

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0383
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Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 2 DP 1046861, 53 B Amourin Street NORTH MANLY NSW 2100
Proposed Development:	Alterations and additions to a demi detached dwelling including a garage
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	No
Existing Use Rights:	Yes
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Stephen Allan Dally Katie Elizabeth Dally
Applicant:	David Dally

Application Lodged:	19/04/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	26/04/2021 to 10/05/2021
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 160,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent alterations and additions to an existing semi-detached dwelling at No. 53B Amourin Street. The works comprise of;

- The demolition of the existing attached garage.
- The construction of a ground floor extension, including a single garage and storage.
- The construction of a first floor extension, including a master bedroom and ensuite.
- Associated landscaping works.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - Zone R2 Low Density Residential

Warringah Development Control Plan - B9 Rear Boundary Setbacks

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

SITE DESCRIPTION

Property Description:	Lot 2 DP 1046861 , 53 B Amourin Street NORTH MANLY NSW 2100
Detailed Site Description:	<p>The subject development site is a single allotment located on the southern side of Amourin Street, Manly Vale and is legally identified as Lot 2 DP 1046861.</p> <p>The site is zoned for R2 Low Density Residential development pursuant to the Warringah Local Environmental Plan 2011.</p> <p>The site is the rear allotment of a battle-axe subdivision arrangement, with the street-fronting allotment being legally identified as Lot 1 DP 1046861.</p> <p>The subject site is regular in shape and has an access handle parallel to the eastern boundary measuring 3.8 metres in width by 21.1 metres in length. The access handle forms a Right of Carriageway that is shared by, and benefitted by, Lot 1. Beyond the access handle, the allotment is rectangular in shape with an overall width of 20.1 metres, and a depth of 18.5 metres, equating to a total</p>

surveyed area of 368.2 square metres.

The site presently accommodates a two storey brick semi-detached dwelling with a hipped metal roof and several outbuilding-type structures including two single garages and an in ground swimming pool.

The site is relatively flat and does not contain any significant landscaping.

Surrounding developments consist of other residential developments of varying age, size and construction.

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:

DA2001/0026

Application for the subdivision of existing dual occupancy (attached) into Torrens Title lots was approved by Council on 27 April 2001. In addition, the subdivision certificate for this application was issued by Council on 26 February 2002.

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	See discussion on "Environmental Planning Instruments" in this

Section 4.15 Matters for Consideration'	Comments
of any environmental planning instrument	report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah/Pittwater 21/Manly 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>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>
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 Warringah 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

- Does the existing use satisfy the definition of "existing use" under the *Environmental Planning and Assessment Act 1979* (the 'Act')?

Section 4.65 of the Act defines an existing use as:

"(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part, have the effect of prohibiting that use, and

(b) the use of a building, work or land:

- (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*
- (ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse."*

This necessarily requires the following questions to be answered:

1. Was the use of the building, work or land a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part 4 of the Act, have the effect of prohibiting that use?

Comment:

The Applicant has provided evidence in the form of the site's development history, which reveals that the use of the building commenced as a lawful purpose on 27 April 2001, prior to the coming into force of Warringah Local Environmental Plan 2011 on 9 December 2011.

2. Was the use of the building granted development consent before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use?

Comment:

The use of the building was lawfully approved by Council on 27 April 2001 (DA2001/0026), prior to the coming into force of Warringah Local Environmental Plan 2011 on 9 December 2011.

3. Has the use of the building been carried out within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse?

Comment:

The Applicant has stated that there is no evidence within the available records that suggests that the approved use of a semi-detached dwelling has been abandoned. Furthermore, the continuation of this use, without the cessation of a continuous period of 12 months, is confirmed through a search of Council

records, as a Subdivision Certificate was issued by Council on 26 February 2002, which is in association to the relevant development consent (DA2001/0026).

- **What is “the land on which the existing use was carried out” for the purposes of cl 42(2) (b) of the Environmental Planning and Assessment Regulation 2000 (“the Regulation”)?**

Meagher JA in *Steedman v Baulkham Hills Shire Council* [No. 1] (1991) 87 LGERA 26 stated (at 27) the rule to be applied as follows: “if the land is rightly regarded as a unit and it is found that part of its area was physically used for the purpose in question it follows that the land was used for that purpose”.

Comment:

Having regard to the above case law, it is noted that the whole of the area of the land was physically used for the purpose in question and therefore, it is considered that the land was used for that purpose and that existing use rights apply to the whole of the subject site.

- **What are the planning principles that should be adopted in dealing with an application to alter enlarge or rebuild and existing use?**

The judgement in *Fodor Investments v Hornsby Shire Council* (2005) NSWLEC 71, sets out the planning principles that should be applied in dealing with development applications seeking to carry out development on the basis of existing use rights.

The following four principles adopted by the NSW Land and Environment Court in this case will have general application in dealing with development applications that rely on existing use rights:

1. How do the bulk and scale (as expressed by height, floor space ratio and setbacks) of the proposal relate to what is permissible on surrounding sites?

While planning controls, such as height, floor space ratio and setbacks do not apply to sites with existing use rights; they have relevance to the assessment of applications on such sites. This is because the controls apply to surrounding sites and indicate the kind of development that can be expected if and when surrounding sites are redeveloped. The relationship of new development to its existing and likely future context is a matter to be considered in all planning assessments.

Comment:

The proposed first floor extension at its highest point is 6.6m, this is well below the maximum allowable building height under the WLEP 2011, which is 8.5m. The subject site is the rear allotment of an existing battle-axe subdivision arrangement, and the development sought is located some 26.7 metres from the street frontage. The proposal will replace the existing garage, which is currently set back 0.1m from the eastern side boundary and 0.2m from the rear boundary (south). The proposed development on the ground floor will be set back 0.9m from the eastern side boundary and 0.9m from the rear boundary, which will improve upon the existing situation allowing sufficient area for the establishment of planting that is of the size and scale to visually reduce the built form. In addition, the extension to the first floor will retain the existing dwelling's rear building line of 4.4m.

Whilst the proposal does not provide full compliance with the requirements of the above rear setback control that would apply (if existing use rights were not applied), under WDCP 2011, the development's bulk and scale is proportionate with other dwellings found within the North Manly streetscape, as expressed by the proposed building height and reasonable boundary setbacks.

2. What is the relevance of the building in which the existing use takes place?

Where the change of use is proposed within an existing building, the bulk and scale of that building are likely to be deemed acceptable, even if the building is out of scale with its surroundings, because it already exists. However, where the existing building is proposed for demolition, while its bulk is clearly an important consideration, there is no automatic entitlement to another building of the same floor space ratio, height or parking provision.

Comment:

The proposal does not involve a change in use nor the demolition of the existing building. The existing dwelling is of a similar bulk and scale to the development commonly found on surrounding land. The proposed additions are considered to be relatively minor, as it will only involve a 30.6sqm increase of floor area, which will be contained above the existing building footprint. Therefore, as previously stated the development will maintain consistency with the surrounding development.

3. What are the impacts on adjoining land?

The impact on adjoining land should be assessed as it is assessed for all development. It is true that where, for example, a development control plan requires three hours of sunlight to be maintained in adjoining rear yards, the numerical control does not apply. However, the overshadowing impact on adjoining rear yards should be reasonable.

Comment:

The proposal has been appropriately designed to minimise its impacts upon neighbouring properties, as the extension is well below the maximum building height (under WLEP 2011) and is adequately sited from the boundaries. The proposal will not cause any unreasonable overshadowing, as depicted within the submitted shadowing diagrams that indicate compliance with Part D6 *Access to Sunlight* of the Warringah Development Control Plan 2011 (WDCP). In addition, the proposal provides a high level of compliance with Council's current building envelope control, which is a critical control for assessing a developments bulk and scale. Furthermore, the proposed extension as conditioned includes no new windows that will provide direct sightlines into adjoining private open space areas. Overall, the proposed development will not adversely impact the adjoining property in the way of privacy, overshadowing, or bulk.

4. What is the internal amenity?

Internal amenity must be assessed as it is assessed for all development. Again, numerical requirements for sunlight access or private open space do not apply, but these and other aspects must be judged acceptable as a matter of good planning and design. None of the legal principles discussed above suggests that development on sites with existing use rights may have lower amenity than development generally.

Comment:

Internal amenity will be maintained for the subject development. The proposed first floor extension is contained above the existing building's footprint, while providing additional space for a new master bedroom. The proposal will maintain all of the existing private open space areas and will not result in any unreasonable privacy issues, as the new addition is adequately set back from boundaries and below the maximum building height (under WLEP 2011).

Conclusion

The use has been approved under a previous EPI (WLEP2000) and therefore, is a lawful use. Subsequently, the use can be retained under the current EPI (WLEP 2011).

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 26/04/2021 to 10/05/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Corona Projects Pty Ltd	PO Box 1749 BONDI JUNCTION NSW 1355

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

- **Overshadowing,**
- **Visual impact.**

The matters raised within the submissions are addressed as follows:

- **Overshadowing:** Concern from the eastern neighbour raises that the proposal would result in an increased level of overshadowing and subsequent loss of natural light, particularly within the afternoon hours of the winter solstice. Further, the submission identifies that the overshadowing impacts are exacerbated by poor design, including the side setback breach.

Comment:

It is acknowledged that the proposal will create additional overshadowing from 3pm onwards during the winter solstice (21st June). Notwithstanding, the proposal has included detailed shadow diagrams displaying the impacts between 9am-3pm on the winter solstice, which indicates compliance with Part D6 *Access to Sunlight* of Warringah Development Control Plan 2011 (WDCP), irrespective of relying upon existing use rights. In addition, it must be noted that the proposal provides a compliant with the relevant side setback and wall height controls that would apply (if existing use rights were not applied), under WDCP 2011, which assists in minimising shadowing impacts to No. 51 Amourin Street. Overall, the development has been sufficiently designed to ensure equitable access to sunlight is preserved between adjoining sites.

This matter does not warrant the refusal of this application.

- **Visual impact:** Concern is raised that the proposed addition will result in an unreasonable visual impact for the occupants of No. 51 Amourin Street, as the design is excessively bulky and there will be limited vegetation along the common boundary.

Comment:

The proposed eastern elevation of the first floor extension will be set back 0.9m from the side boundary, while having a maximum wall height of 5.3m. In addition, the proposed extension is contained within the prescribed building envelope that would apply (if existing use rights were not applied), under WDCP 2011. Furthermore, imposed conditions will require screen planting with a mature height of 3.0m to be implemented within the eastern side setback, which assists in minimising the visual impact of the built form, when viewed from the concerned property. Overall, it is considered that the proposal as conditioned will result in a reasonable visual impact that is consistent within the surrounding residential setting.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>This application is for the alterations and additions to an existing residential dwelling. Alterations include the minor demolition of internal walls and structures to transform part of the existing garage into a storage area on the ground floor, with minor configuration changes to the first floor to create a larger bathroom. Additions are inclusive of a new entrance way and garage extension on the ground floor, with a new master bedroom located on the first floor above the new garage and storage area.</p> <p>Council's Landscape referral section has considered the application against the Warringah Local Environment Plan, and the following Warringah DCP 2011 controls:</p> <ul style="list-style-type: none"> • D1 Landscaped Open Space and Bushland Setting • E1 Preservation of Trees or Bushland Vegetation <p>The Statement of Environmental Effects provided with the application notes that a number of trees and shrubs are required to be removed as result of the proposed works. For this reason, an Arboricultural Impact Assessment has been provided, which has identified a total of ten trees, or tree groupings, within the site.</p> <p>Of these ten trees identified by the Arboricultural Impact Assessment, a total of six trees have been identified as retained, and four have been noted as removed. It is worth noting the proposed works are largely located along the eastern boundary of the site, with all existing vegetation elsewhere in the site not effected by the proposal. For this reason, no negative impacts on the health and vitality of these trees are expected.</p> <p>Of the four trees noted for removal, Tree No. 7 is located along the southern boundary towards the south-east corner of the site, and Trees No. 8, 9 and 10 are all located adjacent to the eastern boundary and existing driveway towards the north-east corner of the site. Tree No. 7 is a group of seven trees forming part of hedge. The proposal</p>

Internal Referral Body	Comments
	<p>seeks to remove two of the seven individual trees to allow for a new glass door to connect to the rear of the garden. It is worth noting that the proposed new storage area and garage have been offset 900mm from the boundary to increase the overall setback from the boundary as well as to increase the total landscape area of the site. This has created an opportunity for additional planting to not only compensate the removal of these two hedge species, but also allow for addition planting to help create additional privacy but also built form softening and mitigation. For this reason, the removal of these two hedge species is supported.</p> <p>Trees No. 8 and 9 have been identified as exempt species, and therefore do not require Council's approval prior to being removed. Tree No. 10 is a grouping of two <i>Syzygium spp.</i> that is also proposed for removal. It is noted in the Arboricultural Impact Assessment that both of these trees have been heavily suppressed by Tree No. 9, and also has a heavy infestation of scale, and as a result exhibits evidence of stress and poor performance. The Landscape Plans and Arboricultural Impact Assessment provided indicate that these trees shall be replaced with three trees of the same species. For this reason the removal of these trees is supported.</p> <p>The retention of the remaining trees on site, as well as those located on adjoining properties is vital to satisfy control E1, as key objectives of this control include "to protect and enhance the urban forest of the Northern Beaches" as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide". The completion of landscape works as proposed on the Landscape Plans and Arboricultural Impact Assessment is also necessary to satisfy control D1, as key objectives of this control include "to provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building", as well as "to enhance the privacy between buildings".</p> <p>The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, and completion of landscape works as proposed in the Landscape Plans and Arboricultural Impact Assessment.</p>
NECC (Development Engineering)	Development Engineering has no objection to the application subject to the following condition of consent.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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.

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. A409872 dated 01 April 2021).

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.

Warringah Local Environmental Plan 2011

Is the development permissible?	No
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	Complies
Height of Buildings:	8.5m	6.6m	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone R2 Low Density Residential

Land use definition: WLEP 2011	Permitted or Prohibited
Semi-detached dwelling - means a dwelling that is on its own lot of land and is attached to only one other dwelling.	Prohibited

The proposal is for the alterations and additions to, what is considered as equivalent to an existing *semi-detached dwelling*. Under WLEP 2011, R2 Low Density Residential zones do not permit semi-detached dwelling, thus making the proposed development prohibited.

The application relies on existing use rights, semi-detached dwelling was approved (Development Consent: DA2001/0026, dated 27 April 2001) prior to WLEP 2011 coming into force. Refer to the detailed discussion under 'Existing Use Rights'.

The underlying objectives of the R2 Low Density Residential zone:

- To provide for the housing needs of the community within a low density residential environment.

Comment:

The proposed development will provide additional internal space. It will not have an adverse

impact on the community.

It is considered that the development satisfies this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

The proposed development will not inhibit other land uses in providing of facilities/services to meet needs of residents.

It is considered that the development satisfies this objective.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment:

The proposed development does not reduce any existing significant landscaping on the site.

It is considered that the development satisfies this objective.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	5.3m	N/A	Yes
B3 Side Boundary Envelope	5m - East	No encroachment	N/A	Yes
	5m - West	No encroachment	N/A	Yes
B5 Side Boundary Setbacks	0.9m - East	0.9m	N/A	Yes
	0.9m - West	14.8m	N/A	Yes
	0.9m - North	5.2m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	Battle-axe	N/A	N/A
B9 Rear Boundary Setbacks	6m - South	0.9m (Ground floor storage) 4.4m (First floor ensuite)	27% - 85%	No
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	23.9% (88sqm)	40%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes

Detailed Assessment

B9 Rear Boundary Setbacks

The proposal relies on existing use rights, therefore WDCP2011 controls do not apply. However, this control has been used to determine the proposal's merits.

The subject site is regular in shape and is the rear allotment of a battle axe subdivision. The provisions of Part B9 require that development is to maintain a minimum setback of 6.0 metres in this circumstance pursuant to the DCP Map. For the purposes of this assessment it has been determined through reviewing the orientation of the existing dwelling and placement of nearby dwellings that the subject site's southern boundary can be identified as the rear. Accordingly, the proposal first floor extension provides a non-compliant rear setback of 4.4 metres, similarly, the ground floor storage will be sited 0.9 metres from the rear boundary.

Demanding strict compliance with the minimum 6.0 metre rear setback requirement is considered to be unreasonable given the layout of the existing site, as it would result in a unusual design that disregards established patterns of development, which in turn would create additional visual impacts. Notwithstanding, in any circumstance, the core fundamentals of the Rear Boundary Setback provisions within the WDCP 2011 is to contribute to a sense of openness within the rear yard and to preserve the amenity of adjacent land, particularly relating to privacy between buildings. The ground floor development will improve upon the existing situation, by providing additional spatial separation from the boundary. Furthermore, by virtue of retaining the existing rear setback of the approved building, the proposed first floor extension does not diminish the existing spatial separation afforded by built form on surrounding sites, and is not of a scale that would impinge on a sense of openness within the rear yard. In addition, imposed conditions will require glazing on the proposed southern elevation to be translucent and sufficient planting is being retained within the rear setback such that the visual impact of the built form is secondary to landscaping. Overall, the proposal has been designed to reasonably maintain consistency with existing built form and preserve neighbourhood amenity.

Accordingly, the development sought is found to be satisfactory when considered against Part B9 of WDCP.

D1 Landscaped Open Space and Bushland Setting

The proposal relies on existing use rights, therefore WDCP2011 controls do not apply. However, this control have been used to determine the proposal's merits.

The site is required to provide a landscaped open space area equivalent to 40% of the total site area pursuant to Part D1 of the WDCP 2011.

The existing development on the site does not achieve this requisite ratio, and the development sought under this development application results in a minor increase in the available area for landscaped open space.

Overall, the proposal does not involve the removal of any significant vegetation and the site will continue to provide sufficiently sized landscaped areas for the establishment of vegetation that is of a scale to reasonably reduce the visual impact of the built form. In addition, the proposal involves new landscape buffers to the eastern side boundary and the rear boundary, which although do meet the minimum requirements of this control, will provide sufficient screening of the built form. Furthermore, the proposal has been referred to Council's Engineering department who are satisfied that the site facilitates water management. Therefore, given the magnitude of works sought in this application, it is not warranted to require a further increase in the existing provision of landscaped open space.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

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

A monetary contribution of \$ 800 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 160,000.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/0383 for Alterations and additions to a demi detached dwelling including a garage on land at Lot 2 DP 1046861, 53 B Amourin Street, NORTH MANLY, 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
DA1.100_01 - Site plan	28 March 2021	Bewoner Studio
DA1.030_01 - Demolition plan	28 March 2021	Bewoner Studio
DA1.200_03 - Ground floor plan	28 March 2021	Bewoner Studio
DA1.201_03 - First floor plan	28 March 2021	Bewoner Studio
DA2.100_03 - North and south elevations	28 March 2021	Bewoner Studio
DA2.101_03 - East and west elevations	28 March 2021	Bewoner Studio
DA3.100_03 - Sections	28 March 2021	Bewoner Studio
Exterior finishes schedule Rev 01	28 March 2021	Bewoner Studio

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arborist Report	11 March 2021	Elke

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
DA1.020_02 - Landscape plan	28 March 2021	Bewoner Studio

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	Not stated	Not stated

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

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

2. Prescribed Conditions

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

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

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

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

Reason: Legislative requirement.

3. **General Requirements**

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the

development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

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

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$800.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$160,000.00.

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.

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

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

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

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

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

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

6. **Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's WATER MANAGEMENT FOR DEVELOPMENT POLICY. Details demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

7. Amendments to the approved plans

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

- The proposed south facing first floor windows (W06A & B) are to be made translucent.

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

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

8. 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.

9. External Finishes to Roof

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

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

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

10. 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

11. Tree Removal Within the Property

This consent approves the removal of the following trees within the property (as recommended in the Arboricultural Impact Assessment):

- i) *Syzygium spp.* located adjacent to the southern boundary in the south-east corner of the site.

This has been identified as Tree No. 7 which is a group of seven individual trees. The **two** northern-most trees are approved for removal only.

ii) *Syzygium spp.* located adjacent to the eastern boundary in the north-east corner of the site, Tree No. 10.

Note:

i) Exempt Species as listed in the Arboricultural Impact Assessment or the Development Control Plan do not require Council consent for removal,

ii) Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

Reason: To enable authorised building works.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. Tree and Vegetation Protection

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

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

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

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

The Certifying Authority must ensure that:

c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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

Reason: Tree and vegetation protection.

13. **Survey Certificate**

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

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

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

14. **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.

15. **Traffic Control During 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 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.

16. **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.

17. Construction Access

Access for construction is to be obtained via the shared right of way (subject to the terms of that right of way). The storage of materials on adjoining private property is not permitted, nor is the parking of construction vehicles.

Access for 53 A Amourin Street is to be reasonably maintained at all times.

Reason: To minimise impacts to nearby properties and residents.

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

18. Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan and recommendations made within the Arboricultural Impact Assessment.

The selected planting is to comprise of native species capable of attaining a height of 2 metres at maturity.

Plants are to be installed at minimum 1 metre intervals and be of a minimum container size of 200mm at planting in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

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

Reason: Environmental amenity.

19. Stormwater Disposal

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

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

20. Waste Management Confirmation

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

21. Screen planting

a) Screen planting shall be planted along the length of the proposed eastern elevation.

b) The selected planting is to comprise species (*Acmena smithii*) capable of attaining a height of 3 metres at maturity.

c) Plants are to be installed at minimum 1 metre intervals and be of a minimum container size of 200mm at planting in a minimum 600mm wide garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

d) Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

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

22. **Landscape Maintenance**

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

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

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

Reason: To maintain local environmental amenity.

23. **Undesirable Trees**

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

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

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

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

Signed



Kye Miles, Planner

The application is determined on 21/05/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments