

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2020/0219 |
| Responsible Officer: | Kent Bull |
| Land to be developed (Address): | Lot 30 DP 204399, 185 Prince Alfred Parade 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: | Laraine Joyce Harty Boguradzki Bernard Boguradzki |
| Applicant: | Hom Te |
| Application Lodged: | 06/03/2020 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Residential - Alterations and additions |
| Notified: | 16/03/2020 to 30/03/2020 |
| Advertised: | Not Advertised |
| Submissions Received: | 2 |
| Clause 4.6 Variation: | Nil |
| Recommendation: | Approval |
| Estimated Cost of Works: | \$ 280,000.00 |

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the alterations and additions to a dwelling house. In particular the works include:

- Installation of a new residential lift providing access to the first floor, ground floor and lower floor;
- New entry room to the ground floor;
- Lower level family room with a bathroom, deck and internal stair access to the ground floor; and
- External stairs connecting the lower level to the existing stairs towards the right of carriageway.

Note: a double garage including associated works to extend the existing concrete slab that was initially proposed, was removed from the application following concerns raised with vehicle access. These amended plans were not re-notified, as in accordance with the Community Participation Plan, the *"changes result in a lesser or reduction of environmental impacts"*.

ASSESSMENT INTRODUCTION

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

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

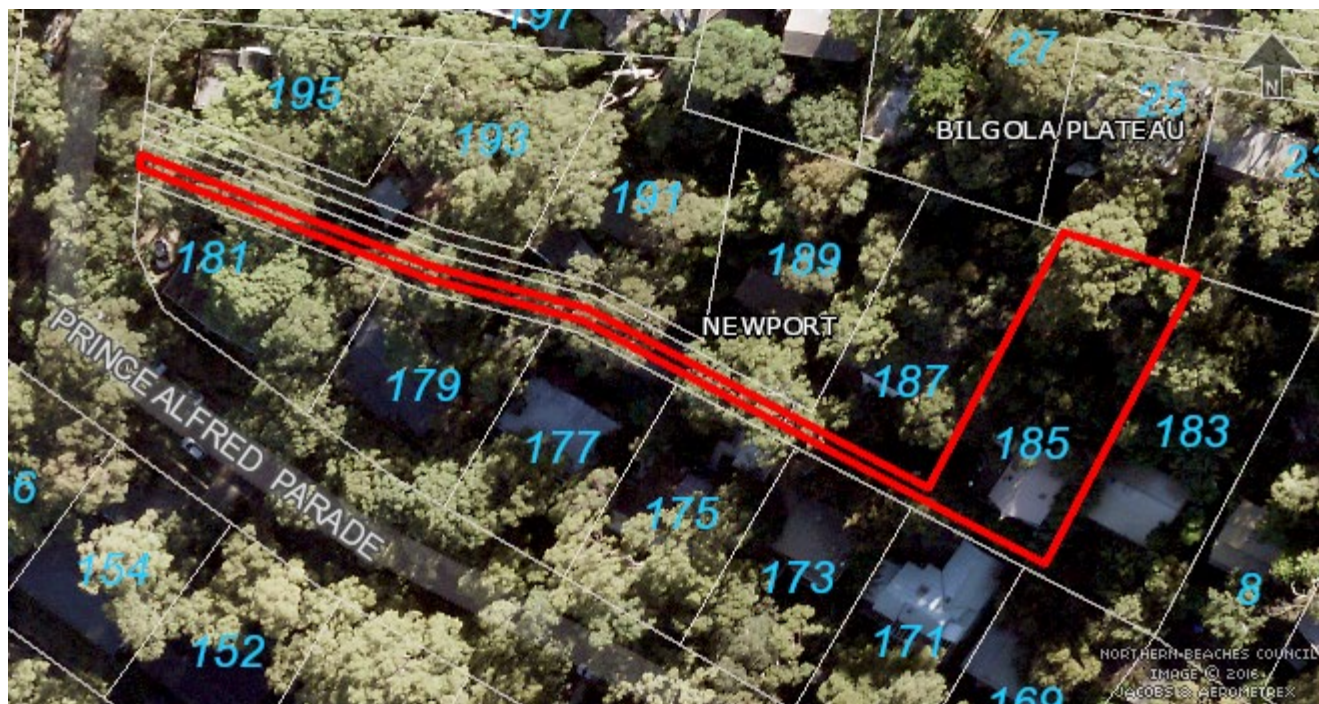
SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings
Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
Pittwater 21 Development Control Plan - C1.7 Private Open Space
Pittwater 21 Development Control Plan - C1.25 Plant, Equipment Boxes and Lift Over-Run
Pittwater 21 Development Control Plan - D10.18 Scenic Protection Category One Areas

SITE DESCRIPTION

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| Property Description: | Lot 30 DP 204399 , 185 Prince Alfred Parade NEWPORT NSW 2106 |
| Detailed Site Description: | <p>The subject site consists of one (1) battle-axe allotment that is accessed via a right of carriageway from Prince Alfred Parade. The site is irregular in shape and has a surveyed area of 1277m². The site is located within the E4 Environmental Living zone and accommodates a 3 storey timber dwelling house towards the front of the site. The site is steeply sloping, with a fall of 55.8% (24m) from the rear boundary to the right of carriageway. The site contains a number of significant canopy trees and rock outcrops. The land is identified as “Geotechnical Hazard H1” on the Geotechnical Hazard Map and is also mapped within the Pittwater and Wagstaffe Spotted Gum Forest Endangered Ecological Community.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by low-density dwelling houses within a bushland setting.</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.

APPLICATION HISTORY

11 March 2020

Request for further information letter sent for a Geotechnical Report and a Arboricultural Impact Assessment Report to be submitted.

8 April 2020

The applicant submits a Geotechnical Report to Council, which is accepted.

9 April 2020

Site inspection undertaken by the development assessment officer.

15 May 2020

Site inspection undertaken by the development assessment officer and the Aboriginal Heritage Officer.

18 May 2020

Request for withdrawal letter issued to the applicant due to issues with tree impacts, vehicle access for the proposed garage and incorrect labelling of plans.

17 June 2020

The applicant submits a Arboricultural Impact Assessment Report to Council, which is accepted.

22 June 2020

The applicant submits amended architectural plans to delete the double garage from the development application.

2 July 2020

Site inspection undertaken by the development assessment officer, with the property owner of No. 187 Prince Alfred Parade to investigate and discuss vehicle access concerns.

14 July 2020

Amended architectural plans submitted to Council, following concerns of vehicle access, off-street parking and the height exceedance of the lift structure. These amended plans were accepted by Council and form the following assessment.

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 |
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| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on “Environmental Planning Instruments” in this report. |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument | Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk. |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan | Pittwater 21 Development Control Plan applies to this proposal. |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement | None applicable. |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) | <p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter can be addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter can be addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter can be 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 can be addressed via a condition of consent.</p> |
| Section 4.15 (1) (b) – the likely impacts of the | <p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built</p> |

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| development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | environment are addressed under the Pittwater 21 Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (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. |
| 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: |
|-----------------------------|---|
| Mrs Jane Shandra Cranna | 183 Prince Alfred Parade NEWPORT NSW 2106 |
| Mr William Alexander Mackay | 187 Prince Alfred Parade NEWPORT NSW 2106 |

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

- Mislabelling of adjoining properties**

Comment:

Submissions were received concerning the mislabelling of the adjoining properties No. 183 and No. 187 Prince Alfred Parade. This appears to have been a result of a minor error in the architectural plans. This error has been acknowledged by Council, however given the property numbers are reflected on the survey plan, amended architectural plans were not considered necessary in this particular instance.

- Traffic Assessment Report**

Comment:

The development application at the time of lodgement included a double garage which raised concerns with vehicle access for the adjoining property to the west. Whilst this would have warranted a Traffic Report to be submitted, the Applicant decided to amend the plans to delete the garage in its entirety. Further, as the proposed development is not seen to generate significant additional traffic, a Traffic Report is not considered necessary.

- **Vehicle Access between No. 183 and No. 185 Prince Alfred Parade**

Comment:

As previously discussed, the double garage that had originally been proposed and that raised particular concern with restricting existing vehicle access arrangements, was deleted by the Applicant in amended plans. An assessment against relevant control requirements has considered that the proposed development is acceptable with regard to parking and access. See discussion under Clause B6.3 Off-Street Vehicle Parking Requirements of the P21 DCP within this report.

- **Construction access via the Right of Carriageway**

Comment:

A submission raised concern regarding potential obstruction and damage of the Right of Carriageway during construction. Should the application be approved, a condition is recommended to require the production of a Construction Traffic Management Report and a Construction Methodology Report, to ensure that the Right of Carriageway is not unreasonably obstructed during construction.

- **Impact on a Sandpaper Fig Tree**

Comment:

As the proposed development involved work within 5m of existing native trees, a request was made for an arboricultural impact assessment report to be submitted. In response to this request, the Applicant provided Council with a report on the 17 June 2020. The report concluded that the proposed works can be undertaken with retention of all trees subject to Arboricultural supervision. Council's Landscape Officer has recommended the proposal be supported subject to relevant tree protection conditions.

- **Concerns of an air-conditioning unit being located on the eastern elevation**

Comment:

In response to concerns raised by the adjoining property owner to the east, there are no air-conditioning units indicated or marked on the eastern elevation as part of this application. Should an air-conditioning unit be installed without a development consent in the future, it would need to comply with the standards outlined within Part 2, Subdivision 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

- **Geotechnical Report**

Comment:

Whilst a Geotechnical Report was requested following the lodgement of the development application, at the time of notification it had not yet been submitted. The Applicant submitted a Geotechnical Report on the 8 April 2020, which was accepted by Council.

REFERRALS

| Internal Referral Body | Comments |
|------------------------|--|
| Landscape Officer | <u>Additional information comment 03/07/2020</u> |

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| | <p>The Arborist's Report submitted with the additional information is noted.</p> <p>The report concludes that the proposed works can be undertaken with retention of all trees subject to Arboricultural supervision.</p> <p>No objections are raised to approval subject to conditions.</p> <p><u>Original comment</u></p> <p>The plans are unclear with regard to the impact of the proposed works on nearby trees. The Survey Plan indicates an existing concrete drive over which the works are proposed, however it is unclear whether levels are to be altered to match into existing floor levels. A spot level on the Survey indicates that the floor level shown on the sections is lower than the existing slab. Any excavation could have impacts on the adjoining trees.</p> <p>It is noted that an Arborist Report and Geotechnical Report have been requested from the applicant.</p> <p>The provision of the Arborist's report is supported to assess if there are impacts on existing trees and whether any trees require removal. The provision of the Geotechnical report should identify if any rock features require removal.</p> <p>At this stage the proposal is not supported with regard to landscape issues, however if the above information is provided, further assessment can be undertaken.</p> |
| NECC (Bushland and Biodiversity) | <p>Updated Biodiversity Comment (23 June 2020)</p> <p>This updated assessment is based upon the following additional information:</p> <ul style="list-style-type: none">- Arboricultural Impact Assessment (Bradshaw Consulting Arborists, 17 June 2020)- Amended Plans (AusDeCon, received by Council June 2020) <p>The arboricultural report identifies measures to safely retain existing canopy trees, including those characteristic of the Pittwater Spotted Gum Endangered Ecological Community. It is therefore considered that the proposal is compliant with relevant controls, subject to implementation of arborist's recommendations.</p> <p>Biodiversity Comment (12 May 2020)</p> <p>The following biodiversity-related provisions apply to the subject site:</p> <ul style="list-style-type: none">- NSW Biodiversity Conservation Act 2016- Pittwater LEP Clause 7.6 (Biodiversity Protection)- Pittwater DCP Clause B4.7 (Pittwater Spotted Gum Forest EEC) <p>The site is identified as containing 'Pittwater and Wagstaffe Spotted Gum Forest Endangered Ecological Community' (EEC) in the NSW Government's 'Native Vegetation of the Sydney Metropolitan Area' mapping. As such, an assessment of the potential impact to native trees is required for developments. It is noted that the proposal involves work within 5m of existing native trees and that no arboricultural impact assessment has been submitted. Given that the proposed driveway amendments may require excavation within the tree protection zone of existing trees, further assessment in the form of an arboricultural assessment (arborist's report) is required. There is therefore insufficient information to assess the proposal's compliance with relevant</p> |

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| | controls at this stage. |
| NECC (Coast and Catchments) | <p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Coastal Management) 2018 As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Littoral Rainforest and Proximity Area' map but not been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps or on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 11 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>Assessment for Areas proximity to Littoral Rainforest will be done by 'Bushland and Biodiversity' Section of the Council. On internal assessment of other coastal related aspects, the DA satisfies requirements of the CM SEPP. and comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>No coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> |
| NECC (Development Engineering) | <p>The proposed development is located within the H1 Geotechnical Hazard Area and as such the proposal requires a Geotechnical Report in accordance with the Geotechnical Risk Management Policy.</p> <p>The proposed new garage requires a turning path that crosses the boundary to Lot 31 DP204399, number 183 Prince Alfred Pde. The submitted survey plan does not indicate a right of way in this area benefiting the site. Also the</p> |

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| | <p>proposed garage may limit the ability for vehicles to enter the adjoining site if there is a ROW on title benefiting Lot 31. It is considered that a detailed survey indicating the ROW and a Traffic Report detailing turning paths for each property must be provided to demonstrate the vehicular access to each property can be achieved in accordance with the DCP.</p> <p>Development Engineers cannot support the application due to insufficient information to address Clauses B3.1 and B6.2 of Pittwater 21 DCP 2014.</p> <p>Additional Information submitted 22/06/2020</p> <p>The amended plans have deleted the car parking from the proposal. The submitted Geotechnical report addresses the relevant DCP controls.</p> <p>No objection to approval, subject to conditions as recommended.</p> |
| NECC (Riparian Lands and Creeks) | <p>This application has been assessed against:</p> <p>State Environment Planning Policy (Coastal Management) 2018 Part 2, Division 1, Clause 10 & 11 Part 2, Division 3, Clause 13</p> <p>Pittwater 21 Development Control Plan B5.8 Stormwater Management B8.2 Erosion and Sediment Management</p> <p>This application proposes to significantly increase impervious surfaces and therefore a sediment control pit or equivalent primary treatment, which collects leaf litter and coarse sediments, is to be installed prior to the discharge of stormwater from the land. The applicant must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance. Standard sediment erosion controls must be installed prior to construction and removed only once ground cover has been established to prevent the migration of sediment offsite.</p> <p>With these conditions the application is unlikely to cause adverse impacts on the integrity and resilience of the biophysical, hydrological and ecological environment. It is therefore recommended for approval subject to conditions.</p> <p><u>Planner Comments 20/07/20:</u></p> <p>Discussions with the Council Officer responsible for this NECC (Riparian Lands and Creeks) referral confirmed that conditions for stormwater treatment were not necessary given amendments made to remove significant areas of roofing that were initially proposed.</p> |

| External Referral Body | Comments |
|----------------------------|--|
| Ausgrid: (SEPP Infra.) | The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent. |
| Aboriginal Heritage Office | <p>Reference is made to the proposed development at the above area and Aboriginal heritage.</p> <p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> |

Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.

Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, the Department of Planning, Industry and Environment (DPIE) and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

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. A370472, dated 6 March 2020).

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

SEPP (Infrastructure) 2007

The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

The application does not involve an impervious area increase by more than 50sqm, nor is it expected that the excavation required will significantly alter the quantity and quality of ground water flows to the adjacent littoral rainforest. Conditions are to be placed to ensure sediment and erosion controls are installed prior to any work on site and maintained until all work is complete. Council can therefore be satisfied that the proposed development will not significantly impact upon the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

13 Development on land within the coastal environment area

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

Comment:

The proposed development is unlikely to cause adverse impact to the integrity and resilience of the biophysical, hydrological (surface and ground water) and ecological environment, coastal environmental values and natural coastal process, the water quality of the marine estate, or to marine vegetation, native vegetation and fauna and their habitats, underdeveloped lands and rock platforms. The proposed development does not restrict any existing public open space or safe access along the foreshore for members of the public, including persons with a disability. A recommended condition will be placed to ensure that if any Aboriginal engravings or relics are unearthed as part of the proposed development, works will cease immediately and the relevant authorities notified. The proposed development is not likely to cause an adverse impact to the use of the surf zone.

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

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The application has been referred to Council's NECC (Coast & Catchments) division that have raised no objections to the proposed development. As detailed above, the proposed development has been designed, sited and will be managed to avoid an adverse impact on the cultural and environmental aspects referred to in Subclause (1).

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The application has been referred to Council's NECC (Coast & Catchments) division that have raised no objections to the proposed development. It is therefore considered that the proposed development is not likely to cause increased risk of coastal hazards on the subject site or other land.

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

| Standard | Requirement | Proposed | % Variation | Complies |
|----------------------|--------------|----------|-------------|----------|
| Height of Buildings: | 10m variable | 9.8m | - | Yes |

Compliance Assessment

| Clause | Compliance with Requirements |
|--|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes |
| 4.3 Height of buildings | Yes |
| 5.10 Heritage conservation | Yes |
| 7.1 Acid sulfate soils | Yes |
| 7.2 Earthworks | Yes |
| 7.6 Biodiversity protection | Yes |
| 7.7 Geotechnical hazards | Yes |
| 7.10 Essential services | Yes |

Detailed Assessment

4.3 Height of buildings

With a proposed maximum height of 9.8m, the proposed development is non-compliant with the 8.5m maximum

building height prescribed by clause 4.3(2) of PLEP 2014.

The applicant seeks to rely upon a variation prescribed by 4.3(2D) of PLEP 2014, which provides that the building may reach up to 10m in height, subject to consistency with certain criteria. One of the relevant criteria is to ensure that the objectives of the clause are achieved. The objectives of the height of buildings development standard are considered as follows:

- *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

Comment: The existing ground floor and attic floor extends beyond the 8.5m height plane. As the application seeks to connect these floors to the proposed lower ground, the lift structure inevitably results in extending beyond the height plane. It is important to note, that the highest point of the lift structure sits well below not only the existing roof ridge, but also under the existing eaves. The proposed lift structure is therefore not seen to be a development that is inconsistent with the desired future character of the locality.

- *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

Comment: The proposed development is compatible with the height and scale of surrounding development, specifically noting the presence of a number of three storey dwellings within the immediate visual catchment of the site.

- *to minimise any overshadowing of neighbouring properties,*

Comment: The portion of the development that extends above the 8.5m height plane does not contribute to unreasonable overshadowing of adjoining properties.

- *to allow for the reasonable sharing of views,*

Comment: The portion of the development that extends above the 8.5m height plane does not contribute to unreasonable impacts upon views currently enjoyed by adjoining properties.

- *to encourage buildings that are designed to respond sensitively to the natural topography,*

Comment: The proposed alterations and additions are generally located above existing ground levels, with additional excavation limited across the site. The proposed development has minimised the footprint of the development and is an appropriate response to the natural topography of the site.

- *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

Comment: Subject to conditions of consent requiring the use of dark and earthy tones, to ensure that the development blends into the shadows of up-slope canopy trees, the proposed development will not result in an adverse visual impact.

The remainder of the criteria prescribed by clause 4.3(2D) of PLEP 2014 are considered, as follows:

- The consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor,*

Comment: The portions of the development, being predominantly the lift structure, that exceed the 8.5m building height plane are limited in height and area. The protrusions are reasonably described as minor.

- The building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*

Comment: The building footprint is sited on a slope of approximately 53%.

- The buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

Comment: The proposed development is located predominantly above ground level (existing) to minimise site disturbance on the steep and constrained site. The proposed lower ground floor is within an existing open undercroft area and not require significant excavation.

The proposed development is considered to be consistent with the criteria of clause 4.3(2D) of PLEP 2014, and the application of the 10m height limit is supported. As such, the proposed development is consistent with the maximum building height prescribed for this site.

Pittwater 21 Development Control Plan

Built Form Controls

| Built Form Control | Requirement | Proposed | % Variation* | Complies |
|---------------------|-------------|--|--------------|----------|
| Front building line | 6.5m | >130m (battle-axe handle) | - | Yes |
| Rear building line | 6.5m | 28m | - | Yes |
| Side building line | 2.5m | 9.2m | - | Yes |
| | 1m | 1.3m | - | Yes |
| Building envelope | 3.5m | Within envelope | - | Yes |
| | 3.5m | Within envelope | - | Yes |
| Landscaped area | 60% | 80.2% (excluding battle-axe handle) 58% (including battle-axe handle) | - | 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 x 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 |
| 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 |
| B5.10 Stormwater Discharge into Public Drainage System | 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 |
| B8.6 Construction and Demolition - Traffic Management Plan | Yes | Yes |
| C1.1 Landscaping | Yes | Yes |
| C1.2 Safety and Security | Yes | Yes |
| C1.3 View Sharing | Yes | Yes |
| C1.4 Solar Access | Yes | Yes |
| C1.5 Visual Privacy | Yes | Yes |
| C1.6 Acoustic Privacy | Yes | Yes |
| C1.7 Private Open Space | No | Yes |
| C1.9 Adaptable Housing and Accessibility | Yes | Yes |
| C1.12 Waste and Recycling Facilities | Yes | Yes |
| C1.13 Pollution Control | Yes | Yes |
| C1.14 Separately Accessible Structures | Yes | Yes |
| C1.19 Incline Passenger Lifts and Stairways | Yes | Yes |
| C1.23 Eaves | Yes | Yes |
| C1.25 Plant, Equipment Boxes and Lift Over-Run | 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) | Yes | 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 | Yes | Yes |
| D10.16 Construction, Retaining walls, terracing and undercroft areas | Yes | Yes |
| D10.18 Scenic Protection Category One Areas | Yes | Yes |

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

As previously discussed within this report, the double garage that had originally been proposed raised concern with restricting what appears to be an existing, informal, reciprocal vehicle access arrangement between the property owners of No. 187 Prince Alfred Parade and the subject site. Whilst the proposed garage was subsequently deleted by the Applicant in amended plans, it can be reasonably expected that the occupants of the subject site will continue parking on the concrete hard stand area located west of the existing dwelling.

The proposed development seeks additions including a new lift and new entry that partially extends into this hard stand area. Consideration is given, that the proposed lift is in a location that is preferable, given site constraints on the eastern setback area and to minimise site disturbance. To ensure that the development does not result in unreasonable impacts upon car parking and vehicle access, a condition has been recommended for the size of the new entry to reduced by 300mm and for the columns/posts for the new entry porch to be deleted prior to the release of a construction certificate.

Subject to compliance with this condition, Council can be satisfied that the dimensions necessary to facilitate two (2) spaces for on-site parking are capable of being located on the existing hard stand area.

C1.7 Private Open Space

The application seeks consent for a front facing balcony along the southern elevation to the proposed lower level. The balcony area which is weather-protected, being located underneath the existing ground floor, is also directly accessible from the proposed 'family room'. The incorporation of a balcony along the front of the dwelling facing the right of carriageway, is inconsistent with the provisions of this clause which prescribes that private open space should be located to the rear of the dwelling to maximise privacy for occupants. However, the design and location of the proposed balcony is supportable on merit, noting there is no direct overlooking towards windows or private open space areas of adjoining or adjacent properties. While also being setback farther from the right of carriageway when compared to the existing ground floor balcony, its visual prominence will be reduced through the retention of vegetation forward of the balcony area. Based on the above, the proposed development is consistent with the objectives of this clause.

C1.25 Plant, Equipment Boxes and Lift Over-Run

While the requirements of this control are specifically in reference to lift over-runs, consideration has been given to the visual impact of the proposed lift in its entirety associated with this application. The proposed lift has not been fully integrated internally into the design fabric of the built form, however its height, scale, roof form and darker external finishes are considered to be compatible with the existing dwelling. Given it will be located towards the rear half of the dwelling, and with the retention of vegetation including a canopy tree forward of the structure, the visual impacts when viewed from the right of carriageway, adjoining properties and the public domain are minimised. The proposed lift structure is therefore seen to be consistent with the requirements of this control.

D10.18 Scenic Protection Category One Areas

A *Schedule of Finishes* was not submitted with the development application, however reference is made on the site plan that a grey colour is to be used as an external finish to the dwelling. In order to ensure that the proposed development blends into the surrounding bushland environment, a condition has been recommended for finishes to be in natural timber or painted/finished in a dark and earthy tone equivalent to or darker than Colorbond "Windspray".

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 \$2,800 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$280,000.

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 DA2020/0219 for Alterations and additions to a dwelling house on land at Lot 30 DP 204399, 185 Prince Alfred Parade, 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 |
| A01 (Site Plan) | 13/07/2020 | Ausdecon |
| A02 (Ground Floor Plan) | 13/07/2020 | Ausdecon |
| A03 (First Floor Plan and Attic Store) | 13/07/2020 | Ausdecon |
| A04 (Elevations) | 13/07/2020 | Ausdecon |
| A05 (Elevations Sht 2) | 13/07/2020 | Ausdecon |
| A06 (Sections) | 13/07/2020 | Ausdecon |

| Reports / Documentation – All recommendations and requirements contained within: | | |
|--|--------------|-------------|
| Report No. / Page No. / Section No. | Dated | Prepared By |
| BASIX Certificate, Ref. A370452 | 6 March 2020 | Hom te |

| | | |
|--|--------------|--|
| Geotechnical Investigation Report, Ref. 14657/1-AA | 2 April 2020 | Geotechnique Pty Ltd |
| Arboricultural Impact Assessment Report | 17 June 2020 | Bradshaw Consulting Arborists (Tristan Bradshaw) |

- 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 | 05/03/2020 | Hom te |

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. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

| Other Department, Authority or Service | EDMS Reference | Dated |
|--|---------------------------|-----------|
| Ausgrid | Response Ausgrid Referral | 6/04/2020 |

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:

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

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

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

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

Reason: Legislative requirement.

4. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause

pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$2,800.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$280,000.00.

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.

6. 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

7. **Stormwater Disposal**

The applicant is to submit stormwater drainage plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the proposed buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the existing drainage system benefiting the site.

Details demonstrating compliance 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.

8. **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 Geotechnique Pty Ltd dated 02/04/2020 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

9. **Amendments to the approved plans**

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

- The new entry is reduced from 1.3m to extend no more than 1m from the western external wall of the existing dwelling (i.e. be reduced by 300mm); and
- The columns/posts to for the new entry porch are to be deleted.

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

Reason: To ensure development minimises unreasonable impacts upon car parking and vehicle access.

10. **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.

11. **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.

12. 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.

13. Schedule of External Finishes

The external finishes shown on the approved Site Plan A01 referenced in Condition 1 of this consent is to be amended, as follows:

- a. All joinery, balustrades and supporting posts are to be finished in natural timber or painted/finished in a dark and earthy tone equivalent to or darker than Colorbond "Windspray";
- b. All weatherboards, fiber cement sheeting and brickwork are to be painted/finished in a dark and earthy tone equivalent to or darker than Colorbond "Windspray",
- c. All roofing is to be a colour equivalent to or darker than Colorbond "Windspray", and
- d. With the exception of the underside of eaves and ceilings, the use of white on any external surface is not permitted.

The amended schedule of external finishes is to be submitted to the Certifying Authority, prior to the issue of the construction certificate.

Reason: To minimise the visual impact of the resultant of the development.

14. Construction Traffic Management Plan

A Construction Traffic Management Plan is to be submitted to Council for approval. The Construction Traffic Management Plan shall be prepared to RMS standard by an appropriately certified person. Council's written approval of the Construction Traffic Management Plan is to be submitted to the Principal 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.

15. Construction Methodology Plan

A Construction Methodology Plan is to be prepared to detail/demonstrate the following:

- the storage of waste and materials within the site, in a manner that does not conflict with the Right of Carriageway,
- where trades people are to park, and
- how materials are to be transported from the public roadway to the dwelling.

The Construction Methodology Plan is to be presented to the certifying authority prior to the issuance of the construction certificate.

Reason: To ensure that the construction of the proposed development does not impact upon the terms of the Right of Carriageway or access to adjoining dwellings.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

16. Tree protection

- (a) Existing trees which must be retained
 - i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
 - ii) Trees located on adjoining land
- (b) Tree protection
 - i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site.
 - ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by the Project Arborist on site.
 - iii) All tree protection to be in accordance with the Arboricultural impact Assessment dated 17 June 2020 prepared by Bradshaw Consulting Arborists and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
 - iv) All tree pruning within the subject site is to be in accordance with relevant local planning controls and AS 4373 Pruning of amenity trees
 - v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

17. Project Arborist

- i) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the Arboricultural impact Assessment dated 17 June 2020 prepared by Bradshaw Consulting Arborists and AS4970-2009 Protection of trees on development sites.
- iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: to ensure protection of vegetation proposed for retention on the site.

18. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. Road Reserve

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

Reason: Public safety.

20. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

21. Demolition Works - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

22. Protection of rock and sites of significance

a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

23. Aboriginal Heritage

Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, the Department of Planning, Industry and Environment (DPIE) and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Aboriginal Heritage Protection.

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

24. Condition of retained vegetation

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

- a) Compliance to Arborist recommendations for tree protection and excavation works.
- b) Extent of damage sustained by vegetation as a result of the construction works.
- c) Any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites.

25. **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.

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

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

27. **External Finishes**

The external finishes of the as-built development are to be consistent with the amended Schedule of External Finishes required by this consent.

Documented evidence of consistency with this requirement is to be provided to the certifying authority prior to the issue of the occupation certificate.

Reason: To ensure that the visual impact of the development is minimised.

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

28. **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.

29. **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.

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

Signed

A handwritten signature in black ink, appearing to read 'K. Bull', with a horizontal line underneath.

Kent Bull, Planner

The application is determined on 20/07/2020, under the delegated authority of:

A handwritten signature in blue ink, appearing to read 'D. Auster', with a horizontal line underneath.

David Auster, Acting Development Assessment Manager