

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0863
Responsible Officer:	Rhiannon McLardy
Land to be developed (Address):	Lot 26 DP 16029, 51 Grandview Drive NEWPORT NSW 2106
Proposed Development:	Alterations and additions to a dwelling house and construction of a studio
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Elizabeth Ruth Maxworthy
Applicant:	Elizabeth Ruth Maxworthy
Application Lodged:	13/08/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New second occupancy
Notified:	30/01/2020 to 13/02/2020
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 385,000.00

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the following works:

- Demolition of existing rear balcony,
- Construction of rear deck,
- Construction of a studio,
- Construction of a car stand, and
- Construction of a ground floor extension.

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 - B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

Pittwater 21 Development Control Plan - B8.6 Construction and Demolition - Traffic Management Plan

Pittwater 21 Development Control Plan - C1.4 Solar Access

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - C1.7 Private Open Space

Pittwater 21 Development Control Plan - C1.14 Separately Accessible Structures

Pittwater 21 Development Control Plan - D10.1 Character as viewed from a public place

Pittwater 21 Development Control Plan - D10.7 Front building line (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - D10.8 Side and rear building line (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - D10.11 Building envelope (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - D10.16 Construction, Retaining walls, terracing and undercroft areas

SITE DESCRIPTION

Property Description:	Lot 26 DP 16029 , 51 Grandview Drive NEWPORT NSW 2106
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Grandview Drive.</p> <p>The site is irregular in shape with a frontage of 10.67m along Grandview Drive and a depth of 62.76m along the eastern boundary. The site has an area of 860m².</p> <p>The site is located within the E4 - Environmental Living zone of the PLEP 2014 and accommodates a single-storey dwelling house.</p>

The site falls steeply away from the road with an overall slope of 20 degrees.

The site is heavily vegetated to the northwest and south-east of the dwelling and contains a number of spotted gums.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by dwelling houses.

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:

Pre-lodgement Meeting PLM2019/0059 for Alterations and Additions to a dwelling house was held on 16 April 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	None applicable.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiiia) – 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 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p>

Section 4.15 Matters for Consideration'	Comments
	<p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

Name:	Address:
Mr Benjamin Scott Weatherall	4 / 2 A King Street NEWPORT NSW 2106
Mariela Sanchez Cana	49 Grandview Drive NEWPORT NSW 2106

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

- Visual impact
- Safety
- Tree Protection

The matters raised within the submissions are addressed as follows:

- Visual Impact

Concern has been raised that the location of the proposed crossover will impact on the street view and appearance of the adjacent property.

Comment:

The proposed crossover is located within Council's road reserve and has been designed to make use of the existing layback. The use of the existing layback ensures that Council's existing stormwater lintel may remain in situ, minimising potential issues on Council's stormwater system. The elevated construction of the proposed crossover, minimises impact to existing vegetation, reducing the impact of the built form. It is considered that the proposed works will not have an unreasonable impact on the streetscape or the appearance of the neighbouring property.

- Safety

Concern has been raised that the location of the existing layback is not approved and that the proposed crossover will impact on safety of the street, particularly relating to the crash barrier.

Comment:

The proposed driveway has been designed to use the existing layback to minimise impacts on Council's stormwater system and has been reviewed by Council's Development Engineers. A condition has been included in the recommendation of this report requiring that a Road Safety Audit be undertaken by the applicant to ensure safety near the site. The proposal as conditioned will not allow for unreasonable impacts on safety.

- Tree Protection

Concern has been raised that the location of the proposed crossover will affect the roots of an existing large gum tree in front of 49 Grandview Drive.

Comment:

The impacts of the proposed works on the trees at the front of the site have been assessed in the *Aboriginal Impact Assessment Report* by Joanne Willis, including the native tree (identified as a *syncarpia glomulifera* [turperntine]) adjacent to the driveway crossover of 49 Grandview Drive. As the proposed driveway crossover is to be elevated above ground level, it is considered that the crossover is primarily suspended across the TPZ of the tree and the proposed works are considered acceptable. A condition has been included in the recommendation of this report requiring that existing trees (except for those approved for removal or exempt vegetation) be retained and protected.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage. It is also considered that the proposed studio has potential use as a secondary dwelling.</p>
Landscape Officer	The development proposes alterations and additions to the dwelling

Internal Referral Body	Comments
	<p>house and a proposed car stand. The proposal is acceptable in terms of achieving the landscape outcomes of Pittwater 21 DCP, subject to conditions to protect existing trees and vegetation, and complete landscaping.</p> <p>Landscape area is satisfied in accordance with Pittwater 21 DCP. No landscape plans are provided with the application as the existing landscape is predominately retained. The resultant undercroft area of the proposed car stand and studio and the proposed rear deck shall be adequately landscaped at ground level to screen the undercroft area to satisfy clause 10.16.</p> <p>A Arboricultural Impact Assessment report is provided that satisfies the DA Lodgement Requirements, assessing the retention and protection measures for existing trees and vegetation over 5 metres in height that are protected under Council policy, and justifying the requirement for removal of one native tree.</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 D10 Newport Locality D10.16 Construction, retaining walls, terracing, and undercroft area</p>
NECC (Bushland and Biodiversity)	<p>This application was assessed against Pittwater LEP Clause 7.6 and Pittwater DCP B4.7 Pittwater Spotted Gum EEC.</p> <p>The proposal is for the alterations and additions to the existing dwelling and the construction of a new car stand which incorporates a studio. One tree is proposed to be removed.</p> <p>The submitted Arboricultural Impact Assessment Report (Joanne Willis, Rev A, 13/06/2019) assesses 10 trees within the property and Council road reserve within 5m of the proposed works. There are many trees which have TPZ (and SRZ) encroachments, which have been assessed by the Arborist who has provided tree protection measures to be implemented throughout construction.</p> <p>The Landscape Plan provides for two replacement canopy tree plantings, one between the proposed car stand and existing dwelling and one east of the existing dwelling.</p> <p>Potential impacts resulting from proposed stormwater trenching and impacts to neighbouring trees within 5m of the works have not been assessed.</p> <p>Council's Natural Environment - Biodiversity section raises no objections, subject to conditions.</p>
NECC (Development Engineering)	<p>Comments for Development Engineers:</p> <ol style="list-style-type: none"> 1. No flood risk. 2. The site is located within the Geotechnical Hazard Area. An

Internal Referral Body	Comments
	<p>"Acceptable Risk Management" level is achieved in accordance with the geotechnical report prepared by JKGeotechnics, dated February 2019.</p> <p>3. It is a low level property. Stormwater is to be disposed into the existing drainage system.</p> <p>4. Suspended Crossing and driveway are to be constructed.</p> <p>5. OSD is not required as the impervious area increase is less than 50 square meters.</p> <p>No objection to approval, subject to conditions as recommended.</p>
Traffic Engineer	<p>Concern is raised regarding the crash barrier and safety in relation to the driveway location.</p> <p>The applicant is to provide a safety audit to ensure the necessary safety measures are implemented to improve safety at this location.</p>

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A350152, dated 30 July 2019).

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	6.5m (rear deck)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes

Clause	Compliance with Requirements
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	0.13m	98%	No
Rear building line	6.5m	greater than 6.5m	N/A	Yes
Side building line	2.5m (west)	1.86m	25.6%	No
	1m (east)	1.1m	N/A	Yes
Building envelope	3.5m (west)	Within Envelope	N/A	Yes
	3.5m (east)	Outside envelope	N/A	No
Landscaped area	60% (492m ²)	72.60% (624.4m ²)	N/A	Yes

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.7 Transport and Traffic Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	No	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	No	Yes
C1.5 Visual Privacy	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	No	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.23 Eaves	Yes	Yes
D10.1 Character as viewed from a public place	No	Yes
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	No	Yes
D10.8 Side and rear building line (excluding Newport Commercial Centre)	No	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	No	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D10.16 Construction, Retaining walls, terracing and undercroft areas	No	Yes
D10.18 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

The proposal has been assessed in conjunction with Council's Bushland and Biodiversity team who have recommended the proposal for approval subject to conditions. While the proposed development involves the removal of one tree, replacement planting is proposed as part of the works. Impacts to other trees on site have been detailed in the submitted Arboricultural Impact Assessment Report (Joanne Willis, Rev A, 13/06/2019) and tree protection measures are to be undertaken to ensure that there are minimal impacts on these trees.

B8.6 Construction and Demolition - Traffic Management Plan

A condition requiring the provision of a construction management plan has been included in the recommendation of this report.

C1.4 Solar Access

Description of Non-compliance

The principal private open space faces the south-east and will not receive the required amount of

sunlight (of at least three hours between 9am and 3pm) on June 21st.

Merit Consideration:

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

- *Residential development is sited and designed to maximise solar access during mid-winter. (En)*
Comment
The site is highly sloped, limiting areas that may be used as principal private open space. The rear deck, while having limited solar access, is the the most appropriate location for principal private open space as it is directly accessible from the living/dining areas of the dwelling. Other areas of private open space available on the site have sufficient solar access during mid-winter, but are not as easily accessible from the living areas of the dwelling.
- *A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)*
Comment
The usage of the proposed rear deck as the principal private open space for the dwelling will have no unreasonable impact on the level of solar access for the existing dwelling or neighbouring dwellings.
- *Reduce usage and/dependence for artificial lighting. (En)*
Comment
The usage of the proposed rear deck as the principal private open space for the dwelling will have no impact on the dwelling's use artificial lighting.

Having regards to the above assessment it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

C1.5 Visual Privacy

Description of Non-compliance

The proposed rear deck is greater in size than the existing rear balcony, providing a greater potential for overlooking into the windows and property of the neighbouring site.

A privacy screen varying between 1.6m and 1.0m in height has been proposed as part of this application. This is not sufficient. A condition has been included in the recommendation of this report requiring that a privacy screen of 1.65m be attached to the eastern elevation of the rear deck for a length of 1.8m.

The proposed studio deck provides the potential for overlooking to the deck on the neighbouring property to the west.

A condition has been included in the recommendation of this report requiring that a privacy screen of 1.65m be attached to the western elevation of the studio deck.

Merit Consideration

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

- *Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good*

design. (S)

Comment

The proposed rear deck, as modified by the condition of consent, will allow for the creation of an area of private open space for the dwelling which is easily accessible from the main living areas while providing sufficient visual privacy for neighbouring properties. The proposed studio deck will provide easy access to the proposed studio and the above car stand. As conditioned there will be sufficient visual privacy for the neighbouring property to the west.

- *A sense of territory and safety is provided for residents. (S)*

Comment

The proposal, as conditioned, will not allow for unreasonable views to or from the neighbouring dwelling, providing a sense of territory and safety to residents.

Having regard to the above assessment it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

C1.7 Private Open Space

Description of Non-compliance

The subject site provides more than the required minimum 80m² of private open space. However, the site is highly sloped and is unable to provide an area of private open space which meets the criteria necessary for principal private open space. The proposed rear deck, accessed off the living/dining room has a maximum width of 3.58m and an area of 24.9m² and is taken to be the principal private open space.

Merit Consideration

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

- *Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)*

Comment

The proposed rear deck will improve the amount of private open space directly available from the living area of the dwelling. Additional private open space is available on site by way of the deck and lawn at the front of the dwelling, and the significant yard at the rear of the dwelling.

- *Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)*

Comment

The raised rear deck which serves as principal private open space and the private open space available at the front of the dwelling are directly accessible from the living areas of the dwelling. The constraint of the sloping nature of the site means that the private open space available in the rear yard is not directly accessible from living areas. However, the stairs to the rear yard are easily accessible from the dwelling and provide sufficient access to this space.

- *Private open space receives sufficient solar access and privacy. (En, S)*

Comment

Due to site constraints the principal private open space has limited solar access. However, overall the private open space available on site receives sufficient solar access. A condition has

been included in the recommendation of this report requiring that a privacy screen be installed on the rear deck . As conditioned the proposed rear deck will to improve privacy to and from the principal private open space.

Having regards to the above assessment it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

C1.14 Separately Accessible Structures

No cooking facilities have been proposed, in accordance with C1.14. To ensure compliance with this control a condition has been included in the recommendation of this report prohibiting the use of the studio for separate habitation without the appropriate development consent.

D10.1 Character as viewed from a public place

Description of Non-Compliance

The proposed hardstand is located forward of the front building line and is greater than 50% of the lot frontage in width, which is contrary to the requirements of 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 proposal is consistent with the desired future character of Newport in accordance with A4.10 of the P21DCP.

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

Comment

Due to the slope of the site, the proposed crossover is to be elevated above natural ground level so that the car stand is level with the street. The location of the car stand within the front setback minimises the distance required for the construction of the elevated driveway and the impact of the driveway construction on the site.

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

Comment

The design and location of the proposed development is compatible with the existing parking structures along Grandview Drive and will therefore enhance the existing streetscape. The proposed development is below the height of surrounding trees and is compatible with the scale of the natural environment.

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

Comment

The proposed car stand requires the removal of one significant tree, the replacement of which

has been included in the recommendation of this report as a condition of consent. Due to the location of the car stand at street level with the proposed studio below concealed from street view, the visual impact of the structure is minimised as viewed from a public place.

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

Comment

The proposed development has been designed and built for the natural context and natural hazards of the site. The proposal retains the majority of existing vegetation and requires minimal disturbance of the natural topography.

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

Comment

The proposed car stand is located at street level (with the proposed studio below), and is therefore not considered to dominate the streetscape. The proposed development is of 'human scale' and is well within the height limit given in the Pittwater LEP 2014.

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

Comment

With the exception of the safety rails, the proposed development is located at or below street level, ensuring that local views are protected.

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

Comment

One tree is proposed to be removed as part of this application. A condition has been included in the recommendation of this report requiring that two canopy trees be planted on-site. The remaining existing vegetation and the replacement trees will ensure that the proposed parking structure remains secondary to the bushland vista of Pittwater.

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

Comment

The proposed development will complement the landscape character, public use and enjoyment of Grandview drive. Additional planting on-site as required by conditions of consent will ensure that the natural context of the site is maintained.

Having regard to the above assessment it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, the assessment finds that the proposal is supported in the particular circumstance.

D10.7 Front building line (excluding Newport Commercial Centre)

Description of Non-compliance

The proposed car stand and studio have a minimum front setback of 0.13m, where the requirement is for 6.5m.

Merit Consideration

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

- *Achieve the desired future character of the Locality. (S)*
Comment
The proposal is consistent with the desired future character of Newport in accordance with A4.10 of the DCP.
- *Equitable preservation of views and vistas to and/or from public/private places. (S)*
Comment
The proposed works within the front setback are a car stand, with a studio underneath at below road level. The proposed car stand will have no unreasonable impact on views to or from public and private places.
- *The amenity of residential development adjoining a main road is maintained. (S)*
Comment
The site does not adjoin a main road.
- *Vegetation is retained and enhanced to visually reduce the built form. (En)*
Comment
The construction of the car stand and studio involves the removal of a significant tree. However, replacement planting has been included as a condition of consent. The car stand is at street level and the remaining vegetation, and the additional vegetation as conditioned, will assist in minimising the visual impact of the proposed development on the streetscape.
- *Vehicle manoeuvring in a forward direction is facilitated. (S)*
Comment
The proposed car stand parking space does not allow for vehicle manoeuvring in the forward direction. However, the proposed driveway has been assessed by Council's Development Engineer who raised no concern in this regard.
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
Comment
The non-compliance with the front setback is consistent with other parking structures along Grandview Drive. The proposed car stand space is at street level and well below the canopy height of trees on and adjacent to the site.
- *To encourage attractive street frontages and improve pedestrian amenity.*
Comment
The proposed works are within a residential zone. The proposed encroachment into the setback area is for the construction of a car stand area, using the existing driveway layback. The proposal will have minimal impact on pedestrian amenity.
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*
Comment
The proposed car stand space is to be constructed at street level with the proposed studio below, and makes use of the existing driveway layback, ensuring that the new development continues to relate to the spatial characteristics of the existing urban environment.

Having regard to the above assessment it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental

Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

D10.8 Side and rear building line (excluding Newport Commercial Centre)

Description of Non-compliance

The proposed stairs to the car stand/studio have a side boundary setback of 1.86m to the western side boundary where the requirement is for 2.5m. The site is not regular in shape as such the side boundary encroachment is 5.63m. The main car stand/studio has no encroachment into the side boundary setback, with the non-compliance being to the external stairs.

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. (S)*
Comment
The proposal is consistent with the desired future character of Newport in accordance with A4.10 of the DCP.
- *The bulk and scale of the built form is minimised. (En, S)*
Comment
The proposed works (with the exception of the handrail) sit at or below street level, minimising the visual impact on the street. The external stairs vary in height with the slope of the site and do not add significant bulk or scale to the development.
- *Equitable preservation of views and vistas to and/or from public/private places. (S)*
Comment
The proposed car stand/studio sits at or below street level and continues to allow for reasonable preservation of views to and from the public and private places.
- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
Comment
The proposal car stand sits at street level with the proposed studio sitting below street level. The proposed development will continue to allow for view sharing.
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
Comment
The proposal will continue to allow for a reasonable level of amenity and solar access. A condition has been included in the recommendation of this report requiring that a privacy screen be added to the westernmost edge of the studio deck so as to minimise privacy impacts to the neighbouring dwelling to the west.
- *Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*
Comment
The proposal includes the removal of a significant tree. However, replacement planting has been included as a condition of consent in this report. As the proposed car stand is at street level, the canopy level of trees on the subject site and neighbouring properties is higher than proposed development.
- *Flexibility in the siting of buildings and access. (En, S)*

Comment

The siting of the proposed car stand and studio makes use of the existing layback. The site is highly sloped, requiring that any off-street parking be constructed level with the road, above the ground-level of the site. The location of the car stand within the front and side boundary setback is therefore required so as to minimise the size of the suspended structure. The external stairs follow the slope of the site to provide access to the car stand, studio and the rest of the site including the dwelling.

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

Comment

The proposed works require the removal of one tree. A condition has been included in the recommendation of this report requiring additional planting in the form of additional canopy trees or appropriate native vegetation. The remaining existing vegetation and that proposed will minimise the visual impact of the built form.

- *To ensure a landscaped buffer between commercial and residential zones is established. (En, S)*

Comment

The site does not adjoin a commercial zone.

Having regard to the above assessment it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

D10.11 Building envelope (excluding Newport Commercial Centre)

Description of Non-compliance

The proposed studio/car stand breaches the side boundary envelope on the eastern elevation for a length of 3.56m with a height of 0.00-1.54m.

The control states that buildings must be sited within the following envelope determined by projecting planes at 45 degrees from a height of 3.5m above ground level (existing). However, consideration of a variation may be permitted if the proposed works are situated on a slope of 30% or more.

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. (S)*

Comment

The proposal is consistent with the desired future character of Newport in accordance with A4.10 of the DCP.

- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

Comment

While non-compliant with the building envelope control, the proposal is well within the maximum height of buildings requirement. The proposed car stand is at the road level, with the proposed studio being underneath the car stand. The proposed development will remain below the height of the canopy of surrounding significant trees.

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

Comment

The subject site is significantly sloped, with existing and proposed vegetation assisting to reduce the visual impact of the built form.

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

Comment

The proposed works are below the canopy level of the surrounding significant trees with the proposed car stand being at street level, minimising the visual impact of the development on the streetscape.

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

Comment

The proposed works continue to allow for equitable preservation of views to and from public and private places.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*

Comment

The proposed car stand and studio do not create any unreasonable impact on amenity or solar access for neighbouring properties. A condition has been included in the recommendation of this report that requires a privacy screen on the western elevation of the proposed studio deck. The proposal as conditioned does not have any unreasonable impacts on privacy.

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

Comment

One tree is proposed to be removed as part of this application. A condition requiring the planting of canopy trees has been included in the recommendation of this report. Existing and conditioned vegetation will minimise the visual impact of the proposed development.

Having regard to the above assessment it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

D10.16 Construction, Retaining walls, terracing and undercroft areas

Description of Non-compliance

The proposed rear deck creates an undercroft area with a maximum height of 5.12m, and the proposed studio deck creates an undercroft area with a maximum height of 4.15m which is contrary to the requirements of 3.5m as given in this control. A condition has been included in the recommendation of this report requiring screen planting to screen the undercroft area of the rear deck and the studio deck.

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 desired future character statement requires future development to maintain a building height limit below the tree canopy and minimise bulk and scale. Both decks sit below the

existing canopy level of the site. The open nature of the proposed decks minimises their bulk and scale ensuring that the proposed development is consistent with the desired future character of Newport in accordance with A4.10 of the DCP.

- *To protect and minimise disturbance to natural landforms.*

Comment

The proposed decks does not require any unreasonable disturbance of the natural landform.

- *To encourage building design to respond sensitively to natural topography.*

Comment

The rear deck will provide usable private open space for the dwelling and the undercroft is due to the significant slope of the site where the rear deck is located. The studio deck allows access to the studio and is similarly affected by the slope of the site. The existing landscaping to the rear of the proposed deck and the additional screen planting included in the recommendation of this report will minimise the visual impact of the undercroft as viewed from neighbouring properties and integrate the development into the natural landscape.

Having regard to the above assessment it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly 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 \$3,850 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$385,000.

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;
- 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 DA2019/0863 for Alterations and additions to a dwelling house and construction of a studio on land at Lot 26 DP 16029, 51 Grandview Drive, NEWPORT, 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	June 2019	LifeStyle Home Designs
DA 02	June 2019	LifeStyle Home Designs
DA 03	June 2019	LifeStyle Home Designs
DA 04	June 2019	LifeStyle Home Designs

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate	30/07/2019	Lifestyle Home Designs
Geotechnical Assessment	18/07/2019	JKGeotechnics
Aboricultural Impact Assessment Report	13/06/2019	Joanne Willis
Schedule of Colours and Materials for	Undated	Unknown

Property at: 51 Grandview Drive, Lot 26, D.P. 16029, Newport NSW 2106		
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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:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	12/06/2019	E. Maxworthy

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) 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.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1

per 20 persons.

- (e) 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.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) 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.
- (k) 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

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$3,850.00 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 \$385,000.00.

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

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

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

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

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

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

6. Stormwater Disposal from Low Level Property

The applicant is to demonstrate how stormwater from the new development within this consent shall be disposed of to an existing approved system or in accordance with Clause B5.10 in Pittwater DCP21. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the Northern Beaches Council's Clause B5.10 in Pittwater DCP21 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 the development.

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 JK Geotechnics, dated February 2019 & July 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 Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

8. Elevated Driveway Work and Parking Facility

The elevated driveway and parking facility shall be constructed in accordance with the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls

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

Reason: To ensure safe access to the proposed development.

9. **Boundary Identification Survey**

A Boundary Identification Survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the construction certificate are to accurately reflect the property boundaries as shown on the Boundary Identification Survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans, referenced in Condition 1 of this consent.

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

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

10. **Submission Roads Act Application for Civil Works in the Public Road**

An Application for Works to be approved within Council Roadway, including engineering plans is to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The application is to include four (4) copies of Civil Engineering plans for the design of the driveway crossing which are to be generally in accordance with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and/ or Council's Policy. The plans shall be prepared by a qualified structural engineer. The Structural Engineer is to provide a design in accordance with the recommendations of the Geotechnical Report by JKGeotechnics dated February 2019. The Geotechnical Engineer is to provide an endorsement of the structural design. The proposed crossing should not damage Council's drainage system. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges. An approval from Council is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

11. **Vehicle Driveway Gradients**

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Policy.

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

Reason: To ensure suitable vehicular access to private property.

12. **Construction Management Program**

An application for Traffic Management Plan is to be submitted to Council for approval. The Traffic Management Plan shall be prepared to RMS standard by an appropriately certified person. An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community

13. **Project Arborist to Review the Stormwater Management Plan**

The Project Arborist is to review the submitted Stormwater Management Plan and recommend amendments / tree mitigation measures to ensure the safe retention and protection of tree required to be retained and protected in accordance with these conditions of consent and AS4970-2009.

Evidence demonstrating Project Arborist engagement is to be provided to the Principal Certifying Authority prior to the issue of Construction Certificate.

Reason: Tree protection in accordance with relevant Natural Environment LEP/DCP controls

14. **Engage a Project Arborist**

A Project Arborist with a minimum of AQF Level 5 is to be appointed for the duration of the works. The Project Arborist is to implement pre-construction tree protection measures and direct supervision all works within 5m of significant trees.

Evidence demonstrating Project Arborist engagement is to be provided to the Principal Certifying Authority prior to the issue of Construction Certificate.

Reason: Tree protection in accordance with relevant Natural Environment LEP/DCP controls

15. **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.

16. **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.

17. **Privacy Screens**

A 1.65 metre privacy screen (measured from finished floor level) is to be erected for 1.8m in length starting at the existing dwelling, on the outermost eastern edge of rear deck located off the living/dining room as shown on the approved plans. The privacy screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

A 1.65 metre privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost western edge of the studio deck located off the studio as shown on the approved plans. The privacy screen shall be of fixed panels or louver style construction (with a

maximum spacing of 20mm), in materials that complement the design of the approved development.

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

Reason: In order to maintain privacy to the adjoining/nearby property.

18. Road Safety Audit

The applicant is to undertake a Safety Audit of the driveway position and the crash barrier location. The outcome should reveal if there is a nexus for the location of the driveway to change, or if additional safety measures are required within the roadway.

The audit should be undertaken by a suitably qualified Road Safety Auditor and submitted to and approved by Council prior to the issue of any Construction Certificate.

Any items raised within the report, and approved by Council, shall be implemented by the applicant at no cost to Council.

Reason: To ensure safety is improved near the site (DACTRCPC1)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

19. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

20. Tree removal

The following existing tree located within the site is granted approval for removal as recommended in the Arboricultural Impact Assessment report prepared by Joanne Willis Consultant Arboriculturalist, based on the assessment of development impact following exploration of alternative design layouts:

- T4 Turpentine.

One *Syncarpia glomulifera* (Turpentine) shall be planted within the site as a replacement.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. Civil Works Supervision in the Road Reserve

All structural works approved in the Roads Act Approval are to be supervised by an appropriately qualified and practising Structural Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works.

22. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Principal Certifying 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

23. **Vehicle Crossings**

The provision of one vehicle crossing 4 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 NL and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

24. **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.

25. **Tree protection measures**

An Arborist with AQZ Level 5 qualifications in arboriculture/horticulture shall be engaged to provide supervision and certification of tree protection measures at the commencement and during all excavation and construction works, in accordance with the recommendation in the Arboricultural Impact Assessment report prepared by Joanne Willis Consulting Arboriculturist in accordance with section 5.3, including:

- i) trunk protection to existing trees T1, T2, T3, T5, T6, and T7 as a minimum,
- ii) ground investigation and selection of pier footing locations for the car stand/studio, and all proposed decking structures,

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 AQZ 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 Arborist shall provide the Certifying Authority with certification details that the tree protection measures are in place at the commencement of works. Certification details shall be submitted to

the Certifying Authority that provides approval for the location of all pier footings within the tree protection zones of existing trees.

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.

26. **Tree and vegetation protection**

a) Existing trees and vegetation shall be retained and protected as identified in the Arboricultural Impact Assessment report prepared by Joanne Willis Consultant Arboriculturalist, 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.

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 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009,
- xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

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

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

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

27. **Landscape works**

Landscaping is to be implemented in accordance with the following requirements:

- i) at least 2 locally native canopy trees (including one (1) *Syncarpia glomulifera* (Turpentine) at a minimum 75 litre container size) shall be planted within the site to replace trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with these conditions of consent.
- 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 have a minimum individual soil area wholly within the site of 3 metres x 3 metres, and shall be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used,
- iv) screening planting to achieve a mature height of 3 metres shall be installed along the lower side of undercroft area, installed at no more than 1 metre apart, and at a minimum pot container size of 300mm, to the proposed studio deck and dwelling deck along the southern elevations.

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

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

28. **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.

29. **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.

30. **Certification Elevated Driveway Work and Parking Facility**

The Applicant shall submit a Structural Engineers' certificate that the elevated driveway and parking facility were constructed in accordance within this development consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls.

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

Reason: Compliance with this consent.

31. **New vegetation planting**

Prior to the issue of any Occupation Certificate, evidence that the new vegetation planting comprises a minimum of 80% locally native vegetation species (as per species listed in the Pittwater Spotted Gum EEC) is to be provided to the Principal Certifying Authority.

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

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

32. **Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Reason: Weed management.

33. **Replacement of Canopy Trees**

Tree replacement plantings required under this consent are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Reason: To replace locally native trees in accordance with relevant Natural Environment LEP/DCP controls.

34. **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.

35. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

36. **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.

37. **Studio**

Nothing in this consent shall authorise the use of the detached studio as detailed on the

approved plans for any land use of the structure beyond the definition of a detached studio.

A detached studio is defined as:

"A habitable building that is used for purposes ancillary to a dwelling house such as a r

- a) is established in conjunction with a dwelling house, and
- b) is on the same lot of land as the dwelling house, and
- c) is separate from the dwelling house, and
- d) is not used as a separate dwelling house, and
- e) does not contain any cooking facilities."

(development as defined by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (as amended) Interpretation - General).

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.

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

Signed



Rhiannon McLardy, Planner

The application is determined on 18/02/2020, under the delegated authority of:



Rodney Piggott, Manager Development Assessments