

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0282
Responsible Officer:	Adam Urbancic
Land to be developed (Address):	Lot 64 DP 225582, 31 Raymond Road BILGOLA PLATEAU NSW 2107 Lot 65 DP 225582, 31 Raymond Road BILGOLA PLATEAU NSW 2107
Proposed Development:	Construction of a secondary dwelling and carport
Zoning:	E4 Environmental Living E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Christopher Charles Haron Denise Therese Haron
Applicant:	Christopher Charles Haron
Application Lodged:	20/03/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New second occupancy
Notified:	06/04/2020 to 24/04/2020
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Deferred Commencement Approval
Estimated Cost of Works:	\$ 96,000.00

PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for the construction of a secondary dwelling and a carport, specifically the following works:

- demolition of the existing driveway crossover and part of the internal driveway;
- removal of a small street tree adjacent to the existing driveway crossover and a shrub in the north-eastern corner of the site;
- construction of a new driveway crossover, internal driveway and double carport in the north-eastern corner of the site; and

- construction of a new secondary dwelling including the retention of the existing garage structure to accommodate a bedroom, living room and kitchen, the construction of a new northern wall with a door and window to replace the existing garage doors, the replacement of the two (2) existing windows on the southern elevation with two (2) larger windows, the extension of the structure by 1.8m westward to accommodate a bathroom with two (2) windows on the southern elevation, and the construction of a new roof over the structure.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - A1.7 Considerations before consent is granted
 Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
 Pittwater 21 Development Control Plan - B8.3 Construction and Demolition - Waste Minimisation
 Pittwater 21 Development Control Plan - C1.3 View Sharing
 Pittwater 21 Development Control Plan - D3.1 Character as viewed from a public place
 Pittwater 21 Development Control Plan - D3.3 Building colours and materials
 Pittwater 21 Development Control Plan - D3.6 Front building line
 Pittwater 21 Development Control Plan - D3.7 Side and rear building line
 Pittwater 21 Development Control Plan - D3.11 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 64 DP 225582 , 31 Raymond Road BILGOLA PLATEAU NSW 2107 Lot 65 DP 225582 , 31 Raymond Road BILGOLA PLATEAU NSW 2107
Detailed Site Description:	The subject site consists of two (2) allotments located on the southern side of Raymond Road.

The site is regular in shape with an overall frontage of 37.54m along Raymond Road and an average depth of 37.57m. The site has a total surveyed area of 1,408.3m².

The site is located within the E4 Environmental Living zone and accommodates a single storey brick and clad dwelling house with a tiled roof located over both allotments, as well as an indoor swimming pool located at the rear of the dwelling house and a detached brick garage with a metal roof located in the eastern portion of the site.

The site has an overall slope of 17.95% and falls 9.39m from the north-eastern corner of the site to the south-western corner of the site.

The site contains a number of trees, shrubs, ground-cover vegetation and areas of turf.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one (1) and two (2) storey dwelling houses of varying architectural styles within a landscaped setting.

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:

15 May 1967

Building Application A383/67 for the erection of a dwelling house was granted consent.

19 June 1967

Building Application A487/67 for the erection of a swimming pool was granted consent.

7 December 1977

Building Application A1289/77 for the erection of additions was granted consent. This application included the construction of a double garage and the conversion of the existing garage within the building footprint to a family room.

14 October 1987

Building Application 2484/87 for the erection of additions was granted consent.

4 April 1990

Building Application 713/90 for the erection of additions was granted consent.

10 October 2019

Development Application DA2019/0698 for the conversion of the existing garage to a secondary dwelling was withdrawn based on issues raised by Council during the assessment process in relation to the location of the existing garage, the permissibility of the secondary dwelling and the proposed off-street parking arrangement.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.

Section 4.15 Matters for Consideration'	Comments
	<p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Rossiter John Kerr	35 Raymond Road BILGOLA PLATEAU NSW 2107
Mr Trevan Charles Johns	10 Kemble Place BILGOLA PLATEAU NSW 2107

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

- Off-Street Parking; and
- Stormwater Disposal.

The matters raised within the submissions are addressed as follows:

- Off-Street Parking

Comment:

There is concern that the proposed carport may reduce on-street parking on Raymond Road, forcing vehicles to park on surrounding streets including Kemble Place, and that adequate off-street parking may not be available for both the existing dwelling house and the proposed secondary dwelling. It was also raised that there are issues with off-street parking and vehicular access on Kemble Place.

The proposed development provides two (2) off-street parking spaces with the proposed carport, which replaces the two (2) parking spaces lost due to the conversion of the existing garage to a secondary dwelling. In accordance with the requirements of Clause B6.3 Off-Street Vehicle Parking Requirements of the Pittwater 21 Development Control Plan (P21 DCP), a total of three (3) off-street parking spaces are to be provided within the subject site, being two (2) spaces for the principal dwelling and one (1) space for the secondary dwelling, therefore, the proposed development does result in a shortfall of one (1) parking space as per the requirement of the control. Despite the shortfall, the control allows for a variation to the considered for a secondary dwelling to reduce the required off-street parking to two (2) spaces per allotment. In this instance, due to the site constraints, including the topography and siting of the existing structures, the provision of two (2) off-street parking spaces for both the principal dwelling and secondary dwelling is considered to be adequate and acceptable. Refer to the discussion under Clause B6.3 of the P21 DCP within this report for further information.

The existing issues with off-street parking and access for vehicles on Kemble Place are not

matters for consideration in this development application, but can be raised with Council's Transport Network Department for further investigation.

This does not warrant the refusal of the development application.

- Stormwater Disposal

Comment:

There is concern regarding the disposal of the additional stormwater run-off generated by the increase in hard surface areas within the subject site as a result of the proposed development. It has also been noted that a rainwater tank has been noted in the documentation accompanying the development application, but is not clearly shown on the architectural plans and its use has not been specified.

The proposed development results in 25.15m² of additional hard surface areas on the subject site, which is attributed to the width of the proposed carport in comparison to the existing driveway. The remainder of the proposed works are to be constructed over existing hard surface areas. As per the requirements of Clause 5.7 Stormwater Management - On-Site Stormwater Detention, the proposed development does not result in 50m² or more of additional hard surface areas on the site, therefore, an on-site detention facility is not required to be provided. Council's Development Engineer has reviewed the proposed development and is satisfied that the additional stormwater run-off can be disposed of in the existing system. A condition will be included to ensure that the stormwater drainage works are certified as being compliant with all relevant Australian Standards and Codes by a suitably qualified person prior to the issue of the Occupation Certificate.

As part of the requirements listed in the BASIX Certificate (Cert No. 1021994S_02, dated 13 February 2020) submitted with the development application, a rainwater tank of at least 2,000 litres is to be provided on the site. Although this has not been indicated on the architectural plans, the requirements of the BASIX Certificate will be enforceable as part of the development consent. The BASIX Certificate outlines that the rainwater tank must be configured to collect rain runoff from at least 55m² of the roof of the secondary dwelling for re-use within the development, rather than connecting directly to the stormwater system, which will assist in the management of stormwater run-off within the site.

This does not warrant the refusal of the development application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Landscape Officer	The landscape component of this proposal is acceptable subject to

Internal Referral Body	Comments
	<p>landscaping and protection of existing trees.</p> <p>Councils Landscape Section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping</p> <p>It is noted that the exiting driveway crossover is required to be extended. Subsequently, one small street tree overhanging the drive will be required to be removed. No objections are raised to removal, subject to replacement street tree planting.</p> <p>No objections are raised to approval subject to conditions as recommended.</p>
NECC (Bushland and Biodiversity)	<p>This application was assessed against Pittwater LEP Clause 7.6 and Pittwater DCP B4.4 and B4.6. The proposal is for a conversion of the existing garage into a secondary dwelling, which includes slight widening of the driveway and extension of the garage structure. No native trees or vegetation are proposed to be removed or impacted.</p> <p>Council's Natural Environment - Biodiversity section supports the application.</p>
NECC (Development Engineering)	<p>No objection to approval, subject to conditions as recommended.</p> <p><u>Planner Comment:</u> The recommended condition from Council's Development Engineer for the creation of a new easement for the encroachment of the existing garage structure over the adjoining land parcel at 29 Raymond Road (Lot 63, DP 225582) has been placed as a deferred commencement requirement, rather than a requirement to be satisfied prior to commencement, to ensure that the easement is created before the consent becomes operational and before any works are undertaken. An additional requirement has also been added to ensure that the new easement addresses the proposed use of the structure as a secondary dwelling.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.</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. 1021994S_02, dated 13 February 2020).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	50

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Carport: 4.28m	N/A	Yes
	5.5m	Secondary Dwelling: 3.9m	N/A	Yes
Controls relating to Miscellaneous Permissible Uses (Floor Area for Secondary Dwellings):	Max 60m ²	41.87m ²	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	0.5m to Carport	92.31% (6m)	No
		12.77m to Secondary Dwelling	N/A	Yes (as existing)
Rear building line	6.5m	18.66m to Secondary Dwelling	N/A	Yes (as existing)

		31.6m to Carport	N/A	Yes
Side building line	2.5m (W)	28.98m to Secondary Dwelling	N/A	Yes
		30.1m to Carport	N/A	Yes
	1m (E)	Nil to Secondary Dwelling	100% (1m)	No (as existing)
		0.9m to Carport	10% (0.1m)	No
Building envelope	3.5m (W)	Within envelope	N/A	Yes
	3.5m (E)	Within envelope	N/A	Yes
Landscaped area	60% (844.98m ²)	26.72% (376.25m ²)	55.47% (468.73m ²)	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.3 Bilgola Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.11 Secondary Dwellings and Rural Worker's Dwellings	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
D3.1 Character as viewed from a public place	No	Yes
D3.2 Scenic protection - General	Yes	Yes
D3.3 Building colours and materials	Yes	Yes
D3.6 Front building line	No	Yes
D3.7 Side and rear building line	No	Yes
D3.9 Building envelope	Yes	Yes
D3.11 Landscaped Area - Environmentally Sensitive Land	No	Yes
D3.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

A1.7 Considerations before consent is granted

Use of Secondary Dwelling

As the existing dwelling house is located over two (2) allotments, being Lots 64 and 65 in DP 225582, the use of the secondary dwelling is authorised in conjunction with the existing dwelling house. In order to ensure that the use of the secondary dwelling remains consistent with the definition within the Dictionary of the Pittwater Local Environmental Plan 2014, which is copied below for reference, a condition will be placed stating that if the dwelling house, or part thereof, is demolished resulting in there being no dwelling house, or part thereof, on Lot 64 in DP 225582, the use of the secondary dwelling is to immediately cease.

"secondary dwelling means a self-contained dwelling that—

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

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings."

Easement for Secondary Dwelling

The existing garage structure encroaches on the adjoining parcel of land, being Lot 63 in DP 225582 (29 Raymond Road), and the proposed development seeks consent for alterations and additions to the existing structure, including the change the use of the structure to a secondary dwelling.

The applicant has provided a copy of an easement for support (S614759) of a variable width over the adjoining land parcel, dated 15 May 1981, which states the following:

"Full and free right in respect of any part of the south eastern corner of the garage of the Transferees which is erected upon that part of the servient tenement marked "proposed easement for support (variable width)" on the Plan annexed hereto and marked "B" to maintain and keep thereon any such part of such garage and to have any such part of such garage supported upheld and maintained by the soil and sub-soil of the land of the Transferors lateral and subjacent within such easement site the easement to ensure only while the said garage remains in existence and will lapse in the event of destruction or demolition of the said garage"

Due to concerns raised by Council in relation to the retention of the encroachment on the adjoining land parcel, the applicant engaged the services of a registered Surveyor to confirm the relative location of the garage in relation to the easement. The Surveyor's report, prepared by Michael Joyce of Waterview Surveying Services Pty Ltd and dated 11 September 2019, has been submitted with the current development application and states that in the opinion of the Surveyor, the existing easement does not entirely cover the existing garage structure.

Council's Development Engineer has reviewed the proposed development and has included a recommended condition for a new easement to be created prior to the commencement of works. It is noted that the existing easement refers to a garage and the proposed development seeks consent for the use of the structure as a secondary dwelling. In order to ensure that the easement is in place prior to the consent becoming operational and works being undertaken, the requirement for the creation of a new easement will be placed as a deferred commencement requirement.

B6.3 Off-Street Vehicle Parking Requirements

Description of non-compliance

The proposed development provides two (2) off-street parking spaces within the proposed carport.

The control requires three (3) off-street parking spaces to be provided, being two (2) spaces for the principal dwelling and one (1) space for the secondary dwelling, however, the control allows for a variation to be considered for a reduction in the car parking requirements for a secondary dwelling to a minimum of two (2) spaces per allotment on merit.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *An adequate number of parking and service spaces that meets the demands generated by the development.*

Comment

The proposed development provides two (2) off-street parking spaces within the proposed carport, which replaces the two (2) parking spaces lost due to the proposed conversion of the existing garage to a secondary dwelling. Due to the topography of the land and the existing development on the site, providing an additional parking space would be difficult, therefore, despite the proposed development resulting in a shortfall of one (1) parking space as per the control, the provision of two (2) off-street parking spaces is considered to be sufficient in meeting the demands generated by the development.

- *Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*

Comment

Although the provision of the carport results in an increase in the amount of hard surface areas on the site, the off-street parking provided is functional and minimises adverse visual and environmental impacts, while also maximising pedestrian and vehicle safety. Council's Development Engineer has also reviewed the proposed development and is satisfied that the additional stormwater run-off can be disposed of into the existing system.

- *Safe and convenient parking.*

Comment

The proposed development provides safe parking within the carport, which is also convenient in terms of its location close to the primary entry point to both the principal dwelling and secondary dwelling.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

B8.3 Construction and Demolition - Waste Minimisation

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

C1.3 View Sharing

At the site inspection, it was identified that the dwelling house located opposite the subject site at 37 Terama Street may be impacted by the proposed development in terms of view loss. A site inspection was not undertaken to 37 Terama Street as part of this assessment and a submission was not received in relation to view loss as a result of the proposed development, however, this assessment has considered the impacts of the potential view loss.

The views attainable comprise water views of the South Pacific Ocean, including the interface between land and water at Collaroy Beach, as well as land views of Turimetta Head, Long Reef Headland and North Head to the south-east, and district views over the Northern Beaches to the Sydney Central Business District to the south and south-west. The views would be attainable from the three (3) first floor windows on the southern elevation of the dwelling house, which are understood to be two (2) bedrooms and a lounge room.



Photo: View obtained from the road reserve adjoining 37 Terama Street, taken from a standing position at ground level.

The Survey Plan, prepared by Waterview Surveying Services and dated 5 September 2019, indicates that the three (3) first floor windows have a sill level of between 140.89 AHD and 140.91 AHD, with a head level of between 142.03 AHD and 142.04 AHD. The proposed carport roof has a maximum height of 141.02 AHD. Given the similar height and distance between the proposed carport structure and the windows of the dwelling house, and the open nature of the carport structure, it is considered that the views will be retained over and through the proposed structure, with only a minor portion of the view being obscured. In order to ensure that the view is not further obscured, a condition will be included stating that the carport structure is not to be further enclosed.

As such, it is considered that the proposed development complies with the requirements of this control in relation to the development achieving a reasonable sharing of views.

D3.1 Character as viewed from a public place

Description of non-compliance

The proposed garage is located forward of the front building line and in front of the existing dwelling house on the subject site.

The control states that parking structures must be located behind the front building line, preferably set back further than the primary building.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *To achieve the desired future character of the Locality.*

Comment

The proposed development achieves the desired future character of the Bilgola Locality.

- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)*

Comment

The proposed carport responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment by being sited in the location of the existing driveway, which allows for the majority of the existing vegetation on the site to be retained.

- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

Comment

The proposed carport enhances the existing streetscape of Raymond Road by being of minimal overall height and of an open style design. The proposed development promotes a scale and density that is in keeping with the height of the natural environment by being located generally below the height of the existing trees and vegetation within the subject site and on adjoining properties.

- *The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)*

Comment

Although the proposed carport is located in close proximity to the street frontage and does not incorporate any landscaping or vegetation forward of the structure, the retention of the existing landscaping and vegetation within the subject site, as well as the replacement of the existing street tree with a native street tree, will ensure that the visual impact of the built form is secondary to landscaping and vegetation. As the subject site is located within a residential area, the aspect of the outcome relating to commercial areas and the like is not applicable.

- *High quality buildings designed and built for the natural context and any natural hazards. (En, S)*

Comment

The proposed carport has been designed and will be built for the natural context by retaining the majority of the existing vegetation within the subject site and by replacing the existing small street tree with a native street tree.

- *Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)*

Comment

The proposed carport is located at street level, is of minimal overall height and is of an open style design, therefore ensuring that the building does not dominate the streetscape of Raymond Road. The proposed carport is at 'human scale' and is equivalent in height to a single storey building when viewed from the street.

- *To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.*

Comment

The proposed carport is of minimal overall height and is of an open style design to ensure that district and local views which reinforce and protect Pittwater's natural context are preserved and enhanced over and through the structure.

- *To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.*

Comment

The proposed development retains the majority of the existing vegetation within the site, including the large Gum tree located in the north-western corner of the site, and replaces the existing small street tree with a native street tree, which ensures that the bushland vista of Pittwater as the predominant feature of the landscape is enhanced, with the built form, including

the proposed carport, being a secondary component.

- *To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)*

Comment

The proposed development will compliment the landscape character, public use and enjoyment of the adjacent public domain, specifically Raymond Road, through the retention of the majority of the vegetation within the subject site and the replacement of the existing small street tree with a native street tree.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D3.3 Building colours and materials

A Schedule of Colours and Materials with samples was not submitted with the development application, however, the Statement of Environmental Effects states that the proposed development complies with the dark and earthy tones requirement under this control. A condition of consent will be included to ensure that a Schedule of Colours and Materials is submitted demonstrating compliance with these requirements prior to the issue of a Construction Certificate.

D3.6 Front building line

Description of non-compliance

The proposed development provides a 0.5m setback from the front boundary to the posts of the carport.

The control requires a 6.5m front building line, however, the control allows for a variation to be considered for a reduced or nil setback for parking structures on steeply sloping sites, where all other structures on the site satisfy or exceed the minimum building line applicable and where the outcomes of the control are achieved. In this case, the portion of the site over which the carport is to be located has an overall slope of 23.56%, falling 1.72m over a distance of 7.3m from the front boundary to the rear of the carport structure, and the existing dwelling house and proposed secondary dwelling both exceed the minimum 6.5m building line.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *Achieve the desired future character of the Locality.*

Comment

The proposed development achieves the desired future character of the Bilgola Locality.

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

Comment

The proposed carport is of minimal overall height and is of an open style design, therefore allowing for the equitable preservation of views to and/or from both public and private places.

- *The amenity of residential development adjoining a main road is maintained. (S)*

Comment

The subject site adjoins a local road, therefore this outcome is not applicable.

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

Comment

The proposed development requires the removal of one (1) small street tree within the road reserve, which is to be replaced as part of this development consent, but otherwise retains the existing vegetation on the site, with the exception of one (1) small shrub located within the footprint of the proposed carport. As the existing vegetation on the site is sufficient in visually reducing the built form, it is not considered necessary to further enhance vegetation within the site.

- *Vehicle manoeuvring in a forward direction is facilitated. (S)*

Comment

The proposed carport does not facilitate vehicle manoeuvring in a forward direction, however, due to the location of the carport within the front setback area and the topography of the land, this would be difficult to achieve without additional environmental and visual impacts. The proposed development has been reviewed by Council's Development Engineer, who has not raised concern over the proposed vehicle manoeuvring. In this case, it is not deemed necessary to facilitate vehicle manoeuvring in a forward direction.

- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

Comment

The proposed carport enhances the existing streetscape of Raymond Road by being of minimal overall height and of an open style design. The proposed development promotes a scale and density that is in keeping with the height of the natural environment by being located generally below the height of the existing trees and vegetation within the subject site and on adjoining properties.

- *To encourage attractive street frontages and improve pedestrian amenity.*

Comment

The proposed carport encourages an attractive street frontage by being of minimal overall height and of an open style design, and improves pedestrian amenity by providing a staircase from the finished floor level of the proposed carport to existing ground level.

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

Comment

The proposed development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment by siting the proposed carport in the location of the existing driveway.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D3.7 Side and rear building line

Description of non-compliance

The proposed development provides a 0.9m setback from the eastern side boundary to the posts of the carport and retains the existing garage structure which partially encroaches on the adjoining land at 29 Raymond Road, but is taken to have a nil setback.

The control requires a 2.5m setback to at least one side, and a 1.0m setback to the other side. Based on the compliance of the proposed development with the 2.5m setback requirement from the western side boundary, the 1.0m setback is taken to apply to the eastern side boundary.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *To achieve the desired future character of the Locality. (S)*
Comment
 The proposed development achieves the desired future character of the Bilgola Locality.
- *The bulk and scale of the built form is minimised. (En, S)*
Comment
 The proposed carport structure is of minimal overall height and is of an open style design, therefore, the bulk and scale of the built form is minimised.
- *Equitable preservation of views and vistas to and/or from public/private places. (S)*
Comment
 As above, the proposed carport is of minimal overall height and is of an open style design, therefore allowing for the equitable preservation of views to and/or from both public and private places.
- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
Comment
 The proposed development encourages view sharing by locating the proposed carport at street level and in the location of the existing driveway, and by being of an open style design to allow views to be obtained through the structure, therefore demonstrating the complimentary siting of buildings and responsive design. The proposed landscaping comprises the replacement street tree which will be well-positioned within the road reserve to encourage view sharing.
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
Comment
 The proposed development ensures that a reasonable level of privacy, amenity and solar access is provided within the development site, and is also maintained to adjoining and surrounding residential properties, by retaining the eastern wall of the secondary dwelling as a solid wall and by minimising the overall height of both structures.
- *Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*
Comment
 The proposed development maintains the majority of the existing vegetation, which although is not substantial, is sufficient in providing a landscaped setting for both the principal dwelling and secondary dwelling. The proposed development does not require the removal of any mature canopy trees and provides an attractive streetscape by incorporating an open style design to the carport.
- *Flexibility in the siting of buildings and access. (En, S)*
Comment
 The proposed development demonstrates flexibility in the siting of buildings and access by

locating the proposed carport in the location of the existing driveway and by locating the secondary dwelling generally within the footprint of the existing garage structure.

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

Comment

The proposed development requires the removal of one (1) small street tree within the road reserve, which is to be replaced as part of this development consent, but otherwise retains the existing vegetation on the site, with the exception of one (1) small shrub located within the footprint of the proposed carport. As the existing vegetation on the site is sufficient in visually reducing the built form, it is not considered necessary to further enhance vegetation within the site.

- *To ensure a landscaped buffer between commercial and residential zones is established.*

Comment

The subject site is located within, and is surrounded by, an environment protection zone, therefore, this outcome is not applicable.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D3.11 Landscaped Area - Environmentally Sensitive Land

Required Landscaped Area: 60% or 844.98m²

Existing Landscaped Area: 28.5% or 401.4m²

Proposed Landscaped Area: 26.72% or 376.25m²

Proposed Landscaped Area (with variations): 27.72% or 390.35m²

The proposed landscaped area on the site does not meet the 60% requirement of this control, however, the landscaped area currently provided on the site is also deficient of this requirement, as per the above calculations.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

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

Comment

The proposed development achieves the desired future character of the Bilgola Locality.

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

Comment

The proposed carport is of minimal overall height and is of an open style design, with the proposed secondary dwelling being generally located within the footprint of the existing garage structure, therefore, the bulk and scale of the built form is minimised. From an overall site perspective, the bulk and scale of the built form has been minimised by siting the proposed development generally over existing hard surface areas.

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

Comment

The proposed development ensures that a reasonable level of amenity and solar access is provided within the development site, and is maintained to adjoining and surrounding residential

properties, by being of minimal overall height and of an open style design.

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

Comment

The proposed development requires the removal of one (1) small street tree within the road reserve, which is to be replaced as part of this development consent, but otherwise retains the existing vegetation on the site, with the exception of one (1) small shrub located within the footprint of the proposed carport. As the existing vegetation on the site is sufficient in visually reducing the built form, it is not considered necessary to further enhance vegetation within the site.

- *Conservation of natural vegetation and biodiversity. (En)*

Comment

The proposed development conserves natural vegetation and biodiversity by replacing the existing street tree with a native tree and by generally retaining the existing vegetation within the subject site.

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

Comment

Although the proposed development increases the amount of hard (impervious) surface on the site and does not technically reduce stormwater run-off, Council's Development Engineer has reviewed the proposed development and is satisfied that the additional stormwater run-off can be disposed of into the existing stormwater system, therefore preventing soil erosion and siltation of natural drainage channels.

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

Comment

The proposed development requires the removal of a small street tree and a shrub located within the footprint of the proposed carport, but generally retains the existing vegetation on the site, including the large Gum tree in the north-western corner of the site, and includes the replacement of the street tree with a native tree, therefore preserving and enhancing the rural and bushland character of the area.

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

Comment

Although the proposed development seeks to increase the amount of hard (impervious) surface on the site, the amount of soft surface to be provided is considered to be maximised based on the extent of the existing development on the site and development on adjoining and surrounding sites, therefore providing for the infiltration of water to the water table, minimising run-off and assisting with stormwater management. As above, Council's Development Engineer has reviewed the proposed development and is satisfied that the additional run-off can be disposed of into the existing stormwater system.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within Section 95 of the EP&A Regulation 2000 to DA2020/0282 for Construction of a secondary dwelling and carport on land at Lot 64 DP 225582,31 Raymond Road, BILGOLA PLATEAU, Lot 65 DP 225582,31 Raymond Road, BILGOLA PLATEAU, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

DEFERRED COMMENCEMENT CONDITIONS

1. Creation of New Easement

A new easement shall be created burdening 29 Raymond Road, Bilgola Plateau (Lot 63 DP225582) and benefiting 31 Raymond Road, Bilgola Plateau (Lot 64 DP 225582).

The new easement for encroachment shall encompass all structures, including any foundations, that encroach on 29 Raymond Road, Bilgola Plateau (Lot 63 DP225582) and shall address the proposed use of the structure as a secondary dwelling.

Proof of registration of the new easement with NSW Land Registry Services is to be submitted to Council.

Reason. To ensure an easement of encroachment is created.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
1-2 838 17 HD, Site Plan, Secondary Dwelling Floor Plan, Elevations and Section	May 2019	High Design
2-2 838 179 HD, Site Plan, Carport Floor Plan, Elevations and Section	May 2019	High Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (Cert No.	13 February 2020	Sustainability-Z Pty Ltd

1021994S_02)		
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b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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.

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 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.

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 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 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming

pools

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

Reason: To ensure adequate protection of Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

6. **Vehicle Driveway and Parking Area Gradients**

Driveway gradients and the proposed parking area within the private property are to comply with AS/NZS 2890.1:2004. Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. The gradients for the parking facility are not to exceed 1 in 20 (5%).

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

Reason: To ensure suitable vehicular access to private property.

7. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

8. **Fire Separation - External Walls**

The external walls of the proposed secondary dwelling where less than 900mm from an allotment boundary or less than 1.8m from another building on the same allotment other than an appurtenant Class 10 building or a detached part of the same Class 1 building shall have a FRL 60/60/60. Any openings within these walls are to be protected in accordance with Part 3.7 of the Building Code of Australia –‘Fire Safety’.

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

Reason: To ensure adequate provision is made for fire safety and for building occupant safety.

9. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council’s Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

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 Certifying Authority prior to the issue of the Construction Certificate.

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

11. **External Colours and Materials**

The external colours and materials shall be dark and earthy tones, non-glare and of low reflectivity, in accordance with the requirements of Clause D3.3 of the Pittwater Development Control Plan 2014. White, light coloured, red or orange roofs and walls are not permitted. The

external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

A Schedule of Colours and Materials which satisfactorily achieves the above requirement shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the external colours and materials comply with Council's requirements for dark and earthy tones.

12. Sydney Water "Tap In"

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

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

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

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

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

13. Waste Management Plan

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

14. Tree protection

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

15. **Tree removal within the road reserve**

i) This consent includes approval to remove the following trees located within the road reserve:

Species	Location
1 x <i>Prunus</i> sp.	Raymond Road road reserve forward of the property to accommodate the new driveway crossover

ii) Removal of approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor.

iii) Details of currently approved tree contractors can be obtained from Northern Beaches Council Public Trees Section prior to removal.

Reason: Public liability.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. **Maintenance of Road Reserve**

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

Reason: Public Safety.

17. **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.

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

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

19. Vehicle Crossings

The Applicant is to construct one vehicle crossing 5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

20. Protection of rock and sites of significance

- a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.
- b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

21. 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 Certifying Authority.

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

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

22. Stormwater Disposal

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

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

23. Required Planting

Trees shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Minimum Pot Size

1	<i>Callistemon</i> sp (Bottlebrush) such as <i>Callistemon</i> 'Kings Park Special', <i>Callistemon</i> 'Hannah Ray' or <i>Callistemon</i> <i>viminallis</i>	Raymond Road road reserve forward of the property, clear of driveway sightlines and generally in alignment with other street trees.	25 litre
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Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To maintain environmental amenity.

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

24. **Carport not to be Enclosed**

All sides of the carport are to remain open and are not to be enclosed by any means, other than by the balustrade indicated on the approved plans.

Reason: To ensure the reasonable sharing of views.

25. **Use of Secondary Dwelling**

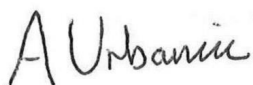
The use of the secondary dwelling is to be in conjunction with the existing dwelling house.

Should the dwelling house, or part thereof, be demolished resulting in there being no dwelling house, or part thereof, on Lot 64 in DP 225582, the use of the secondary dwelling is to immediately cease.

Reason: To ensure that the secondary dwelling remains on the same lot of land as the principal dwelling.

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

Signed



Adam Urbancic, Planner

The application is determined on 22/07/2020, under the delegated authority of:



Rodney Piggott, Manager Development Assessments