

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1658
Responsible Officer:	Georgia Quinn
Land to be developed (Address):	Lot 5 DP 39111, 53 Beaconsfield Street NEWPORT NSW 2106
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Corrina June Bouman David Bouman
Applicant:	David Bouman
Application lodged:	10/10/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	17/10/2018 to 02/11/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval
Estimated Cost of Works:	\$ 65,000.00

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

Pittwater 21 Development Control Plan - D10.13 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 5 DP 39111 , 53 Beaconsfield Street NEWPORT NSW 2106
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Beaconsfield Street, Newport.</p> <p>The site is regular in shape with a frontage of 18.29m along Beaconsfield Street and a depth of 31.8m. The site has a surveyed area of 698.8m².</p> <p>The site is located within the E4 zone and accommodates a two storey dwelling house.</p> <p>The site maintains a north/south orientation and the site falls away from the front boundary down to the rear boundary by approximately 7.05m, equating to a gradient of 19.55%.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by similar low-density dwelling houses.</p>

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for a double carport.

Application History:

On 10 October 2018, Development Application DA2018/1658 was lodged with Council.

On 8 January 2019, Council wrote to the applicant to advise of a series of issues with the development, and requested the withdrawal of the application. Specifically, the letter identified concerns regarding:

- the construction of a retaining wall, bin enclosure and the supporting structure for the carport were located within Council's road reserve; and
- the design of the driveway was deemed unsafe; and
- the architectural plans indicated excavation of more than 1.5m and as such a geotechnical report was required.

On 21 January 2019, the applicant provided amended plans, demonstrating compliance with the identified concerns.

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 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>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, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</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 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 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 Matters for Consideration'	Comments
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition of the application Council received no submissions.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The landscape component of the proposal is acceptable subject to

Internal Referral Body	Comments
	<p>completion of landscaping, and the protection of existing trees and vegetation not impacted by the proposed development. Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls: C1.1 Landscaping</p>
NECC (Bushland and Biodiversity)	<p>The proposal has been assessed against Pittwater DCP B4.5. Biodiversity raises no objections.</p>
NECC (Development Engineering)	<p>The proposal includes the construction of a retaining wall, the supporting structure for the carport and bin enclosure within the road reserve which is not acceptable. The design of the driveway is also deemed unsafe as vehicles exiting the site will not have adequate sight distance to vehicles or pedestrians using Beaconsfield St. It is considered that the carport and ancillary structures must be positioned wholly within the property and the driveway is to be positioned perpendicular to the carport to ensure safe vehicular access. The proposal also includes excavation of more than 1.5 metres for the store room and as such a geotechnical report in accordance with Council's policy is required for the proposal.</p> <p>Development Engineers cannot support the application due to insufficient information to address Clauses B6.1 and B8.1 of Council's DCP.</p> <p>Amended plans received 22/01/2019</p> <p>The revised design for the carport and driveway has been assessed and is satisfactory. Also the proposed excavation does not require a Geotechnical report. No objection to approval, subject to conditions as recommended.</p>
NECC (Riparian Lands and Creeks)	<p>The application does not trigger water quality controls. Sediment and erosion controls must be installed prior to any works on site and maintained until works are complete.</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>This proposal has been referred to Heritage as it is diagonally opposite Newport Public School which contains three heritage items.</p>
	Newport Public School - bell and foundation stone
	Hoop Pine (Araucaria Cunninghamii)
	Port Jackson Fig (Ficus rubiginosa)
	Details of heritage items affected
	<p>Details of the items as contained within the Pittwater heritage inventory is as follows:</p>

Internal Referral Body	Comments																					
	<p>Newport Public School - bell and foundation stone</p> <p><u>Statement of Significance</u> The bronze school bell and foundation stone are historically significant due to their association with the early construction of Newport Public School. They are part of the school complex, and are socially significant and valued by the Newport community.</p> <p><u>Physical Description</u> The school bell is currently standing in the western campus outside the toilet block. It is a bronze bell on a timber and steel pole attached to the brickwall of the block. Inscription on the bell reads "Newport Public School 1888-1988".</p> <p>Hoop Pine (Araucaria Cunninghamii)</p> <p><u>Statement of Significance</u> Mature specimen of Hoop Pine (Araucaria cunninghamii) is a significant landscape element with local aesthetic value.</p> <p><u>Physical Description</u> Good</p> <p>Port Jackson Fig (Ficus rubiginosa)</p> <p><u>Statement of Significance</u> This mature specimen of Port Jackson Fig (Ficus rubiginosa) in the front garden of the school is considered a significant landscape element with local aesthetic value.</p> <p><u>Physical Description</u> The shape of fig has been compromised by unsympathetic lopping to maintain clearances around overhead electricity cables. However, it retains it's landscape quality and is considered to have aesthetic significance.</p> <table><tr><th colspan="3">Other relevant heritage listings</th></tr><tr><td>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td><td>No</td><td></td></tr><tr><td>Australian Heritage Register</td><td>No</td><td></td></tr><tr><td>NSW State Heritage Register</td><td>No</td><td></td></tr><tr><td>National Trust of Aust (NSW) Register</td><td>No</td><td></td></tr><tr><td>RAIA Register of 20th Century Buildings of Significance</td><td>No</td><td></td></tr><tr><td>Other</td><td>No</td><td></td></tr></table>	Other relevant heritage listings			Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No		Australian Heritage Register	No		NSW State Heritage Register	No		National Trust of Aust (NSW) Register	No		RAIA Register of 20th Century Buildings of Significance	No		Other	No	
Other relevant heritage listings																						
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No																					
Australian Heritage Register	No																					
NSW State Heritage Register	No																					
National Trust of Aust (NSW) Register	No																					
RAIA Register of 20th Century Buildings of Significance	No																					
Other	No																					

Internal Referral Body	Comments
	<div>Consideration of Application</div> <p>The proposal seeks consent for a new carport, driveway and ancillary works. The Newport Public School site is located to the north-east of the site across Beaconsfield Road. Given the separation afforded by the roadway, the proposal is considered to not impact upon the heritage items or their significance.</p> <p>Therefore Heritage raises no objections and requires no conditions.</p> <p>Consider against the provisions of CL5.10 of WLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p> <div>Further Comments</div> <p>COMPLETED BY: Brendan Gavin, Strategic Planner</p> <p>DATE: 23 January 2019</p>

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

Nil

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	7.1m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.2 Earthworks	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	2.7m	58.47%	No
Side building line	2.5m	10.2m	N/A	Yes
	1m	1.8m	N/A	Yes
Building envelope	3.5m	Within envelope	N/A	Yes
	3.5m	Within envelope	N/A	Yes
Landscaped area	60%	43.03%	28.29%	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	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
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
D9.17 Scenic Protection Category One Areas	Yes	Yes
D10.1 Character as viewed from a public place	Yes	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)	Yes	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	Yes	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	No	Yes
D10.16 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D10.18 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

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

The application proposes a front setback of 2.7m.

Merit Assessment

Achieve the desired future character of the locality.

The proposed carport is consistent with the desired future character of the Newport locality and dually aligns with the existing off-street parking arrangements apparent along Beaconsfield Street.

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

No unreasonable impacts in regard to views and vistas currently obtained to and/or from public and private places will occur as a result of the development.

The amenity of residential development adjoining a main road is obtained.

Beaconsfield Street is not classified as a main road, therefore this outcome is not applicable.

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

The proposed works require a portion of the existing non-native vegetation to be removed to facilitate the development. Replacement landscape works have been conditioned as part of the consent (refer to Landscape Officer referral comments). Landscape conditions have also been implemented to ensure existing landscaping be maintained. As a result, sufficient levels of vegetation will be retained and enhanced to assist in the visual reduction of the built form.

Vehicle maneuvering in a forward direction is facilitated.

The access arrangement of the site will be altered such that a safer entrance/exit of the site can be facilitated. The new access arrangement runs perpendicular to Beaconsfield street and enters directly into the proposed double carport. Forward movement is not considered to be required or able to be provided with respect to the subject site, given that Beaconsfield Street is not a classified main road.

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

The proposal aligns with the existing identity of the streetscape, in that various properties contain off-street parking facilities fronting the street. The development is modest in height and scale, thus achieving a density that is in keeping with the height of the natural environment.

To encourage attractive street frontages and improve pedestrian amenity.

The proposed works are appropriate in design such that visual interest will be promoted for the street frontage along Beaconsfield Street. The new driveway crossing will provide a level path, thus enhancing pedestrian amenity.

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

Due to the siting of the existing dwelling house and the existing hard stand space and associated retaining wall, the proposed location for the carport is appropriate in that minimal site disturbance will be required and the provision of safety will be significantly enhanced. The proposal will not result in the loss of significant vegetation thereby sensitively responding and relating to the spatial characteristics of the environment.

It is therefore deemed this proposal satisfactorily achieves the relevant outcomes of this Clause. The numeric contravention outlined above is supported on merits.

D10.13 Landscaped Area - Environmentally Sensitive Land

Required landscaped area: 60%

Proposed landscaped area: 43.02%

Proposed landscaped area with variation applied: 49.03%

Merit Assessment:

Achieve the desired future character of the locality.

The proposal aligns with the desired future character of the Newport locality and dually the existing off-street parking arrangements apparent along Beaconsfield Street.

The bulk and scale of the built form is minimised.

The proposal maintains a modest design, that is within the building height control and building envelope control. Furthermore, the carport maintains an open structure design.

A reasonable level of amenity and solar access is provided and maintained.

No unreasonable amenity impacts are likely to arise as a result of this development, due to its minor nature and modest design.

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

A portion of the existing vegetation is to be removed to facilitate the development however the siting of the development was amended so to ensure the highest level of safety be provided. Landscaping conditions have been included as part of the consent as a mechanism to visually reduce the built form.

Conservation of natural vegetation and biodiversity.

No significant vegetation will be lost as a result of this development. A portion of non-native vegetation is to be removed to facilitate the works however replacement planting has been conditioned to ensure the conservation of natural vegetation and biodiversity. Additionally, a condition has been placed ensuring existing vegetation unaffected by the development, is to be retained for the life of the development.

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

The portion of soft surface does not achieve the minimum landscaped area requirement prescribed within this Clause. The proposed works will allude to a landscaped area of 43.03% however as the proposal is deemed to satisfactorily achieve the outcomes of this Clause, Council is able to permit variation. This variation allows 6% of the total site area to be impervious surface, provided such areas are for outdoor recreational purposes only. Upon application of this variation, the total landscaped area equates to 49.03%. Although the overall landscaped area remains below the required amount, the subject site is deemed to provide a sufficient portion of soft surface to which will assist in the reduction of stormwater runoff, soil erosion and the siltation of natural drainage channels. Additionally, the proposed works are to facilitate the safe provision of two compliant off-street parking spaces, which is a development considered necessary along Beaconsfield Street.

To preserve and enhance the rural and bushland character of the area.

Significant vegetation will remain within the subject site therefore contributing to the preservation of the rural and bushland character of the area.

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

The proposal maintains sufficient soft surface for the subject site such that existing water infiltration capacities will be maintained, therefore assisting with stormwater management.

The numeric non-compliance is supported on merits, as the application is deemed to satisfactorily achieve the outcomes of this Clause.

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

Pittwater Section 94 Development Contributions Plan

S94 Contributions are not applicable to this application.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1658 for Alterations and additions to a dwelling house on land at Lot 5 DP 39111, 53 Beaconsfield Street, 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
02 - RevE - Carport Plan	20/01/2019	GIDDIS Drafting Services

03 - RevE - Elevations 01	20/01/2019	GIDDIS Drafting Services
04 - RevC - Elevations/Section Plan	18/01/2019	GIDDIS Drafting Services

Engineering Plans		
Drawing No.	Dated	Prepared By
05 - RevC - Stormwater Concept Plan	24/01/2019	GIDDIS Drafting Services
06 - RevC - Erosion & Sediment Control	24/01/2019	GIDDIS Drafting Services

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	04/09/2018	David Bouman

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. 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

5. Stormwater Disposal from Low Level Property

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Pittwater DCP21 Clause B5.10. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the Northern Beaches Council's Pittwater DCP Clause B5.10 are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

6. 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 retaining walls through the nature strip and 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 Minor Works Policy. The plan shall be prepared by a qualified structural engineer. The design must include the following information:

1. A services search to locate any public utility services located within the proposed driveway in the road reserve. Where any services will be impacted by the works, a letter of approval from the relevant service authority is to be submitted to Council with the application.
2. Cross sections and long sections on either side and through the middle of the proposed driveway.
3. Kerbs and barrier walls along the perimeter of the driveway as per AS/NZS 2890.1:2004 Section 2.4.5.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges. An approval by Council is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure compliance with Council's specification for engineering works and to provide public and private safety.

7. 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 Minor Works 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.

8. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
 - (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.
- Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

9. External Finishes to Roof

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel

finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. 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.

11. 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 (DACNED06)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. Civil Works Supervision

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil 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.

13. 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

14. Vehicle Crossings

The provision of one vehicle crossing 5.7 metres wide at the kerb to 6 metres wide at the boundary in accordance with Northern Beaches Council Drawing No A4-3330/5 EL 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.

15. 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.

16. Tree and vegetation protection

A) Existing trees and vegetation shall be retained as follows:

i) all trees and vegetation within the site not impacted by the proposed development, shall be protected during all construction stages, excluding exempt trees under the relevant planning instruments or legislation,

ii) all other trees and vegetation located on adjoining properties,

B) Approval is granted for the removal of the existing vegetation impacted by the proposed development, as shown on the Site Plan, revision E, including shrub hedges, subject to tree replacement as conditioned,

C) 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, with particular reference to Section 4,

ii) to minimise the impact on the street tree 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 the street trees.

iii) any tree roots exposed during excavation with a diameter greater than 25mm within the TPZ must be assessed by an Arborist.

iv) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorized by the Project Arborist on site,

v) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,

vi) should either or both iv) and v) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures provided,

vii) Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority should either of the above events occur.

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

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

17. Landscape works

Landscaping shall be installed as follows:

- i) where construction works removes existing landscaping, the road reserve verge shall be turfed,
- ii) native shrub hedge planting along the frontage within the property, and either side of the proposed driveway, shall be planted with screening shrubs (selected from the following list: *Acmena*, *Banksia*, *Callistemon*, *Melaleuca*, *Leptospermum* or *Syzygium* species), that are capable of attaining 3 metres in height above the ground, shall be planted at minimum 300mm pot size and no more than 900mm apart,
- iii) a small native tree capable of attaining 5-6 metres in height at maturity shall be installed within the front setback between the proposed carport and the existing dwelling, planted at a minimum pot size of 75 litre, and selected from the following species: *Backhousia myrtifolia*, *Callicoma serratifolia*, *Ceratopetalum gummifera*, and *Melaleuca linariifolia*,
- iv) 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.

18. Reinstatement of Kerb

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces

19. Stormwater Disposal

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

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

20. Retaining walls and Driveway Slab in Road Reserve

The retaining wall and driveway slab works within the road reserve shall be certified as compliant with all relevant Australian Standards and Codes by a Structural Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: To ensure compliance with the relevant standards and Public and Private Safety

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

21. Landscape maintenance

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

Landscape works shall be maintained for a minimum period of 12 months following practical completion. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

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

22. **Environmental and priority weed control**

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

Reason: preservation of environmental amenity.

23. **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.

24. **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.

25. **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.

26. **Colours and Finishes**

The painted timber posts; weatherboard clad balustrade; and metal roof are to be finished in dark and earthy, non-reflective finishes.

Reason: To minimise the visual impact of the development.

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

Signed



Georgia Quinn, Planner

The application is determined on 07/02/2019, under the delegated authority of:



Luke Perry, Acting Development Assessment Manager