

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0053
Responsible Officer:	Gareth David
Land to be developed (Address):	Lot 101 DP 842992, 141 Powderworks Road ELANORA HEIGHTS NSW 2101
Proposed Development:	Alterations and additions to a dwelling house and construction of an attached dual occupancy
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Naomi Noffs Matthew Simon Noffs
Applicant:	Naomi Noffs
Application Lodged:	22/01/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Other
Notified:	12/02/2020 to 26/02/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 859,996.00

PROPOSED DEVELOPMENT IN DETAIL

Development consent is sought for alterations and additions to an existing dwelling to create a part single, part two storey attached dual occupancy. The proposed works includes:

- The construction of a new attached, two storey, three bedroom dwelling.
- New flat roof on the existing dwelling
- Internal reconfiguration of the existing dwelling
- Construction of a new addition to the existing dwelling to provide an additional bedroom and new deck
- Relocation of portion of the western boundary fence to be located on the boundary
- Construction of a new internal fence around the proposed dual occupancy private open space

- Demolition of existing driveway and provision of new "Grass-cell" grassed internal driveway, turning area and four (4) car hardstand parking area
- New colours and finishes to the existing dwelling to match the proposed attached dwelling.

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 Local Environmental Plan 2014 - 4.1B Minimum lot sizes for dual occupancies

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)

Pittwater 21 Development Control Plan - D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)

Pittwater 21 Development Control Plan - D5.9 Landscaped Area - Environmentally Sensitive Land

Pittwater 21 Development Control Plan - D5.11 Fences - General (Excluding Elanora Heights Village Centre)

SITE DESCRIPTION

Property Description:	Lot 101 DP 842992 , 141 Powderworks Road ELANORA HEIGHTS NSW 2101
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northern side of Powderworks Road.</p> <p>The site is irregular in shape with a frontage of 21.98m along Powderworks Road and a depth of 53.35m (eastern boundary) and 50.76m (western boundary). The site has a surveyed area of 1017.5m².</p>

The site is located within the R2 - Low Density Residential zone and accommodates a part single/part two storey dwelling house located towards the rear of the site.

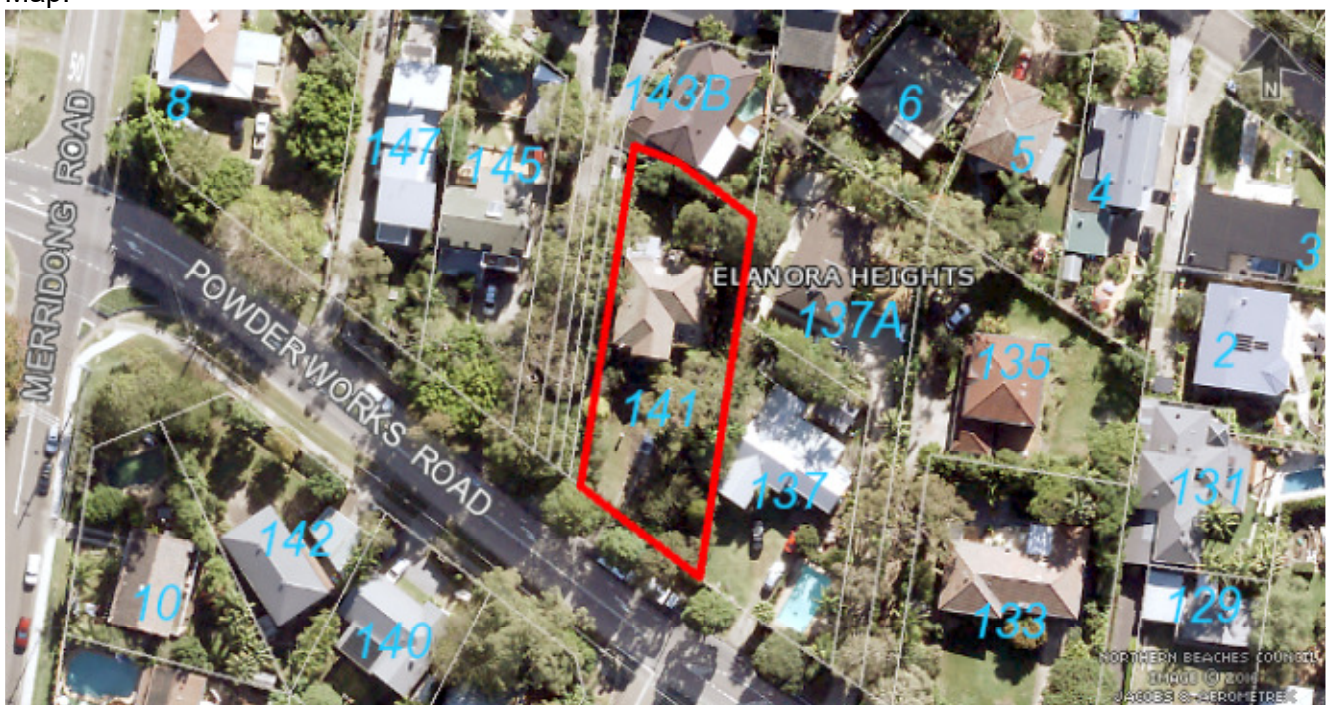
The site slopes down from the northern boundary (RL77.34) to the southern boundary (RL71.6) with a fall in level of approximately 5.8m from the rear of the site to the street frontage.

The site consists of a high level of vegetation and tree planting along the side boundaries and incorporates a large lawn towards the front of the house. The site also consist of a smaller lawn area and prominent rock outcrop towards the rear.

Detailed Description of Adjoining/Surrounding Development

The site is adjoined to the west by a series of driveways which service battleaxe properties to the north. Surrounding development is characterised by one (1) and two (2) storey residential dwelling houses of varying architectural styles.

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:

- DA2019/0614 for the alterations and additions to a dwelling house and construction of an attached dual occupancy was withdrawn on 02/08/2019. This application was withdrawn following a request from Council due to a requirement for information regarding on-site stormwater detention and insufficient parking.

APPLICATION HISTORY

04 March 2020

Council wrote to the applicant, raising concerns relating to:

- Insufficient information to address Off-Street Vehicle Parking Requirements

24 March 2020

Amended plans and additional information received to support the application

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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to traffic and parking assessment for the site.</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</p>

Section 4.15 Matters for Consideration'	Comments
	<p>been addressed via a condition of consent.</p> <p>Clause 98 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>Clause 98 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>Clause 143A 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 of the application Council received no submissions.

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>
Environmental Health (unsewered lands)	<p>General Comments</p> <p>Environmental Health has reviewed the information on file and finds no triggers for conditions relating to sewage treatment on-site -the property is connected to sewer. We did note the air conditioning unit located on the western boundary -has the potential to create noise nuisance to surrounding residents. In this instance a driveway separates the air conditioning unit from the adjacent premise and thus there is less likely to be an impact due to attenuation by distance. We recommend the applicant consider the noise created by such a (mechanical plant) unit and if there are ways to mitigate the noise impacts -noting that the <i>Protection of the Environment Operations (Noise Control) Regulation 2017</i> declares noise from an air conditioning unit must not be audible in a habitable room between the hours of 10 pm and 7 am.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>
Landscape Officer	<p>A further assessment of the proposal following amended plans is undertaken by Landscape Referral in consideration of a reduction in landscaped area to accommodate on-site car parking. It is considered that the reduction to 55.4% landscaped area maintains compliance with the landscape outcomes of the Pittwater 21 DCP, based on the front setback distance supporting existing vegetation and capable of supporting further planting, thus continuing to soften the built form.</p> <p>The proposal is for the construction of a new attached dual occupancy, is acceptable in terms of landscape outcome, subject to the protection of the existing trees and vegetation, and the completion of landscaping.</p> <p>Council's Landscape Referral is assessed the proposal against the</p>

Internal Referral Body	Comments
	<p>following Pittwater 21 DCP Controls: B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping C1.8 Dual Occupancy Specific Controls D5 Elanora Heights Locality</p> <p>A Arboricultural Impact Assessment report is provided in accordance with DA Lodgement Requirements, assessing existing trees in close vicinity to development, and conditions of consent shall be imposed to protect existing trees and vegetation. One tree identified as T3 (Weeping Bottlebrush) is recommended for removal due to the impact of development. Additional vegetation removal is shown on the Landscaping Concept Plan for removal to accommodate the works. All other existing trees over 5 metres in height shall be retained and protected.</p> <p>A Landscape Plan is provided. The site is extensively landscaped with trees over 5 metres in height and understorey planting that will not be impacted by development, with the new building being predominately pier and footing construction, and thus will maintain compliance with the relevant landscape controls of the DCP to preserve existing trees. One replacement tree planting shall be conditioned within the site. No landscaping works including planting is permitted within the road verge.</p>
NECC (Development Engineering)	<p>The submitted concept drainage design including on-site stormwater detention (OSD) is considered to be satisfactory. The proposal includes the provision of an OSD tank under proposed bedroom 1 of the front dwelling. It is considered that Council's Environmental Health team must review this proposal to ensure it meets Building Code requirements.</p> <p>The proposal includes the provision of 4 parking spaces which complies with the number required in the DCP. The design of the spaces in terms of their length i.e. 4.8 metres in lieu of 5.5 metres does not comply with AS/NZS 2890.1:2004. Also the submitted turning paths for car spaces 3 and 4 conflicts with car spaces 2 and 1 respectively. The driveway crossing width will also need to be widened to suit the turning path which has not been shown on the plans. There are no proposed levels shown for the parking area to assess if the grades comply with the standard. In this regard a revised parking layout complying with all of the relevant requirements of the standard must be provided for the proposal.</p> <p>Development Engineers cannot support the application due to insufficient information to address Off-Street Vehicle Parking Requirements in accordance with Clause B6.3 of Pittwater 21 DCP 2014.</p> <p>Additional Information Submitted 24/03/2020</p> <p>No objection to position of OSD tank raised by Environmental Health.</p>

Internal Referral Body	Comments
	<p>The revised parking design including levels has been assessed and is satisfactory subject to conditions.</p> <p>No objection to approval, subject to conditions as recommended.</p>
NECC (Water Management)	<p>This application was assessed under Pittwater 21 DCP B5.8 Water Quality Pittwater 21 DCP B8.2 Sediment and Erosion</p> <p>This development must capture coarse sediments and organic matter prior to stormwater being discharged from the property. Sediment and erosion controls must be installed prior to any work on site and maintained until all work is complete and groundcover re-established.</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.A323325_06 dated 13/01/2020 and Certificate No.1003317M_03 dated 13/01/2020). The BASIX Certificate is supported by an NatHERS Certificate (see Certificate No.0003717640 25/03/2019).

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
Minimum lot sizes for dual occupancies	800sqm	Lot size: 1017.5sqm	N/A	Yes
Height of Buildings:	8.5m	6.8m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.1B Minimum lot sizes for dual occupancies	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment

4.1B Minimum lot sizes for dual occupancies

4.1B Minimum lot sizes for dual occupancies

(1) The objectives of this clause are as follows—

- (a) to achieve planned residential density,
- (b) to maintain a high level of residential amenity, including adequate provision of private open space.

(2) Development consent may only be granted to development on a lot for the purpose of a dual occupancy if—

- (a) the development is permitted on that lot with development consent, and
- (b) the area of the lot is equal to or greater than 800 square metres.

The area of the lot is 1017.5sqm

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	6.5m (Parking Platform) 7.5m (Dual Occupancy)	N/A	Yes
Rear building line	6.5m	10.8m	N/A	Yes
Side building line	2.5m (east)	Nil (Parking Platform) 3.0m (Dual Occupancy)	100%	No
	1.0m (west)	1.0m	N/A	Yes
Building envelope	3.5m	Within envelope (west)	N/A	Yes
	3.5m	Within envelope (east)	N/A	Yes
Landscaped area	60% (610.5sqm)	47.5% (483.5sqm)	20.9%	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.5 Elanora Heights Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.3 Greywater Reuse	Yes	Yes
B5.4 Stormwater Harvesting	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.7 Transport and Traffic Management	Yes	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
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.8 Dual Occupancy Specific Controls	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)	No	Yes
D5.2 Scenic protection - General	Yes	Yes
D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.5 Front building line (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)	No	Yes
D5.7 Building envelope (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.9 Landscaped Area - Environmentally Sensitive Land	No	Yes
D5.11 Fences - General (Excluding Elanora Heights Village Centre)	No	Yes
D5.13 Construction, Retaining walls, terracing and undercroft areas (Excluding Elanora Heights Village Centre)	Yes	Yes

Detailed Assessment

C1.5 Visual Privacy

The proposed attached Dual Occupancy incorporates a first floor deck facing east. An elevated east facing deck is also proposed on the existing dwelling. Given the high level of trees and screen planting on the eastern boundary, it is not considered that these decks will create privacy impacts to adjoining neighbours.

D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)

Description of non-compliance

The control requires that *Parking structures must be located behind the front building line, preferably set back further than the primary building and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.*

The proposed hardstand area would be located in front of the primary building and would be greater than 50% of the lot frontage.

Merit Assessment

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

To achieve the desired future character of the Locality.

Comment

The proposal is generally consistent with the desired future character statement of Elanora Heights.

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

Comment

The proposal is a reasonable response to the topography and existing location of the dwelling on site. The proposed parking area is grassed hardstand space with no associated structure which will allow for views through and help to maintain a generally open feel to the front setback area. The proposal would maintain a high level of vegetation and tree planting on site.

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

Comment

The site has an existing 1.8m front fence. Given the proposed parking is grassed hardstand space with no associated structures, it would not be readily visible to the public and would not promote a scale and density that is out of keeping with the height of the surrounding natural environment.

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.

Comment

As discussed, the hardstand space would not be readily visible to the public. Furthermore, the front setback would support existing vegetation and be capable supporting further planting, thus continuing to soften the built form.

High quality buildings designed and built for the natural context and any natural hazards.

Comment

The proposal would maintain a high level of vegetation and screen planting and would blend into the natural context of the site. The site is not affected by any natural hazards.

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

Comment

The proposal would be adequately setback from the street frontage. The proposal would present as a two-storey building.

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

Comment

The proposal would reasonably maintain views.

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 front setback would support existing vegetation and be capable supporting further planting, thus enabling the bushland vista of to remain as the predominant feature of the landscape when viewed from the public domain.

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.

Comment

As discussed, the front setback would support existing vegetation and be capable supporting further planting enabling the proposal to compliment the landscape character of the area.

D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)

Description of non-compliance

The Control requires built structures, including carparking, to be setback a minimum of 1.0m from one side boundary and 2.5m from the other side boundary. The proposal includes the construction of a four (4) car hardstand space which would have nil setback to the eastern side boundary. Given the proposed hardstand would be at a 45 degree angle to this side boundary, only the north eastern corner of the hardstand area would be outside the side setback requirement.

Merit Consideration

With regard to the consideration for the variation, the development is considered under the outcomes of the control below:

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

Comment:

The proposal will not be visually prominent when viewed from the street. The proposal will not result in any unreasonable impacts on the desired future character of the locality.

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

Comment:

The proposed hardstand space does not include any associated structure and would therefore not result in unreasonable bulk and scale. Existing and proposed shrubs and trees of a medium height would be located along the eastern and southern boundary within the front setback which will significantly minimise the bulk and scale of the built form.

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

Comment:

The proposal will not result in the disruption of views or vistas from public or private spaces.

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

Comment:

The proposal will not result in any unreasonable disruption of views within the locality.

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 hardstand space would be open and not have any associated structure. Furthermore,

existing and proposed shrubs and trees of a medium height would be located along the eastern side boundary. Therefore, considered that there would be no unreasonable impact on neighbouring amenity.

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

Comment:

The proposed development retains the existing mature tree canopy located within the subject site and also retains a vegetation buffer within the front setback adjoining Road Reserve, promoting an attractive streetscape. Council's Landscape Officer has reviewed the proposal and raised no objection. The non-compliance with the landscaped area control has been assessed in further detail below. In summary the assessment found the non-compliance to be satisfactory.

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

Comment:

Only a relatively small portion of the proposed hardstand space would be non compliant with the side setback control. The vast majority of the proposal would maintain be compliant with the minimum side setbacks and would allow reasonable access to the proposed dwellings.

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

Comment:

The proposal does not include the removal of any significant vegetation and will not result in an unreasonable built form within the locality.

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

Comment:

As discussed, the proposal retains the existing mature tree canopy located within the subject site and also retains a vegetation buffer within the front setback adjoining Road Reserve, thus preserving the bushland character of the area.

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

Comment:

Not applicable.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of P21DCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D5.9 Landscaped Area - Environmentally Sensitive Land

Description of non-compliance

The proposed development includes a non-compliant landscaped area of 47.5% (483.5sqm) where 60% of the site is required. The proportion of site coverage resulting from the dual occupancy equates to 33% of the subject site. The remainder of the proposed additional site coverage is as a result of the proposed "Grass-cell" grassed driveway, turning area and hardstand area and ground level decks/terraces used for outdoor recreation.

Merit assessment

With regard to this numerical non-compliance, the proposal is considered against the underlying outcomes of the control as follows:

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

Comment

The proposal contains a sufficient portion of landscaped area and vegetation within the subject site which assists in screening the built form. Therefore the proposal is considered to achieve the desired future character of the locality.

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

Comment

The proposed built form would comply with maximum height and building envelope controls. The proposed dual occupancy provides appropriate building articulation and modulation along each of its elevations and has a footprint on the site that reflects the P21DCP controls. As stated above, the landscape plan details new and existing trees and vegetation to assist in reducing the perceived bulk and scale of the development from the public domain and adjacent properties.

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

Comment

The proposed development is adequately designed and orientated to maintain a reasonable level of amenity and solar access to adjacent properties.

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

Comment

The proposed development retains and proposes adequate vegetation and landscaping within the front and rear yards and along the side boundaries in order to reduce the visual impact of the proposed works.

Conservation of natural vegetation and biodiversity. (En)

Comment

As above, the proposed development retains and proposes adequate vegetation and landscaping throughout the site. No major trees are required to be removed in relation to the proposed development. Council's Landscape Officer has reviewed the proposal and raised no objection.

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

Comment

The proposal has been reviewed by Council's Development Engineer, having regard to provisions for stormwater management and has raised no objections.

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

Comment

The proposed development is adequately landscaped in order to retain the natural character of the site and locality.

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

The site will retain sufficient soft surface areas to assist with stormwater infiltration and management. Natural infiltration will be facilitated using permeable "Grass-cell" paving for the car parking and manoeuvring areas.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of P21DCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D5.11 Fences - General (Excluding Elanora Heights Village Centre)

The site has an existing 1.8m tall front and side boundary paling fence. Council's records indicate that no approval has been obtained for this fence, which would not fall under the required standards of exempt development within *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Hence, the existing fence is unauthorised development. As discussed later in this report, this matter is to be referred to Council's Compliance Department for further investigation. This development application does not authorise the existing front fence.

The application proposes to relocate a section of the existing western side boundary paling fence to be along the site boundary. A portion of this fence is located within the front building setback and would be 1.8m in height, contrary to the requirements of P21DCP which specifies side fences within the front building setback shall not exceed 1.0m above existing ground level. Given the high level of proposed planting within the front setback of the site, combined with the fact that there would be no privacy issues to the west (as the site adjoins driveways which service the battle axe properties to the north), it is considered that a 1.8m tall fence within the front setback is excessive and unnecessary in this instance. A condition is to be imposed to ensure the western side boundary fence forward of the proposed building line be no higher than 1.2m in height.

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

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$8,600 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$859,996.

The site has an existing 1.8m tall front and side boundary paling fence. Council's records indicate that no approval has been obtained for this fence, which would not fall under the required standards of exempt development within *State Environmental Planning Policy (Exempt and Complying Development*

Codes) 2008. Hence, the existing fence is unauthorised development. This matter is to be referred to Council's Compliance Department for further investigation. This development application does not authorise the existing front fence.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0053 for Alterations and additions to a dwelling house and construction of an attached dual occupancy on land at Lot 101 DP 842992, 141 Powderworks Road, ELANORA HEIGHTS, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp
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Drawing No.	Dated	Prepared By
DA-10 Rev. A9 (Site Plan)	06/04/2020	4plan
DA-11 Rev. A6 (Dual Occupancy Ground Floor Plan)	23/09/2019	4plan
DA-12 Rev. A6 (Dual Occupancy First Floor Plan)	23/09/2019	4plan
DA-13 Rev. A6 (Proposed Alterations to Existing Floor Plan)	23/09/2019	4plan
DA-14 Rev. A6 (Roof Plan)	23/09/2019	4plan
DA-15 Rev. A6 (Demolition Plan)	23/09/2019	4plan
DA-20 Rev. A8 (Elevations)	21/03/2020	4plan
DA-21 Rev. A8 (Elevations)	21/03/2020	4plan
DA-22 Rev. A6 (Sections)	23/09/2019	4plan
DA-32 Rev. A8 (Finishes and Colours)	21/03/2020	4plan

Engineering Plans		
Drawing No.	Dated	Prepared By
11682-C1.00 Rev.B	18/09/2019	Waddington Consulting Pty Ltd
11682-C1.01 Rev.B	18/09/2019	Waddington Consulting Pty Ltd
11682-C1.02 Rev.B	18/09/2019	Waddington Consulting Pty Ltd
DA-02 Rev. A6 (Site Staging and Sedimentation Control)	23/09/2019	4plan

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Traffic and Parking Report (Ref:164/2020)	19/03/2020	Transport and Traffic Planning Associates
Arboricultural Impact Assessment	17/03/2019 received 24/03/2020	Complete Arborcare
BASIX Certificate (Ref: A323325_06)	13/01/2020	4plan
BASIX Certificate (Ref: 1003317M_03)	13/01/2020	4plan

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:

Landscape Plans		
Drawing No.	Dated	Prepared By
DA-16 Rev. A9	06/04/2020	4plan
Planting Schedule	-	Wilder Gardens

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	08/01/2020	Matt and Naomi Noffs

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. No Approval for Subdivision

No approval is granted under this Development Consent for any subdivision of the property or land.

Reason: To ensure compliance with the relevant Local Environmental Plan.

3. Prescribed conditions (Demolition):

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

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

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

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

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

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

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

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the

building being erected or demolished.

(iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Reason: Legislative Requirement.

4. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the

footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

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

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- o 8.00 am to 5.00 pm Monday to Friday only.

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

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

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

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

(e) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

(i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

6. General Requirements

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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) 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.

7. **Front fence**

This consent does not authorise any part of the existing front fence

FEES / CHARGES / CONTRIBUTIONS

8. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$8,599.96 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 2019. The monetary contribution is based on a development cost of \$859,996.00.

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 2019 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

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.

9. **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 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

10. **Traffic Management and Control**

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

11. **Fire Separation - Separating Walls**

The new building that is proposed to be constructed as a secondary dwelling is required to comply with Part 3.7.3.2 of the Building Code of Australia – ‘Separating Walls’.

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

12. **Sound Insulation**

The new building that is proposed to be constructed as a secondary dwelling is required to comply with Part 3.8.6.2 of the Building Code of Australia – ‘Sound Insulation requirements’.

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 building occupant health and amenity

13. **On-site Stormwater Detention Details**

The Applicant is to provide drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council’s Pittwater 21 DCP 2014 Clause B5.7 and generally in accordance with the concept drainage plans prepared by Waddington Consulting Pty Ltd, drawing number 11682-C1.00, C1.01, C1.02 Revision B dated 18.09.19. 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 (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. The on-site stormwater detention (OSD) tank is to be water-proofed to ensure no rising damp
- ii. The orifice plate is to be designed to account for the bypass flows from the parking and turning areas to ensure the maximum allowable discharge in accordance with the above DCP control is achieved.

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.

14. **Vehicle Driveway and Parking Facility Design**

The Applicant is to ensure driveway and proposed parking facility within the private property are designed in accordance with AS/NZS 2890.1:2004. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent. A suitably qualified Engineer is to provide the details and certification prior to the release of the Construction Certificate.

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

Reason: To ensure suitable vehicular access to private property.

15. **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.

16. **Water Quality Management**

The applicant must install a filtration device (such as a sediment control pit or absorption trench) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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

Reason: Protection of the receiving environment

17. **Tree Root Investigation and Root Mapping Plan**

A tree root mapping investigation, conducted by an Arborist with a level 5 AQF qualification in arboriculture/horticulture, is required for Construction Certificate to verify tree root locations and thus select pier footing locations in the vicinity of existing T1 (Southern Mahogany) and T2 (Sydney Red Gum), proposed for retention in the development application.

In accordance with the recommendations of the Arboricultural Impact Assessment prepared by Complete Arborcare, a non-destructive root investigation shall be conducted complying with clause 3.3.4 (TPZ encroachment considerations) of AS 4970-2009 Protection of Trees on Development Sites.

The root investigation shall map existing roots of significance that must not be impacted by development.

A Root Mapping Plan shall be prepared to include preferred locations of footing locations to ensure no impact to existing roots. The Root Mapping Plan shall be issued to the Certifying Authority, and shall be issued to the structural engineer as a basis for structural design and footing locations.

The Certifying Authority shall approve Construction Certificate design that satisfies the recommendations of the Root Mapping Plan.

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

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

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

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

19. **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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. **Tree protection measures**

A Project Arborist with a minimum AQF Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures for the following existing trees:

- T1 (Southern Mahogany)
- T2 (Sydney Red Gum)
- Street tree planting within the road verge

The Project Arborist shall recommend tree protection measures including temporary construction fencing to protect the tree protection zone (TPZ), and/or trunk and branch protection, in accordance with AS 4970-2009 Protection of Trees on Development Sites. Fencing to exclude construction activity within the TPZ of these trees shall be erected to an alignment as determined by the Project Arborist.

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.

The Project Arborist shall submit certification prior to Occupation Certificate to the Certifying Authority that all tree protection measures as recommended by the Project Arborist have been completed prior to the commencement of excavation and construction works, and have been appropriately maintained during the works.

Reason: to ensure tree protection is provided and maintained.

21. **Tree removal within the property**

Existing vegetation as shown on the Landscaping Concept Plan DA-16 are approved for removal, inclusive of the removal of T3 Weeping Bottlebrush based on the recommendations of the Arboricultural Impact Assessment prepared by Complete Arborcare.

No other tree over 5 metres in height is permitted to be removed, unless a modification application to this consent is issued to council for consideration.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

22. Road Reserve

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

Reason: Public safety.

23. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

24. Vehicle Crossings

The Applicant is to construct one vehicle crossing 3.6 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/2 NH 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. Any redundant layback and crossing are to be restored to kerb and 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.

25. Tree and vegetation protection

a) Existing trees and vegetation shall be retained and protected as follows:

- i) all trees and vegetation within the site not impacted by development and as nominated on the Landscaping Concept Plan DA-16 prepared by 4Plan, excluding exempt 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 generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within

the canopy dripline of trees and other vegetation required to be retained,
 vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 Project Arborist on site,
 vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
 viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, including advice on root protection measures,
 ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
 x) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009,
 xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

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

26. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by <INSERT>.

Erosion and sediment controls 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.

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

27. **Landscape works**

Landscaping shall be implemented in accordance with the Landscape Plan prepared by Wilder Gardens, inclusive of the following conditions:

- one (1) native tree planting installed at 75 litre pot container size shall be planted, selected from the Tree Guide list on Northern Beaches Council website, and shall be planted at least 4 metres from building structures and other trees,
- all frontage planting shown on the Landscape Plan within the road verge is not permitted and shall be planted within private property.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved plan, and that the conditions listed above have been satisfied.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

28. **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an AQF Level 5 Arborist, shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- i) compliance to Arborist recommendations for tree protection and 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: to retain and protect significant planting on development sites.

29. **Fencing forward of proposed building line**

The fencing along the western boundary forward of the front building line of the proposed dual occupancy shall be no higher than 1.2m above existing ground level

Reason: Compliance with DCP controls.

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

The Applicant shall lodge a 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) and Hydraulic Engineers' certification.

The Applicant shall create on the title 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 provided.

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.

31. **Certification of Parking Facility Work**

The Applicant shall submit an Engineers' certificate certifying that the parking facility was constructed in accordance within this development consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Compliance with this consent.

32. **Works as Executed Drawings - Stormwater Treatment Measures**

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment

33. **Fencing behind the proposed building line**

The fencing along the western boundary behind the front building line of the proposed dual occupancy is to match the existing fence and not to exceed a maximum height of 1.8 metres above the existing ground level.

Reason: Compliance with DCP controls.

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

34. **Landscape maintenance**

Any existing landscaping including trees required to be retained together with any additional landscaping required by this Consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is removed must be replaced.

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

35. **Environmental and priority weed control**

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: preservation of environmental amenity.

36. **Maintenance of Stormwater Treatment Measures**

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment

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

Signed



Gareth David, Planner

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



Steven Findlay, Manager Development Assessments