure that:

i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

#### 14. Condition of Trees

a) during the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit: i) a general decline in health and vigour,



- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,

vii) an increase in kino or gum exudation,

viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,

ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

b) any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

c) the owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

#### 15. Road Reserve

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

Reason: Public safety.

#### 16. Removing, Handling and Disposing of Asbestos

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

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 The Demolition of Structures.

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

#### 17. Survey Certificate

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

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

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

#### 18. Waste Management During Development

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



Details demonstrating compliance must be submitted to the Principal Certifier.

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

# **BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

#### 19. Required Tree Planting

a) one (1) locally native tree shall be planted within the property boundary to achieve at least 6 metres height at maturity, and in accordance with the following:

i) tree planting shall be a minimum pre-ordered planting size of 75 litres; generally selected from Northern Beaches Council's Native Plant Species Guide, or Council's Tree Guide; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings and other trees or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn.

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

c) details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

#### 20. Landscape Completion

a) any new landscape works are to be implemented in accordance with the following conditions:

i) landscape works are to be contained within the legal property boundaries,

ii) mass planting shall be installed at minimum 1 metre intervals (or less) for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at minimum 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

b) prior to the issue of an Occupation Certificate, details shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

#### 21. Stormwater Disposal

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

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

#### 22. Reinstatement of Kerb

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional



kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces.

#### 23. House / Building Number

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Proper identification of buildings.

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

#### 24. Landscape Maintenance

a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

c) if any shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with any conditions of consent.

d) the approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

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

Signed

Howard

Jordan Howard, Planner

The application is determined on 15/12/2023, under the delegated authority of:



Rodney Piggott, Manager Development Assessments