

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2020/0033 |
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| Responsible Officer: | Thomas Prosser |
| Land to be developed (Address): | Lot 1 DP 1132852, 18 - 20 Sturdee Lane LOVETT BAY NSW 2105 |
| Proposed Development: | Demolition works and construction of a detached studio |
| Zoning: | E3 Environmental Management |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Land and Environment Court Action: | No |
| Owner: | Fiona Robin Loader |
| Applicant: | James de Soyres & Associates Pty Ltd |

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| Application Lodged: | 20/01/2020 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Residential - Alterations and additions |
| Notified: | 12/02/2020 to 26/02/2020 |
| Advertised: | Not Advertised |
| Submissions Received: | 0 |
| Clause 4.6 Variation: | Nil |
| Recommendation: | Approval |

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| Estimated Cost of Works: | \$ 503,620.00 |
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PROPOSED DEVELOPMENT IN DETAIL

The proposal is for alterations and additions to the existing dwelling. In detail, this includes:

- Demolition of the cabin to the rear of the house
- Removal of trees
- Construction of a new detached structure with two pavilions
- New screen planting

In response to concerns provided by the NSW RFS, amended plans were provided on 5 June 2020. These amendments involved the following changes:

- Upgrade of construction standard to BAL40 including removal of all exposed timber elements

- and steel to replace timber cladding
- Upgrade of existing dwelling to resist ember attack
- Deletion of proposed new plantings - new plantings to be provided beyond 25m setback required by NSW RFS

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - C1.14 Separately Accessible Structures
Pittwater 21 Development Control Plan - D8.9 Landscaped Area

SITE DESCRIPTION

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|-----------------------------------|---|
| Property Description: | Lot 1 DP 1132852 , 18 - 20 Sturdee Lane LOVETT BAY NSW 2105 |
| Detailed Site Description: | <p>The subject site consists of an allotment located on the northern side of Sturdee Lane and the southern side of Lovett Bay.</p> <p>The site is irregular in shape with a battle-axe frontage of 13.3m along Sturdee Lane and a depth of . The site has a surveyed area of 2538m².</p> <p>The site is located within the E3 Environmental Management zone and accommodates dwelling house on site.</p> <p>The site is densely vegetated.</p> |

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by residential waterfront development.

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:

- DA2019/0671 for replacement of the on-site waste water treatment system approved on 29/08/2019.

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 |

| Section 4.15 Matters for Consideration' | Comments |
|--|---|
| | risk. |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan | Pittwater Development Control Plan applies to this proposal. |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement | None applicable. |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) | <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 the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 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 classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application (prepared by Bushfire Planning Services, dated 26 November 2019). The report stated that the bushfire attack level of the site is BAL-29.

The application was referred to the NSW Rural Fire Service for further assessment. The NSW RFS raised no objections to approval, subject to conditions. The recommendations of the Bush Fire Report , along with the conditions from the NSW RFS have been included as part of the recommended conditions of consent.

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 |
|---|---|
| Environmental Health (unsewered lands) | <p>General Comments</p> <p>Environmental Health has been requested to provide comment on the development application for Demolition of an existing detached cabin and construction of a new bedroom pavilion and associated landscaping. As part of this referral Environmental will be providing comment on on-site wastewater disposal.</p> <p>The proposal is not looking to increase the number of bedrooms as such no increase to the disposal area is required.</p> <p>Reference is made to the covering letter in lieu of a wastewater report by Martens consulting engineers dated 9 December. The covering letter references the report prepared by Martens consulting engineers referenced as P1806643JR01V01, and dated, April 2019. The conclusion of the report states that a collection well and macerator pump will be required to pump effluent from the rear development into the tank. The plans on the report indicate that the macerator pump will be, located in the former treatment tank pit.</p> <p>Environmental Health have no objections to the proposal subject to conditions.</p> |

| Internal Referral Body | Comments |
|----------------------------------|---|
| | <p>Recommendation</p> <p>APPROVAL - subject to conditions</p> |
| Landscape Officer | <p>The application proposes the demolition of an existing detached studio building and replacement with pavilions comprising a guest bedroom suite and games room.</p> <p>A Landscape Plan is provided with the application, satisfying the landscape outcomes of Pittwater 21 DCP.</p> <p>A Arboricultural Impact Assessment is provided with the application and proposal requires the removal of three existing trees. The existing trees are assessed with medium to high retention value. There is no alternative for the proposed development in order to retain these trees, and given that the site will retain a considerable amount of existing trees of medium to high retention value (with many indigenous species typical of the Pittwater Spotted Gum Endangered Ecological Community), approval is granted to remove the three trees, subject to replacement within the site as shown on the Landscape Plan.</p> <p>In terms of landscape impact to the existing landscape character, the works are integrated into the site landscape with many existing trees retained to soften the built form. The proposal is acceptable in terms of achieving the landscape outcomes of Pittwater 21 DCP, subject to conditions.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP Controls: B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping</p> |
| NECC (Bushland and Biodiversity) | <p>This application has been assessed against the following biodiversity provisions:</p> <ul style="list-style-type: none"> - SEPP (Coastal Management) - Coastal Environment Area - NSW Biodiversity Conservation Act 2016 - Pittwater LEP Clause 7.6 (Biodiversity) - Pittwater DCP Clause B4.7 (Pittwater Spotted Gum EEC) <p>The proposed development is for demolition of an existing detached studio building, construction of new pavilions, and associated bushfire Asset Protection Zone (APZ) works. This biodiversity assessment is based on the submitted plans and documentation, particularly:</p> <ul style="list-style-type: none"> - Flora & Fauna Assessment (inc. applicable five-part tests), Ecoplanning (January 2020) - Bushfire Report, Bushfire Planning Services (November 2019) - Arboricultural Impact Assessment, Blue Gum Tree Care and Consultancy (December 2019) - Landscape Plan 1914/DAL01, Trish Dobson (November 2019) |

| Internal Referral Body | Comments |
|-----------------------------|--|
| | <p>The submitted plans and documentation indicate that the proposal has been appropriately designed and sited to minimise impact to Pittwater Spotted Gum Forest EEC, other native vegetation and wildlife habitat. It is proposed to remove 0.014ha of Spotted Gum EEC, and modify an additional 0.069ha; however, specific trees proposed for removal are to be replaced and the Flora & Fauna Report states that "trees will not need to be removed to create the APZ".</p> <p>Measures for minimising biodiversity impacts appear to have been well incorporated into the proposal, as outlined in the Arboricultural Impact Assessment and Flora & Fauna Reports. The Landscape Plan includes replacement plantings for the three medium-retention native trees within the building footprint that are proposed to be removed, in addition to appropriate new low shrubby/groundcover plantings. The submitted Bushfire Report recommends a new 25m APZ (Inner Protection Area) to the south of the new structure, which will assist in minimising environmental impacts associated with APZ establishment and maintenance.</p> <p>It is therefore considered that the proposal complies with relevant controls, subject to recommended mitigation measures and RFS concurrence with recommendations of the Bushfire Report. Should RFS concurrence not be provided, further environmental assessment will be required.</p> |
| NECC (Coast and Catchments) | <p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Coastal Management) 2018 As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development. The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps. Clauses 13, 14 and 15 of the CM SEPP apply and have been satisfied for this DA.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP The subject property has also been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for</p> |

| Internal Referral Body | Comments |
|-------------------------------------|---|
| | <p>Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.</p> <p>Estuarine Risk Management In accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.6m AHD would apply at the subject site. On internal assessment Council accepts the ground floor level for the proposed additions and alterations is above the applicable EPL for the site.</p> <p>The proposed development is therefore able to satisfy the relevant estuarine risk management requirements of P21 DCP.</p> |
| NECC (Development Engineering) | No objection to approval, subject to conditions as recommended. |
| NECC (Riparian Lands and Creeks) | <p>This application has been assessed against:</p> <p>State Environmental Planning Policy (Coastal Management) 2018 Part 2, Division 3, Clause 13 - Development on land within the</p> <p>Pittwater Local Environment Plan 2014</p> <p>Pittwater 21 Development Control Plan B4.16 Seagrass Conservation B4.19 Estuarine Habitat B4.20 Protection of Estuarine Water Quality</p> <p>To ensure the ecology of the adjacent seagrass beds and the receiving waters are not adversely impacted the applicant is required to install sediment and erosion controls. These controls must be maintained throughout the life of the works and removed only once ground cover has been re-established. With the application of conditions this proposal is unlikely to impact the integrity and resilience of the ecological, hydrological and biophysical environment.</p> <p>This application is recommended for approval subject to conditions.</p> |
| Parks, reserves, beaches, foreshore | <p>The development site is to the north west of Rocky Point Reserve.</p> <p>No issues with the proposal.</p> |

| External Referral Body | Comments |
|--|---|
| NSW Rural Fire Service – local branch (s79BA EPAA) | Amended plans were submitted on 5 June to address concerns raised by the NSW RFS. |

| External Referral Body | Comments |
|------------------------|---|
| | <p>In response to these amended plans, the NSW RFS provided a letter on 28 June 2020 (Reference: DA20200210000493-Original-1) which provided support for the proposal, subject to conditions.</p> <p>This letter has is provided as a reference document in this consent and a further condition is imposed to ensure compliance with all requirements in the letter.</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. A320793).

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.

SEPP (Coastal Management) 2018

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

Comment:

The proposed works are located behind the foreshore building line (specified by the Pittwater LEP) and are well separated from the coastal area. As such, the proposal would not have an unreasonable impact on this area.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The proposal is sited behind the existing dwelling (in relation to the foreshore. This will appropriately minimise impact to the coast.

14 Development on land within the coastal use area

(1)

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
- (b) is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposal is well separated from the foreshore and will not have any unreasonable impact on the coast line

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

| Standard | Requirement | Proposed | % Variation | Complies |
|----------------------|-------------|----------|-------------|----------|
| Height of Buildings: | 8.5m | 7.8m | N/A | Yes |

Compliance Assessment

| Clause | Compliance with Requirements |
|--|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes |
| 2.7 Demolition requires development consent | Yes |
| | |

| Clause | Compliance with Requirements |
|--|------------------------------|
| 4.3 Height of buildings | Yes |
| 5.7 Development below mean high water mark | Yes |
| 5.10 Heritage conservation | Yes |
| 7.1 Acid sulfate soils | Yes |
| 7.2 Earthworks | Yes |
| 7.6 Biodiversity protection | Yes |
| 7.7 Geotechnical hazards | Yes |
| 7.8 Limited development on foreshore area | Yes |
| 7.10 Essential services | Yes |

Pittwater 21 Development Control Plan

Built Form Controls

| Built Form Control | Requirement | Proposed | % Variation* | Complies |
|---------------------|-------------------|-------------------|--------------|-------------------|
| Front building line | 6.5m | 50m | N/A | Yes |
| Side building line | 2.5m | 4.8m | N/A | Yes |
| | 1m | 1.5m | N/A | Yes |
| Building envelope | 3.5m | Within | N/A | Yes |
| | 3.5m | Within | N/A | Yes |
| Landscaped area | 230m ² | 234m ² | 1.7% | No (see comments) |

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted | Yes | Yes |
| A4.8 Lower Western Foreshores and Scotland Island Locality | Yes | Yes |
| B1.4 Aboriginal Heritage Significance | Yes | Yes |
| B3.1 Landslip Hazard | Yes | Yes |
| B3.2 Bushfire Hazard | Yes | Yes |
| B3.6 Contaminated Land and Potentially Contaminated Land | Yes | Yes |
| B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community | Yes | Yes |
| B5.9 Stormwater Management - Water Quality - Other than Low Density Residential | Yes | Yes |
| B5.11 Stormwater Discharge into Waterways and Coastal Areas | Yes | Yes |
| B5.12 Stormwater Drainage Systems and Natural Watercourses | Yes | Yes |
| B5.13 Development on Waterfront Land | Yes | Yes |
| B8.1 Construction and Demolition - Excavation and Landfill | Yes | Yes |
| B8.2 Construction and Demolition - Erosion and Sediment Management | Yes | Yes |
| | | |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| B8.3 Construction and Demolition - Waste Minimisation | 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 |
| C1.12 Waste and Recycling Facilities | Yes | Yes |
| C1.13 Pollution Control | Yes | Yes |
| C1.14 Separately Accessible Structures | Yes | Yes |
| D8.1 Character as viewed from a public place | Yes | Yes |
| D8.2 Scenic protection - General | Yes | Yes |
| D8.3 Building colours and materials | Yes | Yes |
| D8.5 Front building line | Yes | Yes |
| D8.6 Side and rear building line | Yes | Yes |
| D8.8 Building envelope | Yes | Yes |
| D8.9 Landscaped Area | No | Yes |
| D8.10 Fences | Yes | Yes |
| D8.11 Construction, Retaining walls, terracing and undercroft areas | Yes | Yes |
| D8.15 Site disturbance | Yes | Yes |
| D15.11 Waterfront lighting | Yes | Yes |
| D15.12 Development seaward of mean high water mark | Yes | Yes |
| D15.13 Lateral limits to development seaward of mean high water mark | Yes | Yes |

Detailed Assessment

C1.14 Separately Accessible Structures

The proposal involves a separately accessible structure with two pavilions

This structure is ancillary to the dwelling and does not contain cooking facilities which could make it capable for separate habitation.

A condition is also imposed to ensure the development remains as a single dwelling under this consent.

D8.9 Landscaped Area

Description of non-compliance

The control requires a maximum of 230m² to be built upon. In this regard, the proposal involves a built

upon area of 234m², representing a 1.7% variation to the control.

Merit consideration

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

To achieve the desired future character of the Locality.

Comment:

The proposed development is appropriate in bulk and scale, and maintains landscaping to surround the dwelling and ancillary structures. The structures will also be located behind the existing dwelling, in a location that will not have a dominant presentation to the foreshore.

The bulk and scale of the built form is minimised.

Comment:

The proposal involves ancillary structures to the dwelling which are compliant with the development standard for building height, and are well modulated in a pavilion style form to ensure presentation of bulk and scale is appropriately minimised.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.

Comment:

The proposed structures are well separated from neighbouring living spaces, and the vegetation and topography of the surrounding land assists in providing an appropriate buffer between these spaces. This ensures that the built form and new living spaces will not have any unreasonable amenity impact on neighbouring properties.

Vegetation is retained and enhanced within the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation including tree canopy.

Comment:

With the exception of some clearing to fulfill bush fire requirements, no significant vegetation is required to be removed in order to facilitate the proposed development. The site is densely vegetated to the rear of the proposed structures so that the existing built form is sufficiently screened.

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

Comment:

Council's Development engineer has reviewed the proposal having regard to stormwater management and have raised no objection, subject to conditions. This will ensure stormwater runoff is reduced assisting in preventing erosion and siltation.

To ensure the distribution of height and mass preserves, and enhances neighbourhood amenity and has regard to site characteristics and environmental constraints.

Comment:

The proposal has been appropriately designed balance the distribution of the built form by providing separation of structures and modulation. The siting of the dwelling behind the existing dwelling, and with little excavation, ensures that the development responds appropriately to the context of the site.

To conserve significant natural features of the site and contribute to effective management of biodiversity.

Comment:

The development sufficiently maintains vegetation outside the Asset protection zone, and Council's Biodiversity officer has provided support for the application, subject to conditions. This ensures appropriate conservation of natural features and biodiversity.

The area of site disturbance is minimised.

Comment:

The proposed development is sited on footings, generally above the existing ground level. As such, there will be minimal excavation and site disturbance will be sufficiently minimised.

Soft surface is maximised.

Comment:

Despite the minor variation of 1.7% to the control for landscaped area, soft surface will be appropriately provided on the site. This includes soft surface which surrounds all buildings, and a large front setback which is predominantly soft surface.

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 \$5,036 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$503,620.

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 DA2020/0033 for Demolition works and construction of a detached studio on land at Lot 1 DP 1132852, 18 - 20 Sturdee Lane, LOVETT BAY, 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 | | |
|--|--------------|------------------------------|
| Drawing No. | Dated | Prepared By |
| DA-01- Site and Site Analysis - Rev B | 2/06/2020 | James de Soyres + Associates |
| DA-02 - Site Plan - North - Rev B | 2/06/2020 | James de Soyres + Associates |
| DA-05- Tree Protection Plan- Rev B | 2/06/2020 | James de Soyres + Associates |
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| | | |
|---|-----------|------------------------------|
| DA10 - Existing House Ground Floor Plan - Rev B | 2/06/2020 | James de Soyres + Associates |
| DA11- Existing House First Floor Plan - Rev B | 2/06/2020 | James de Soyres + Associates |
| DA12- Pavilions Undercroft Plan- Rev B | 2/06/2020 | James de Soyres + Associates |
| DA13- Guest Bedroom and Games Room Floor Plan - Rev B | 2/06/2020 | James de Soyres + Associates |
| DA14- Roof Plan- Rev B | 2/06/2020 | James de Soyres + Associates |
| DA20- North Elevation from Pittwater - Rev B | 2/06/2020 | James de Soyres + Associates |
| DA21- North and South Elevations- Rev B | 2/06/2020 | James de Soyres + Associates |
| DA22- West Elevation- Rev B | 2/06/2020 | James de Soyres + Associates |
| DA23- East Elevation- Rev B | 2/06/2020 | James de Soyres + Associates |
| DA24- Photomontage and Exterior Finishes Schedule | 2/06/2020 | James de Soyres + Associates |
| DA30- Section A-A | 2/06/2020 | James de Soyres + Associates |
| DA31- Section B-B | 2/06/2020 | James de Soyres + Associates |
| DA32- Section C-C | 2/06/2020 | James de Soyres + Associates |

Engineering Plans

| Drawing No. | Dated | Prepared By |
|-------------------------------|-----------------|------------------------------|
| Onsite Waste Water Management | 9 December 2019 | Martens Consulting Engineers |

Reports / Documentation – All recommendations and requirements contained within:

| Report No. / Page No. / Section No. | Dated | Prepared By |
|---|-----------------|----------------------------------|
| Letter provided by NSW Rural Fire Service. REF: DA20200210000493-Original-1 | 28 June 2020 | NSW Rural Fire Service |
| Flora and Fauna Assessment | 17 January 2020 | ecoplanning |
| Report on Geotechnical Site Investigation | 3 December 2019 | Crozier Geotechnical Consultants |

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

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

| Landscape Plans | | |
|------------------------|--------------|-----------------------------------|
| Drawing No. | Dated | Prepared By |
| Landscape Plan | 1.06.2020 | Trish Dobson Landscape Architects |

| Waste Management Plan | | |
|------------------------------|--------------|------------------------------|
| Drawing No/Title. | Dated | Prepared By |
| DA-06- Waste Management Plan | 2/06/2020 | James de Soyres + Associates |

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. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

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

3. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:

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

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

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

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

Reason: Legislative requirement.

4. **General Requirements**

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried

out in accordance with WorkCover requirements and the relevant Australian Standards.

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

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork

NSW Codes of Practice.

- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
- Relevant legislative requirements and relevant Australian Standards (including but not limited) to:
- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$5,036.20 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 \$503,620.00.

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.

6. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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

7. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Crozier Geotechnical Consultants, dated 3 December 2019 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

8. No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction

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

Reason: To protect native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

9. Preparation of Environmental Management Plan

A Construction Environmental Management Checklist (CEMP) is to be prepared and is to incorporate all measures for the protection of native vegetation, wildlife and habitats during the construction phase. Measures specified in the CEMP are to include all conditions of consent addressing construction-related impacts to biodiversity. The CEMP is to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. Tree protection measures

A qualified Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture shall be engaged to provide tree protection measures for the existing trees nominated for retention in the Arboricultural Impact Assessment prepared by Blue Gum Tree Care and Consultancy, including:

- section 6: Tree protection fencing as determined by the Project Arborist,
- section 6: Trunk and Ground Protection to existing trees T81, T90, and T93, and
- section 6.2: supervision and approval for pier footings excavation within the tree protection zone for existing trees T72, T75, T78, T80, T81, T85, T90, T93, T93 and T97.

The Project Arborist shall be in attendance on site to supervise and approve the recommended works as listed under section 6 Recommendations.

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.

Additionally, the Certifying Authority or a Project Arborist AQF Level 5 must ensure that:

- i) the activities listed in section 4.2 of AS4970- 2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and
- ii) 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.

The Project Arborist shall provide the Certifying Authority with certification details as follows:

- i) that the tree protection measures are in place at the commencement of works,
- ii) that the Project Arborist has attended the site and undertaken inspections of the works in accordance with section 6 Recommendations.

A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: to ensure tree protection is provided and maintained.

11. Tree removal within the property

The following existing tree is approved for removal based on the assessment and recommendations of the Arboricultural Impact Assessment prepared by Blue Gum Tree Care & Consultancy dated December 2019:

Tree 99: Blueberry Ash (subject to replacement planting within the property)

Tree 100: Blueberry Ash (subject to replacement planting within the property)

Tree 109: Spotted Gum (subject to replacement planting within the property)

Tree 94 (Sweet Viburnum) is recommended for removal within the Arboricultural Impact Assessment, and as an Exempt Species does not require Council consent.

12. 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).

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.

13. 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). 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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

14. Maintenance of Road Reserve

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

Reason: Public Safety.

15. 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 vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation,

note: the existing trees that are to be retained as part of this development include the following trees identified in Attachment A - Tree Assessment Table, of the Arboricultural Impact Assessment prepared by Blue Gum Tree Care & Consultancy dated December 2019: T5 to T93;

T95 to T97; T101 to T108; and T110 to T112.

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, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 minimum qualification Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 minimum qualification 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 minimum qualification 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 minimum qualification Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 minimum qualification 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 minimum qualification 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 minimum qualification 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.

16. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate

Reason: To protect wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls.

17. **Impacts to Protected Native Wildlife**

Habitat for native wildlife including trees proposed for removal and vegetation modified for APZ establishment is to be inspected for native wildlife prior to removal. If native wildlife is found within habitat to be removed, a registered wildlife rescue and rehabilitation organisation must be contacted for advice. Any incidents in which native wildlife are injured or killed as a result of

works are to be recorded, in addition to details of any action taken in response. Written evidence of compliance (including records of inspections and any wildlife incidents) is to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016.

18. Vegetation Clearing Protocols

Clearing of native vegetation is to be undertaken in accordance with the protocols and recommendations specified in the approved ecological report (Ecoplanning, November 2019). Written certification of compliance is to be prepared and submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To protect native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

19. Pollution Control

All stockpiles, materials, waste and slurry associated with works (including excavated material) is to be contained at source within the construction area and enclosed in waterproof covering and/or sediment and erosion control while not in use. All waste/debris is to be removed off site and disposed of as frequently as required in accordance to local regulations.

Reason: To protect the surrounding environment, and ensure that pollutants and building associated waste do not leave the construction site.

20. CEMP to be Implemented

All workers, including sub-contractors, are to be briefed on measures specified in the Construction Environmental Management Plan (CEMP) through a site induction and given a copy of the CEMP prior to commencing their works. A record of receipt of the CEMP is to be signed by all workers and this record is to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

21. Pollution Control

Any excess materials such as cleaning paintbrushes, lacquers, and any water from cleaning tools must not enter the stormwater network and/or receiving waterways.

Reason: To ensure that building associated chemicals and pollutants don't enter the surrounding environment.

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

22. Landscape completion

Landscaping is to be implemented in accordance with the Landscape Plan 1914/DA-L01, prepared by Trish Dobson Landscape Architecture, inclusive of the following conditions:

- i) all trees (x 4) nominated on the planting schedule shall be planted at 75 litre container pot size,
- ii) tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree locations may otherwise be positioned to minimise any significant loss of views,
- iii) tree planting shall be at least 3 metres from any existing / proposed building structures.

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 any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity and soften the built form.

23. **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection 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.

24. **Stormwater Disposal**

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

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

25. **Geotechnical Certification Prior to Occupation Certificate**

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

26. **Waste Water System**

Prior to the issuing of any interim / final occupation certificate, a copy of a s68 (Local Government Act 1993) approval to operate the Waste Water System, and the waste water system must be activated and effectively operating to the satisfaction of the Principal Certifying Authority.

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

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity.

27. **Implementation of Construction Environmental Management Plan**

Construction is to be undertaken in accordance with the Constructional Environmental Management Plan. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

28. Clearing for Asset Protection Zones

Any clearing of vegetation for APZ establishment is to prioritise removal of declared and environmental weeds before native vegetation is cleared for APZs. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

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

29. 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 approved for removal must be replaced.

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

30. No Planting Environmental Weeds

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

31. Dead or Injured Wildlife

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

32. NSW RFS requirements

All conditions in the letter provided by the NSW Rural Fire Service on 28 June 2020, Reference DA20200210000493-Original-1, are to be complied with.

Reason: To ensure compliance with NSW RFS requirements.

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

Signed



Thomas Prosser, Planner

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



Steven Findlay, Manager Development Assessments