

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                            |             |
|----------------------------|-------------|
| <b>Application Number:</b> | DA2021/2401 |
|----------------------------|-------------|

|   |   |
|---|---|
| <b>Responsible Officer:</b>               | Dean Pattalis   |
| <b>Land to be developed (Address):</b>    | Lot 1 DP 525554, 5 Myoora Road TERREY HILLS NSW 2084  |
| <b>Proposed Development:</b>              | Alterations and additions to a dwelling house including an outbuilding  |
| <b>Zoning:</b>                            | Warringah LEP2011 - Land Zoned RU4 Primary Production Small Lots<br>WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 |
| <b>Development Permissible:</b>           | Yes   |
| <b>Existing Use Rights:</b>               | No  |
| <b>Consent Authority:</b>                 | Northern Beaches Council  |
| <b>Land and Environment Court Action:</b> | No  |
| <b>Owner:</b>                             | David Michael Cussen<br>Kesorn Cussen   |
| <b>Applicant:</b>                         | Cadence & Co Design Pty Ltd   |

|                                  |   |
|----------------------------------|---|
| <b>Application Lodged:</b>       | 12/01/2022                              |
| <b>Integrated Development:</b>   | No                                      |
| <b>Designated Development:</b>   | No                                      |
| <b>State Reporting Category:</b> | Residential - Alterations and additions |
| <b>Notified:</b>                 | 24/01/2022 to 07/02/2022                |
| <b>Advertised:</b>               | Not Advertised                          |
| <b>Submissions Received:</b>     | 0                                       |
| <b>Clause 4.6 Variation:</b>     | Nil                                     |
| <b>Recommendation:</b>           | Approval                                |

|                                 |               |
|---------------------------------|---------------|
| <b>Estimated Cost of Works:</b> | \$ 519,246.00 |
|---------------------------------|---------------|

### PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for a new outbuilding in the rear yard of the existing rural lot including:

#### Ground Level

- Rural shed
- Office space
- Kitchenette and Bathroom

#### Mezzanine level

- Storage

#### External works

- New hardstand areas and new driveway
- New hedge and conifer

### **ASSESSMENT INTRODUCTION**

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

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

### **SUMMARY OF ASSESSMENT ISSUES**

Warringah Development Control Plan - B5 Side Boundary Setbacks

Warringah Development Control Plan - B9 Rear Boundary Setbacks

Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

### **SITE DESCRIPTION**

|                                   |  |
|-----------------------------------|--|
| <b>Property Description:</b>      | Lot 1 DP 525554 , 5 Myoora Road TERREY HILLS NSW 2084  |
| <b>Detailed Site Description:</b> | <p>The site is located within the suburb of Terrey Hills, in a residential , semi rural area. The site comprises Lot 1 in DP525554 and is zoned RU4.</p> <p>The site falls from East to West by approximately 10m. It's relatively flat from South to North.</p> <p>The site has an approximate area of 3198 square metres with a frontage of 29.96 metres and a depth of 110 metres on average.</p> <p>Presently erected on the site is a 1-2 storey brick house with a metal roof and an existing stables shed behind the house.</p> |

Access to the site is off Myoora Road. The main access route to the site is from Mona Vale Road.

The area is comprised of very edium to large sized lots. The street mainly consists of one -2 storey storey houses and is dotted with commercial properties.

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:

Application **BA5003/7414**

Application **DA2000/4081** for Demolition of Existing House and Garage and Erection of New 2 Storey (Approved 26 May 2000)

Application **DA2000/4725** for Demolish Existing House and Erection Two Storey Dwelling and Stables (Approved 12 September 2000)

Application **DA2001/0769** for Swimming Pool (Approved 1 October 2002)

Application **MOD2001/0769/1** for Deletion of Condition 22 - Swimming Pool

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

| Section 4.15 Matters for Consideration | Comments |
|--|----------|
|--|----------|

| Section 4.15 Matters for Consideration  | Comments   |
|---|--|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument   | See discussion on “Environmental Planning Instruments” in this report.   |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument                                      | Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.   |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan  | Warringah Development Control Plan 2011 applies to this proposal.  |
| Section 4.15 (1) (a)(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) | <p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 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 29</u> of the EP&amp;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.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to stormwater engineering requirements which was approved by Council's Development Engineer on 20/05/2022.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 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 69</u> of the EP&amp;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.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> |
| Section 4.15 (1) (b) – the likely   | (i) <b>Environmental Impact</b>  |

| Section 4.15 Matters for Consideration   | Comments  |
|--|---|
| impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b><br/>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| Section 4.15 (1) (c) – the suitability of the site for the development   | The site is considered suitable for the proposed development.   |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs   | See discussion on “Notification & Submissions Received” in this report.   |
| Section 4.15 (1) (e) – the public interest   | No matters have arisen in this assessment that would justify the refusal of the application in the public interest.   |

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 24/01/2022 to 07/02/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

## REFERRALS

| Internal Referral Body | Comments  |
|------------------------|---|
| Landscape Officer      | <p>The development application is for a new shed with office, kitchenette, bathroom and storage, new hardstand area and a driveway at the rear of the property, and new hedge planting, as described and illustrated in the reports and plans. A Arboricultural Impact Assessment accompanies the application and is assessed as part of this Landscape Referral. No Landscape Plan is submitted however the proposed planting is indicated on the Master Set Plans.</p> <p>The application is assessed by Landscape Referral against Warringah</p> |

| Internal Referral Body         | Comments  |
|--------------------------------|---|
|                                | <p>Local Environmental Plan 2011 including the objectives of zone RU4 Primary Production Small Lot, and the following Warringah Development Control Plan 2011 controls (but not limited to):</p> <ul style="list-style-type: none"> <li>• D1 Landscaped Open Space and Bushland Setting</li> <li>• E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed Vegetation</li> </ul> <p>The objectives of the RU4 land use shall be satisfied by the proposed development including the following landscape outcomes: minimise the impact of development on long distance views of the area and on views to and from adjacent national parks and bushland; maintain and enhance the natural landscape including landform and vegetation; and maintain the rural and scenic character of the land.</p> <p>The Arboricultural Impact Assessment reports that the proposed development works requires specific tree protection measures and construction methodology to ensure protection of three existing native trees located in adjoining property identified as tree numbers 15, 17 and 18. Excavation and construction works shall be undertaken in accordance with the recommendations of the report including tree protection measures and certification by a Project Arborist, as imposed by conditions.</p> <p>Four trees within the property have been recommended for removal to accommodate the development works, including tree 3, 4, 5 and 7. These are all exempt species (Cocus Palms) and do not require Council consent for removal.</p> <p>The Plans include proposed hedge planting along the boundary and between the proposed structure and the existing residence and conditions shall be imposed to ensure no exempt species listed under the DCP nor any environmental weeds.</p> |
| NECC (Development Engineering) | <p><b>Revised comments 20/5/22</b><br/> <b>The amended stormwater drainage plans detailing an above ground detention are now satisfactory subject to conditions</b></p> <p><b>Comments 2/5/22</b><br/> <b>The stormwater drainage plans submitted by Northern Beaches Consulting have been reviewed and are not acceptable for the following reasons:</b></p> <p><b>1) The proposed threshold at the garage/shed entry is not an acceptable method for providing freeboard to the top water level of the above ground detention system. It will provide inconvenience to the users of the shed and will most likely be removed. The designer is to submit a design that complies with Councils water management policy in terms of providing adequate freeboard. A below ground tank option may need to be considered.</b></p> <p><b>2) The post developed flows up to the 1% AEP are considered acceptable , however the designer is also to provide the DRAINS</b></p>  |

| Internal Referral Body | Comments  |
|------------------------|---|
|                        | <p><b>model to council for review.</b></p> <p>Previous comments<br/>The proposal to extend and widen the driveway and build a large garage is not supported as the applicant has not submitted a stormwater management plan addressing increased stormwater flow impacts on the downstream property.</p> <p>The applicant is required to submit a stormwater management plan detailing the provision of on site stormwater detention in accordance with Council water management policy for development . All flows from the development are to be managed to limit hydraulic impacts on the adjoining downstream property.</p> |

| External Referral Body     | Comments   |
|----------------------------|--|
| Ausgrid: (SEPP Infra.)     | The proposal was referred to Ausgrid who raised no objections.   |
| Aboriginal Heritage Office | <p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</p> |

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

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

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

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

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

### SEPP 55 - Remediation of Land

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

### **SEPP (Building Sustainability Index: BASIX) 2004**

A BASIX certificate has been submitted with the application (see Certificate No.A429069\_02 dated 1 December 2022).

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

### **SEPP (Infrastructure) 2007**

#### Ausgrid

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

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

#### Comment:

The proposal was referred to Ausgrid who raised no objections.

### **Warringah Local Environmental Plan 2011**

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

#### Principal Development Standards

| Standard             | Requirement | Proposed | % Variation | Complies |
|----------------------|-------------|----------|-------------|----------|
| Height of Buildings: | 8.5m        | 8.37m    | -           | Yes      |

### Compliance Assessment

| Clause  | Compliance with Requirements |
|---|------------------------------|
| 2.5 Additional permitted uses for particular land | Yes                          |
| 4.3 Height of buildings                           | Yes                          |

### Warringah Development Control Plan

#### Built Form Controls

| Built Form Control                                  | Requirement   | Proposed   | % Variation*     | Complies                |
|---|---------------|--|------------------|-------------------------|
| B1 Wall height                                      | 7.2m          | 4.8m   | -                | Yes                     |
| B4 Site Coverage                                    | 30%           | 14%  | -                | Yes                     |
| B5 Side Boundary Setbacks                           | 7.5m (north)  | 13.4m (shed)<br>10.3m (planter box)<br>1.5m (driveway) | -<br>-<br>80%    | Yes<br>Yes<br><b>No</b> |
|   | 7.5m (south)  | 5m (shed)  | 33.33%           | <b>No</b>               |
| B7 Front Boundary Setbacks                          | 20m           | 88.8m (shed)   | -                | Yes                     |
| B9 Rear Boundary Setbacks                           | 7.5m          | 5m (shed)<br>5m (planter box)                          | 33.33%<br>33.33% | <b>No</b><br><b>No</b>  |
| D1 Landscaped Open Space (LOS) and Bushland Setting | 50% (1599sqm) | 47.97% (1534.2sqm)                                     | 4.05%            | <b>No</b>               |

### Compliance Assessment

| Clause  | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| A.5 Objectives                                | Yes                          | Yes                         |
| B1 Wall Heights                               | Yes                          | Yes                         |
| B4 Site Coverage                              | Yes                          | Yes                         |
| B5 Side Boundary Setbacks                     | No                           | Yes                         |
| B7 Front Boundary Setbacks                    | Yes                          | Yes                         |
| B9 Rear Boundary Setbacks                     | No                           | Yes                         |
| C2 Traffic, Access and Safety                 | Yes                          | Yes                         |
| C3 Parking Facilities                         | Yes                          | Yes                         |
| C4 Stormwater                                 | Yes                          | Yes                         |
| C8 Demolition and Construction                | Yes                          | Yes                         |
| C9 Waste Management                           | Yes                          | Yes                         |
| D1 Landscaped Open Space and Bushland Setting | No                           | Yes                         |
| D2 Private Open Space                         | Yes                          | Yes                         |
| D3 Noise                                      | Yes                          | Yes                         |
| D6 Access to Sunlight                         | Yes                          | Yes                         |
| D7 Views                                      | Yes                          | Yes                         |

| Clause  | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| D8 Privacy                                      | Yes                          | Yes                         |
| D9 Building Bulk                                | Yes                          | Yes                         |
| D10 Building Colours and Materials              | Yes                          | Yes                         |
| D11 Roofs                                       | Yes                          | Yes                         |
| D12 Glare and Reflection                        | Yes                          | Yes                         |
| D14 Site Facilities                             | Yes                          | Yes                         |
| D20 Safety and Security                         | Yes                          | Yes                         |
| E1 Preservation of Trees or Bushland Vegetation | Yes                          | Yes                         |
| E2 Prescribed Vegetation                        | Yes                          | Yes                         |
| E6 Retaining unique environmental features      | Yes                          | Yes                         |
| E10 Landslip Risk                               | Yes                          | Yes                         |

#### Detailed Assessment

#### **B5 Side Boundary Setbacks**

##### Description of non-compliance

The proposed shed contains a setback of 5m to the southern side boundary, which is a variation of 33.33% to the numerical control of 7.5m.

In addition, the new driveway extension is located 1.5m from the northern side boundary which is a variation of 80%. It is noted the garage is located entirely at ground level and does not contain any built structures thus minimising any amenity impacts.

A merit assessment is therefore conducted below.

##### Merit consideration

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

- *To provide opportunities for deep soil landscape areas.*

##### Comment:

The proposal would not result in an unreasonable shortfall in landscaped open space. There are considered to be ample deep soil zones available for future planting.

- *To ensure that development does not become visually dominant.*

##### Comment:

Despite the setback non-compliance the proposal maintains adequate spatial separation to adjoining dwellings and private open space areas, whilst the above-mentioned landscaped area provides ample opportunity for screening of the built form. In this regard, it is considered that

the proposal will not be visually dominant when viewed from the street or adjoining properties.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

The proposal is a generally single-storey structure that maintains compliance with building height and wall height controls to ensure its bulk and scale is minimised.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment:

Whilst numerically non-compliant with the side setback provision, the proposal is adequately separated from habitable areas on adjacent sites. As such, the proposal will not pose unreasonable acoustical privacy impacts to adjacent dwellings. It is further noted that the proposed shed will not result in significant overshadowing. Additionally, an examination of the surrounding built environment and the subject site has concluded that the proposal will not obstruct significant view lines from nearby private and public land. Overall, the proposal achieves this objective.

- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

As noted above, the proposal does not result in adverse view impacts.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **B9 Rear Boundary Setbacks**

### Description of non-compliance

The control requires development be setback from the rear boundary 7.5m.

The proposed shed is located 5m from the rear boundary, representing a variation of 33.33% from the numerical control.

In addition, the proposed planter box contains a 5m setback from the rear boundary which represents a 33.33% variation. The planter box is a low-lying, lightweight structure which is not considered to result in any adverse amenity impacts.

### Merit consideration:

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

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

The retention of extensive landscaped open space will continue to ensure opportunities for deep soil landscaped areas are maintained.

- *To create a sense of openness in rear yards.*

Comment:

The proposed development will create a sense of openness in the rear yard, with large open space areas and separation between buildings maintained.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

No unreasonable privacy impacts are anticipated to arise as a result of the proposed development. The proposed shed is substantially separated from adjoining habitable areas and therefore does not encourage any unreasonable overlooking impacts between properties.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

This assessment concludes that the location of the proposal in relation to the rear boundary is acceptable, given no unreasonable amenity impacts will be associated with the development.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

As noted above, the proposal will not give rise to unreasonable privacy impacts.

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

## **D1 Landscaped Open Space and Bushland Setting**

### Description of non-compliance

The proposal provides a total of 47.97% (1534.2sqm) landscaped open space, resulting in a variation of 4.05% from the required 50% (1599sqm).

### Merit consideration

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

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

Comment:

The reduced landscaped area will have no discernible impact on the streetscape character with existing and proposed significant vegetation maintained along the lot boundaries.

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

Comment:

The proposal will not impact on existing indigenous vegetation, topographical features and habitat for wildlife.

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

Comment:

The proposal is a generally single-storey structure. The areas of landscaped open space are suitably dimensioned to provide for the establishment of suitable landscaping to mitigate any perceived bulk and scale.

- *To enhance privacy between buildings.*

Comment:

The landscape open space variation will not give rise to privacy impacts between buildings. The proposal includes adequate landscaping and is spatially separated to enhance privacy.

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

Comment:

The proposal provides extensive areas for outdoor recreational opportunities that meet the needs of the occupants.

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

Comment:

Sufficient space provided for service functions, including clothes drying.

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

Comment:

As conditioned, adequate areas shall be provided to facilitate water management, including the infiltration of stormwater.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2021**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$5,192 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$519,246.

## **CONCLUSION**

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

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

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

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/2401 for Alterations and additions to a dwelling house including an outbuilding on land at Lot 1 DP 525554, 5 Myoora Road, TERREY HILLS, 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

| <b>Architectural Plans - Endorsed with Council's stamp</b> |              |                    |
|--|--------------|--------------------|
| <b>Drawing No.</b>   | <b>Dated</b> | <b>Prepared By</b> |
| DA01-E (Site Plan)   | 13 May 2022  | Cadence & Co       |
| DA02-E (New Ground Floor Plan 1)                           | 13 May 2022  | Cadence & Co       |
| DA03-F (New Ground Floor Plan 2)                           | 13 May 2022  | Cadence & Co       |
| DA05-F (Elevations)  | 13 May 2022  | Cadence & Co       |
| DA06-F (Elevations)  | 13 May 2022  | Cadence & Co       |
| DA07-F (Section)   | 13 May 2022  | Cadence & Co       |
| DA14-E (External Materials & Finishes)                     | 13 May 2022  | Cadence & Co       |

| <b>Engineering Plans</b>         |               |                         |
|----------------------------------|---------------|-------------------------|
| <b>Drawing No.</b>               | <b>Dated</b>  | <b>Prepared By</b>      |
| D03-A (Site/Roof Drainage Plan)  | 22 April 2022 | NB Consulting Engineers |
| D04-B (New Shed Drainage Plan)   | 12 May 2022   | NB Consulting Engineers |
| D05-A (Typical Drainage Details) | 22 April 2022 | NB Consulting Engineers |
| D06-B (OSD Basin Section Detail) | 12 May 2022   | NB Consulting Engineers |
| D07-A (Dispersion Trench Detail) | 22 April 2022 | NB Consulting Engineers |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |                 |                               |
|---|-----------------|-------------------------------|
| <b>Report No. / Page No. / Section No.</b>  | <b>Dated</b>    | <b>Prepared By</b>            |
| Arboricultural Impact Assessment Report (220414-5 Myoora-AIA)                           | 14 April 2022   | Urban Arbor                   |
| BASIX Certificate (A429069_02)  | 1 December 2022 | Jane Anderson<br>Architecture |

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

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

| <b>Waste Management Plan</b> |               |                    |
|------------------------------|---------------|--------------------|
| <b>Drawing No/Title.</b>     | <b>Dated</b>  | <b>Prepared By</b> |
| Waste Management Plan        | November 2021 | Cadence & Co       |

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

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

## 2. **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.

### 3. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is

required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

pools

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

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

## FEES / CHARGES / CONTRIBUTIONS

### 4. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$5,192.46 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$519,246.00.

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

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

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

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

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

### 5. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with

Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://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**

### **6. On-site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT POLICY FOR DEVELOPMENT", and generally in accordance with the concept drainage plans prepared by NB Consulting, drawing number D02- D04B, D05A, D06B , dated April 2022. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NER) and registered in the General Area of Practice for civil engineering.

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

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

### **7. 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.

### **8. External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the

development.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **9. Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures to existing native trees located within adjoining property in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Assessment.

To ensure the preservation of existing trees identified as tree 15 - Sydney Blue Gum (*Eucalytus saligna*), tree 17 - Forest Red Gum (*Eucalyptus tereticornis*), and tree 18 - Swamp Mahogany (*Eucalyptus robusta*), the proposed driveway must be installed using tree sensitive construction methods as recommended in the Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:

- i) section 9.2 Construction Design/Specification Requirements for trees numbered 15, 17 and 18,
- ii) section 9.2.1 Tree Sensitive Driveway Hard Surfacing Construction,
- iii) section 11 Tree Protection Requirements,
- iv) section 12 Construction Hold Points for Tree Protection.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

### **10. Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected, including:
  - i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
  - ii) all trees and vegetation located on adjoining properties,

iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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

Reason: Tree and vegetation protection.

11. **Survey Certificate**

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

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

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

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

12. **Proposed Screen Planting**

Planting is to be implemented in accordance with the following conditions:

- i) the proposed planting shown on the Plans shall exclude all Exempt Species as listed under the Development Control Plan, and shall exclude any environmental weeds,
- ii) all planting shall be installed at less greater than 1 metre intervals, at a minimum 200mm container size at planting, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

Prior to the issue of an Occupation Certificate, details shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity

13. **Condition of Retained Vegetation - Project Arborist**

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

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

Reason: Tree protection.

14. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with the approved construction certificate stormwater plans by the design engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

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

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

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

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction 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 final Occupation Certificate.

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

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

16. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with any conditions of consent. All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

17. **Undesirable Trees and Vegetation**

Leighton Green Cypress *Cupressocyparis leylandii* or any of its cultivars and other Conifers, or any other Undesirable Trees or Vegetation identified by Council, must not be planted on the site for the life of the development.

In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Reason: To reduce the potential for adverse amenity effects such as overshadowing, loss of views, biodiversity, and loss of plant diversity.

18. **Use of Shed**

The new rear shed subject to this proposal must not be used for the purpose of a secondary dwelling or separate occupancy without prior development consent.

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

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

**Signed**



**Dean Pattalis, Planner**

The application is determined on 27/05/2022, under the delegated authority of:



**Phil Lane, Acting Development Assessment Manager**