

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0129
Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 2 DP 18143, 4 Lewis Street BALGOWLAH HEIGHTS NSW 2093
Proposed Development:	Demolition of an existing dwelling and Construct new two storey dwelling
Zoning:	Manly LEP2013 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Koji Nedachi
Applicant:	Novam Design Studio Eyal Snehor
Application Lodged:	14/02/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	02/03/2020 to 16/03/2020
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 1,100,000.00

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the demolition of all existing structures, namely the dwelling, car port and garage and the construction of a new two storey contemporary dwelling with integrated double garage and a shed and pergola in the rear garden. In detail the proposal includes:

Ground Floor

- Paved entry path from Lewis Street together with hardstand area in-front of the double garage;
- 1.8m high masonry and steel fence and gate;
- Double garage within building footprint;
- Formal entrance /foyer;
- Internal stairs access to the level above;

- Open plan kitchen and dining area;
- Laundry and powder room;
- Rear timber decking with awning above;
- Tool shed in the rear north east corner of the site and
- Timber pergola –seating area.

Level 1:

- Internal connecting staircase (Void space);
- Master bedroom with ensuite and walk-in-robe;
- Three bedroom the two west facing bedrooms have a juliet balcony.
- Storage room, and
- Bathroom.

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

Manly Development Control Plan - 3.1.1 Streetscape (Residential areas)

Manly Development Control Plan - 3.4.1 Sunlight Access and Overshadowing

Manly Development Control Plan - 3.5.5 Landscaping

Manly Development Control Plan - 3.10 Safety and Security

Manly Development Control Plan - 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation

Manly Development Control Plan - 4.1.5 Open Space and Landscaping

Manly Development Control Plan - 4.1.10 Fencing

SITE DESCRIPTION

Property Description:	Lot 2 DP 18143 , 4 Lewis Street BALGOWLAH HEIGHTS NSW 2093
Detailed Site Description:	<p>The subject site consists of one allotment located on the eastern side of Lewis Street.</p> <p>The site is regular in shape with a frontage of 12.4m along Lewis Street and a depth of 33m. The site has a surveyed area of 412.8m².</p> <p>The site is located within the 2 Residential Zone from the Manly LEP and accommodates a two storey detached dwellings with a carport and garage located within the northern boundary.</p> <p>The site is generally level to the front and has slight 1m level difference from mid point of the site to the rear.</p> <p>With the exception of a mature creep myrtle tree is located within the south-east rear corner the site has limited vegetation. Timber fencing provides the boundary treatment to the north, south and east and a masonry / timber fence the boundary treatment to the street frontage to the west.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by detached one and two storey dwelling. Educational building, associated with the campus to Balgowlah Heights Public School, front a significant proportion of the Lewis Street frontage on both sides of the street.</p>

Map:



SITE HISTORY

The site has been occupied by a dwelling for a considerable amount of time. A search of Council could not locate any previous applications for work on the site.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to stormwater.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p>

Section 4.15 Matters for Consideration'	Comments
	<p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly 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 and subject to conditions deleting the attic extension and requiring an increased setback of the car port.</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	Subject to conditions, 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 1 submission/s from:

Name:	Address:
Mrs Valerie Selina Sally Sobko	3 Radio Avenue BALGOWLAH HEIGHTS NSW 2093

The following issue was raised in a submission the issue has been addressed below:

- Inappropriate landscape species

The matters raised within the submissions are addressed as follows:

- Bamboo is proposed along the rear boundary which may grow to a height of between 6m - 8m which will block access to sunlight.
Comment:
Agreed, a condition requires that bamboo is not used as a means to screen the development along the rear boundary. A condition requires for a suitable alternative native species to be planted along the rear boundary with a limited height so as not to overshadow neighbouring properties.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The development application is for the demolition of the existing house and garage on site and construction of a new two storey house with double garage within the building footprint, hardstand to the front, new landscape works, and new vehicle crossing to replace existing to Lewis Street.</p> <p>The development application is assessed by Council's Landscape Referral section against the landscape controls of Manly DCP 2013, section 3: General Principles of Development, and section 4: Development Controls and Development Types, and in particular the following clauses:</p> <ul style="list-style-type: none"> • 3.3.1 Landscaping Design <ul style="list-style-type: none"> b) i) landscaped areas must be capable of supporting new native tree species that are typically expected to reach a mature height of 10m, b) iii) trees should be positioned in locations that minimise significant impacts on neighbours in terms of blocking winter sunlight to either living rooms, private open space or solar collectors; or where the proposed location of the tree may be otherwise positioned to minimise any significant loss of views. • 3.3.2 Preservation of Trees or Bushland Vegetation

Internal Referral Body	Comments
	<p>The objectives are to promote the retention and planting of trees.</p> <ul style="list-style-type: none"> 3.3.3 Footpath Tree Planting <p>The installation of footpath trees is supported to satisfy the aims of Manly Council's Tree Management Policy 2011 and the Street Tree Master Plan, which nominates <i>Tristanopsis laurina</i> in Lewis St under wires.</p> <ul style="list-style-type: none"> 4.1.5 Open Space and Landscaping <p>The objectives are to maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation, and maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.</p> <ul style="list-style-type: none"> 4.1.5.2 Landscaped Area <p>c) A Minimum Tree Plantings required on this site is 2 trees.</p> <p>No Arboricultural Impact Assessment is provided with this application. An existing Crepe Myrtle is located at the rear of the site and is proposed to be retained. A condition of consent shall be imposed regarding retention and protection measures.</p> <p>A Landscape Plan is submitted with the application in accordance with DA Lodgement Requirements. Generally the landscape proposes are acceptable with the exception of the following requirements that are to be submitted prior to Construction Certificate approval:</p> <ul style="list-style-type: none"> native tree planting is not included in the landscape scheme to satisfy 3.3.1 and 4.1.5.2 street tree planting is not included in the landscape scheme to satisfy 3.3.3 the rear boundary provides an inadequate garden width to provide suitable area for the planting of appropriate screening planting that satisfies 4.1.5 <p>An Amended Landscape Plan shall be submitted indicating the following landscape outcomes:</p> <ul style="list-style-type: none"> at least 2 native trees are to be located within the site, with one in the front yard and one in the rear yard, street tree planting of <i>Tristanopsis laurina</i>, a garden bed width of at least 2 metres along the rear boundary to support either tall shrub planting or small tree planting as screening.

Internal Referral Body	Comments
	Conditions of consent shall be imposed in regard to the requirements to be documented in the Amended Landscape Plan. No issues are raised regarding the other design components of the landscape plan.
NECC (Development Engineering)	The submitted drainage design including OSD is satisfactory. The proposed new crossing is too wide at the kerb but is acceptable subject to conditions. No objection to approval, subject to conditions as recommended.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who raised no objections to the development subject to the design complying with relevant Ausgrid Network standards and Safework NSW Codes of Practice for construction near existing electrical assets.

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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.1067112S dated 13 February 2020).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	50

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

Manly Local Environmental Plan 2013

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	max 7.8m	NA	Yes
Floor Space Ratio	0.4:1	0.4:1	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
6.4 Stormwater management	Yes
6.12 Essential services	Yes

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 412.8m ²	Requirement	Proposed	% Variation*	Complies
4.1.2.1 Wall Height	6.5m (based on zero gradient) - 7.1m based on a slope 1:10	6m to 7m the rear as a result of a change in the level of the site.	N/A	Yes
4.1.2.2 Number of Storeys	2	2	N/A	Yes
4.1.2.3 Roof Height	Height: 2.5m	A flat roof is proposed	N/A	N/A
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	6m setback of roof of the canopy over the driveway 8.1 to the western wall	N/A	Yes
4.1.4.2 Side Setbacks	2.4m (based on wall height)	northern boundary - 3m with the exception of the stair feature that is 2.1m (0.4m breach for a length of 0.3m) southern boundary - 1m to 6m at ground level 3m at first floor level *zero set back to bin store which is	N/A 45% N/A	Yes No Yes

		an ancillary structure and assessed as acceptable.		
	Windows: 3m	Min 3m	N/A	Yes
4.1.4.4 Rear Setbacks	8m	8m to eastern wall 5.1m to deck and associated roof 0.6m to pergola (Note: A condition requires the deletion of the pergola).	N/A 36.2% 92.5%	Yes No No
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% of site area (227.7sqm)	Open space at Ground Level - 34.8% (143.9sqm) 37.1% (153.3sqm) if pergola is deleted at ground level Total = 43.8% (180.9.6sqm) including the rear deck / excluding the pergola *The applicant has included the strip of land located along the southern boundary, however, as this area has a dimension of less than 3sqm in any direction it cannot be included in the calculation.	15.2% 12.9% 6.2%	No No No
	Open space above ground 25% (45.2sqm) of total open space	The rear timber deck is located 0.8m above ground level at its highest point and has a an area of 27.6sqm	N/A	Yes
4.1.5.2 Landscaped Area	Landscaped area 35% (63sqm)	145.1sqm of landscape area with a soil depth of at least 1m is provided	N/A	Yes
	3 native trees	Two mature trees will be retained on the site. Council's Landscape Officer supports the proposal subject to conditions requiring protection of the trees during construction. A condition requires that one native tree will be planted	N/A	Yes
4.1.5.3 Private Open Space	18sqm	a 27sqm private deck is located to the rear of the site. In addition, 145.5sqm of open space is provided within the site.	N/A	Yes
4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas	Maximum 50% of frontage up to maximum 6.2m	The driveway measures 5m representing 40% of the frontage.	N/A	Yes
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	N/A	Yes

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - 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
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.5 Landscaping	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.5.8 Water Sensitive Urban Design	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes
4.1.3 Floor Space Ratio (FSR)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.5 Open Space and Landscaping	No	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	Yes	Yes
4.1.10 Fencing	No	Yes
4.4.1 Demolition	Yes	Yes

Detailed Assessment

3.1.1 Streetscape (Residential areas)

3.1.1.1 Complementary Design and Visual Improvement requires:

- a) *Development in the streetscape (including buildings, fences and landscaping) should be designed to:*
- i) *complement the predominant building form, distinct building character, building material and finishes*

and architectural style in the locality;

- ii) ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;
- iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;
- iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like.
- v) address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting:
- vi) visually improve existing streetscapes through innovative design solutions; and
- vii) incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged.

Comment

The contemporary architectural design of the dwelling has been assessed as being acceptable in the streetscape given the varied character of the immediate area which comprises a mixture of traditional one and two storey dwelling and educational buildings. It is noted that the campus to Balgowlah Heights Public School occupies a significant area straddling both sides of the street resulting in a varied streetscape. The height, bulk and massing of the proposed dwelling is consistent with neighbouring dwellings and does not detract from the streetscape. The materials include aluminium cladding, bronze, metal louvres and glass. Although the materials are modern, the colours proposed are dark earthy colours consistent with those in the streetscape. The retractable aluminium roller venetian proposed to the upper floor window on the front (west) elevation is not considered to be required for privacy given the 8.6m setback of these windows to the street and the use of the solid screen will be contrary to the CPTED principle in providing for casual surveillance of the public domain, refer to further discussion in this report. A condition requires that this roller screen is deleted from the design.

3.1.1.2 Front Fences and Gates requires:

- a) Notwithstanding maximum height provisions for fencing at paragraph 4.1.10; the siting, height and form of boundary fences and walls should reflect the fencing characteristic of the locality, particularly those of adjacent properties. All fencing and wall materials must be compatible with the overall landscape character and the general appearance of the building and the streetscape.
- b) Boundary fences or walls must not be erected where they would conflict with the local character.
- c) Front fences and gates must be constructed in materials that complement the architectural style and period of the dwelling and improve the streetscape. In particular, fencing adjacent to a public road or place must not be constructed in metal cladding, powder coated or otherwise.
- d) Gates must not encroach on public land when opening or closing.

Comment

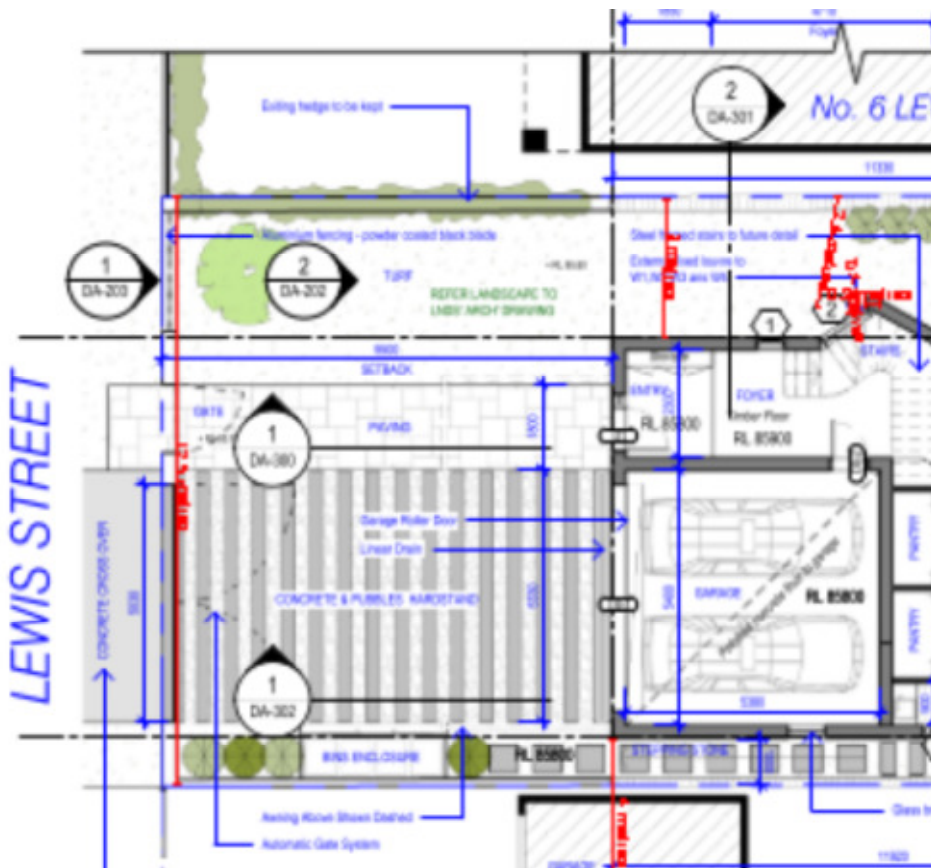
A masonry and timber fence currently provides the boundary treatment to the street frontage which is consistent with the streetscape. The proposed front fence comprises a masonry wall low wall and piers (finished with off white tiles) with a powder coated black metal fence and gates to a height of 1.8m. The contemporary metal posts are considered to be acceptable as they complement the architectural style of the proposed dwelling subject to being 30% transparent. The proposed off white tiles to the masonry walls of the fence are however inconsistent with the street and a condition requires that the masonry wall be rendered and painted in a dark colour. A condition also requires the fence to have a maximum height of 1.5m. The proposed planting along the western boundary of the site will soften the treatment to the street.

a) Garages, carports and hardstand areas must be designed and sited in a manner that does not to dominate the street frontage by:

- i) its roof form, material choice and detailing by being subservient to the associated dwelling; and*
- ii) being compatible with the streetscape and the location in relation to front setback criteria.*

b) Exceptions to setback criteria referred to in this paragraph may be considered where parking structures are a positive element of the streetscape.

The proposed garage is integrated into the dwelling and the building has an appropriate setback to the street frontage. The hardstand area / driveway represents 40% of the street frontage and is less than 6m in width in compliance with the built form controls. The hardstand comprises panels of concrete and pebbles, the proposed material and dimension of the hardstand do not dominate the street frontage.



3.4.1 Sunlight Access and Overshadowing

3.4.1.1 Overshadowing Adjoining Open Space

In relation to sunlight to private open space of adjacent properties the control requires:

- a) New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June) ; or
- b) Where there is no winter sunlight available to open space of adjacent properties from 9am to 3pm, the calculations for the purposes of sunlight will relate to the equinox in March and September from 9am to 3pm.

3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties requires:

In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties:

- a) for adjacent buildings with an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am to 3pm on the winter solstice (21 June);
- b) for adjacent buildings with a north-south orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on the winter solstice (21 June);
- c) for all adjacent buildings (with either orientation) no reduction in solar access is permitted to any window where existing windows enjoy less than the minimum number of sunlight hours specified

above.

Comment

The subject site has an east-west orientation and the existing two storey hipped roof dwelling has a 1.3m set back to the southern boundary over two levels which overshadows the single storey cottage to the south. The proposal increases the set back of the new dwelling to the southern boundary to 3m on the upper floor. The increase in the setback combined with the flat roof design will reduce the shadow impact to the south and improve the amenity to the neighbouring single storey cottage at No 2 Lewis Street. The shadow diagrams show that solar access will be available to the entire rear garden of No. 2 Lewis Street at 9am and the majority of the rear garden at 12 noon on June 21. In addition, the east facing windows to No 2 Lewis Street, including the window to the family room will retain solar access at 9am on 21 June. On balance, given the reduce height and increased setback of the proposed dwelling the it is not anticipated that the proposal will result in unacceptable solar access impacts to neighbouring properties.

3.5.5 Landscaping

The landscape plan includes bamboo screen planting along the rear boundary. Bamboo is not supported as an acceptable species as it grows very high and will impact on solar access to neighbouring properties. A condition requires that the an alternative species be planted along the rear boundary which would achieve a 3-4m height when mature. In addition, he rear garden bed requires a minimum depth to support the screen planting as such the pergola needs to be be removed which in turn will support the requirement for open space. Subject to these conditions the proposal complies with the provisions of clause 3.5.5.

3.10 Safety and Security

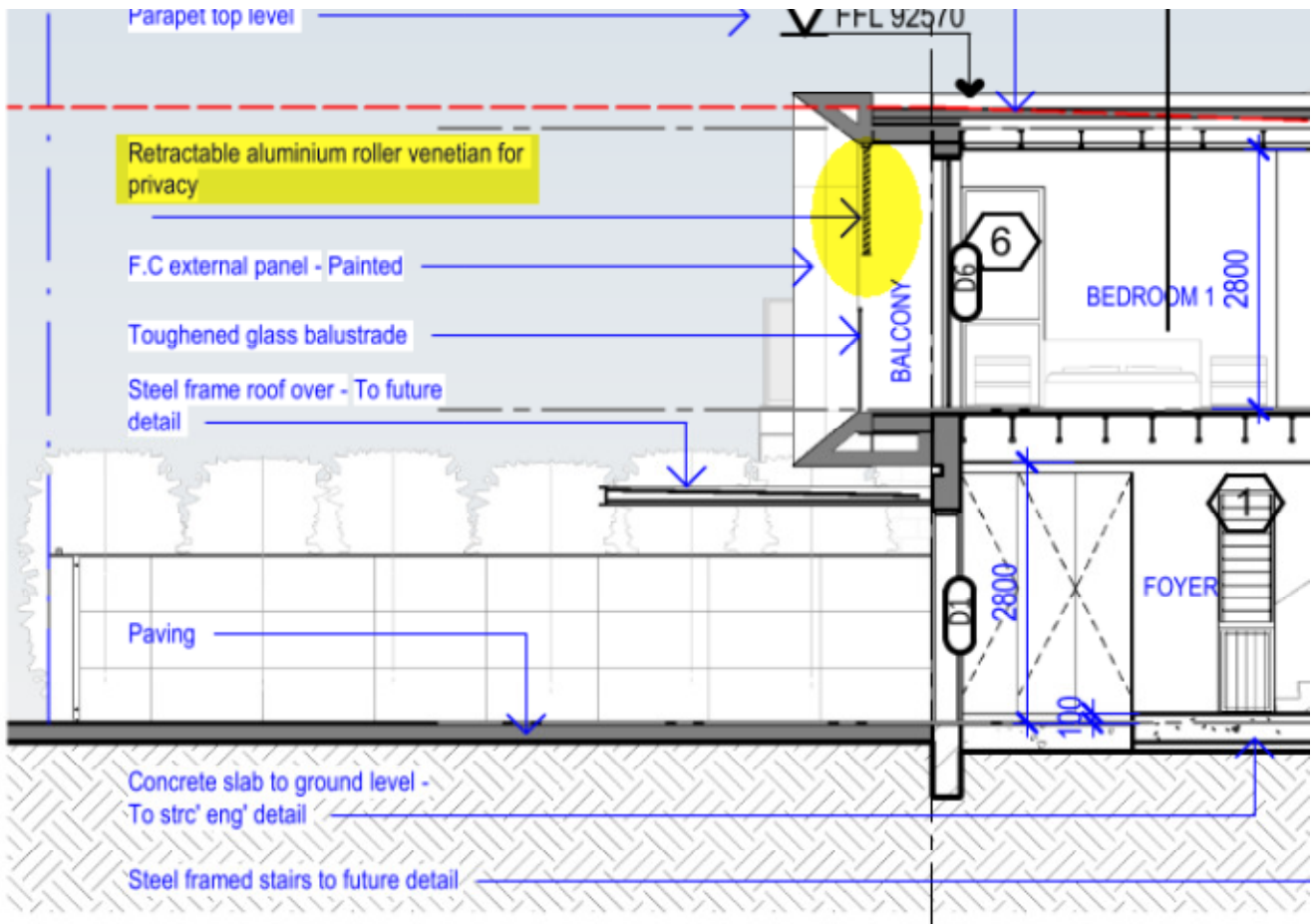
3.10.2 Security (Casual Surveillance) requires:

In order to promote safety and security, all development is to be designed to maximise opportunities for passive surveillance of public and communal areas by:

- a) orientating some rooms to the street;*
- b) providing sight lines to the street frontage from the window(s) of at least one habitable room unobscured by trees or any other object;*
- c) ensuring the design of fences, walls and landscaping minimise opportunities for concealment and encourage social interaction; and*
- d) preferring double glazing on windows in areas of high street noise rather than the high fences or walls as a sound attenuation measure.*

Comment

A retractable aluminium roller venetian is proposed to the outer edge of the first floor balcony to the bedrooms fronting the street, refer to image below. The roller blind when in use will not allow for passive surveillance of the public street contrary to the provisions of clause 3.10.2. A condition requires the shutter to be removed.



Section showing the location of the aluminium roller shutter.

4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

4.1.2.1 Wall Height requires:

a) Within the LEP Height of Buildings development standard, the maximum external wall height is calculated based on the slope of the land under the proposed wall. Figures 26, 27 and 28 provide guidelines for determining the maximum height of external walls based on the particular slope of the land along the length of these proposed walls. The maximum wall height control will also vary from one building, elevation or part elevation to another depending on the slope of land on which the wall is sited. Within the range of maximum wall heights at Figures 26 and 28, the permitted wall height increases as the slope of the land increases up to a gradient of 1 in 4, at which point the permitted maximum wall height is capped according to Figure 26.

Comment

The proposal has a wall height of 6.5m to the front which increases to 7m to the rear to reflect the slope of the land (1m level difference / 1:10 slope). The proposed wall heights therefore comply with the provisions which require a wall height of 6.5m on flat land and up to 7.1m where the slope has a ratio of 1:10.

4.1.4 Setbacks (front, side and rear) and Building Separation

4.1.4.2 Side setbacks and secondary street frontages requires:

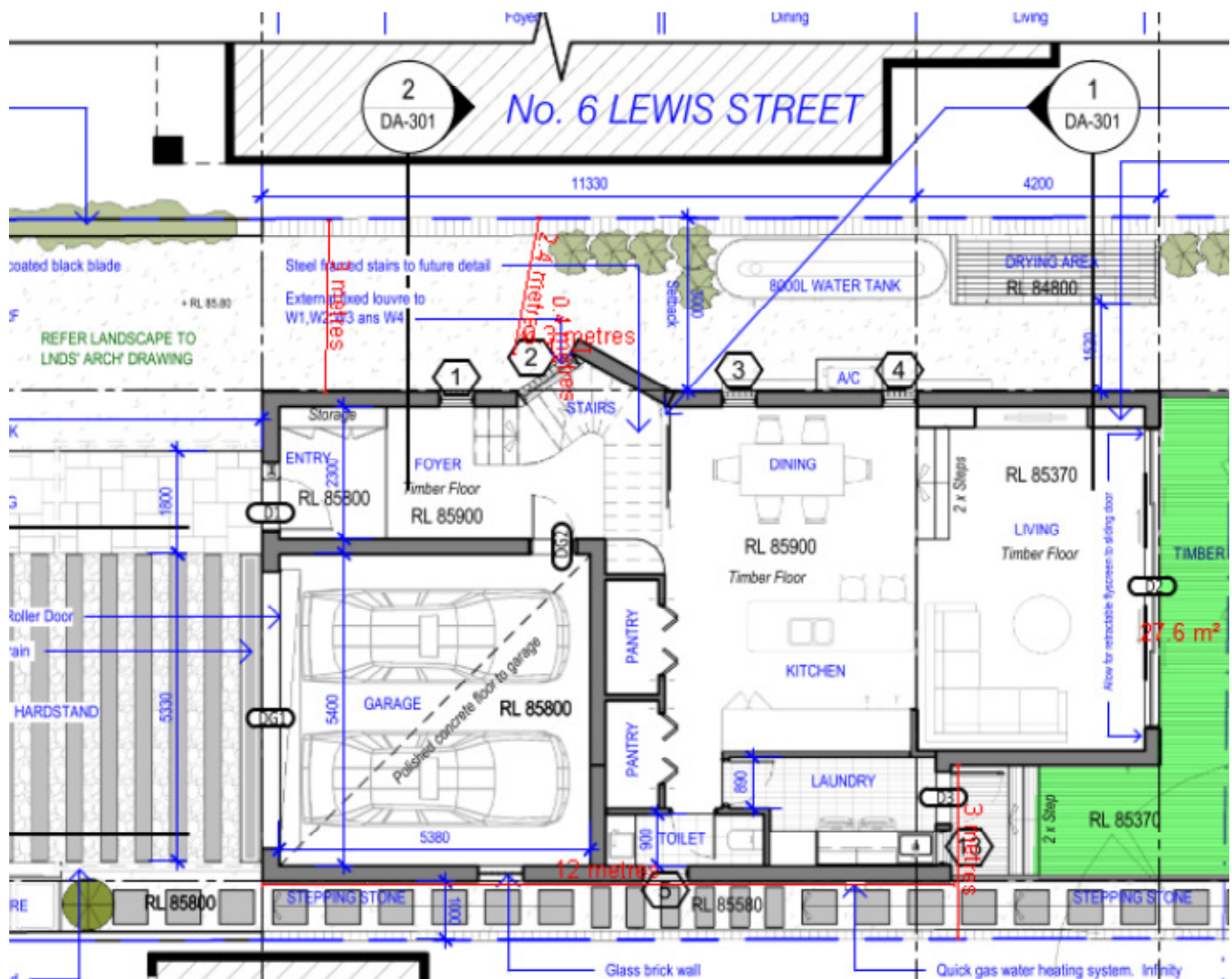
a) Setbacks between any part of a building and the side boundary must not be less than one third of the

height of the adjacent external wall of the proposed building

Comment

The proposed dwelling has a wall height of between 6.5m to 7m which will require a side setback of 2.1m to 2.3m. The proposal has a 1m set back at ground floor to the southern boundary for a length of 12m which relate to the garage, toilet and laundry. The setback increases to 3m to the rear of the dwelling and for the entire length of the upper floor, refer to plan below. The minor variation of the setback at ground level on the southern boundary is assessed as acceptable given that the non-complying element primarily relates to the proposed garage which is sited adjacent to the garage on the adjoining site to the south No. 2 Lewis Street. It is also noted that the proposed side setbacks of the upper floor are considerably greater than the setbacks to the existing house. The proposal will reduce impacts on residential amenity of the adjoining dwelling in terms of solar access.

The setback to the northern boundary is 3m on both levels with the exception of the corner wall of the stair feature which adds to the articulation of the side elevation.



4.1.4.4 Rear Setbacks require:

- The distance between any part of a building and the rear boundary must not be less than 8m.*
- Rear setbacks must allow space for planting of vegetation, including trees, other landscape works*

and private and/or common open space. The character of existing natural vegetated settings is to be maintained.

Comment

The tool shed has a zero set back to the rear boundary. The shed is generally located on the footprint of the existing garage occupying a much small area. The location of the shed will not result in any amenity impacts in terms of additional overshadowing to neighbouring properties. On merit an exception to the rear setback control to allow the shed is considered acceptable.

The pergola has a 0.5m setback to the rear boundary. The 27.6sqm area is paved with a roof structure above. The pergola is not supported for the following reasons:

- The paved / roof area reduced the available open space control to clause 4.1.5.
- The setback of the pergola will impact on the area required to support screen planting, refer to comments from Council's Landscape Officer, and
- Outdoor seating can be accommodated on the proposed rear deck which offers protection from the elements with the awning or in the same location in the rear garden without the need for a pergola and paving.

A condition requires the pergola to be deleted from the proposal.

4.1.5 Open Space and Landscaping

Clause 4.1.5 requires 55% of the site (227sqm) to be open space. Subject to the deletion of the pergola the proposal can provide 143.9sqm (43.8%) of open space.

Merit assessment:

The 6.2% breach of the control has been assessed as acceptable given that the proposal complies with the objectives of the clause as discussed below.

Objective 1) To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.

Comment

There are non important landscape features or vegetation on the site. However, it is noted that the existing mature tree and screen hedges will be retained.

Objective 2) To maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.

Comment

A condition requires that the pergola is deleted to allow for an increase in the amount of soft landscaping. As noted above, the existing vegetation will be retained and a condition also require appropriate native tree planting.

Objective 3) To maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.

Comment

The retention of the existing mature tree in the rear garden and the additional planting will maintain and enhance residential amenity in terms of privacy. Bamboo is not permitted and an alternative species is required which will allow for screening while limiting solar access impacts.

Objective 4) To maximise water infiltration on-site with porous landscaped areas and surfaces and minimise stormwater runoff.

Comment

The open space / deep soil zones will allow for water infiltration.

Objective 5) To minimise the spread of weeds and the degradation of private and public open space.

Comment

It is not anticipated that the landscaping will have adverse impacts in terms of spreading weeds.

Objective 6) To maximise wildlife habitat and the potential for wildlife corridors.

Comment

No significant wildlife habitat has been identified on the site, however, the proposed landscaping has the potential to allow for enhance wildlife.

4.1.10 Fencing

Clause 4.1.10 requires fences to have a maximum height of 1m. The proposed fence has a height of 1.8m.

4.1.10.1 Exceptions to maximum height of Fences requires:

- a) In relation to stepped fences or walls on sloping sites (see paragraph 4.1.8), the fence and/or wall height control may be averaged.*
- b) In relation to open/ transparent fences, height may be increased up to 1.5m where at least 30 percent of the fence is open/ transparent for at least that part of the fence higher than 1m.*
- c) In relation to development along busy roads:*
 - i) where a development will be subjected to significant street noise, Council may consider exceptions to the permitted fence height where the use of double glazing or thicker glazing for the residence is not available. The use of double glazing for windows in the development is the preferred means of noise reduction. See also paragraph 3.4.2.4 Acoustical Privacy.*
 - ii) fences to the southern side of French's Forest Road, Seaforth may achieve a maximum height of 1.5m with 'solid' fencing.*

Comment

A condition requires the height of the fence to be a maximum of 1.5m and at least 30% of the fence is to be transparent in accordance with the control.

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 \$11,000 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,100,000.

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;
- Manly Local Environment Plan;
- Manly 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 DA2020/0129 for Demolition of an existing dwelling and Construct new two storey dwelling on land at Lot 2 DP 18143, 4 Lewis Street, BALGOWLAH HEIGHTS, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By

DA- 100 - Site Plan	30 January 2020	
DA-101 Demolition Plan	30 January 2020	Jackson Teece
DA-110 Floor Plan - Ground Level	30 January 2020	Jackson Teece
DA-111 Floor Plan - Level 1	30 January 2020	Jackson Teece
DA-112 Roof Plan	30 January 2020	Jackson Teece
DA-200 Proposed North Elevation	30 January 2020	Jackson Teece
DA-201 Proposed South Elevation	30 January 2020	Jackson Teece
DA-202 Proposed Elevations	30 January 2020	Jackson Teece
DA-203 Proposed Lewis Street Elevation	29 April 2020	Jackson Teece
DA-300 Sections Sheet 01	30 January 2020	Jackson Teece
DA-301 Sections - Sheet 02	30 January 2020	Jackson Teece
DA-302 Sections - Sheet 03	30 January 2020	Jackson Teece
DA-402 Materials Palette	30 January 2020	Jackson Teece

Engineering Plans		
Drawing No.	Dated	Prepared By
D01 Rev B Stormwater Management Drainage Plan	11 February 2020	NB Consulting Engineers
D02 Rev A Stormwater Management Upper Roof Drainage Plan	16 January 2020	NB Consulting Engineers
D03 Rev A Stormwater Management Details	16 January 2020	NB Consulting Engineers

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
L-01 Rev F - Landscape Plan	10 February 2020	Eco Design

Waste Management Plan / Report		
Drawing No/Title.	Dated	Prepared By
Waste Management Report	12 February 2020	MOVAM
DA-900 Waste Management Plan	30 January 2020	Jackson Teece

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

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

2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

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

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

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

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

Reason: Legislative requirement.

3. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

- (k) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

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

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

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$11,000.00 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 \$1,100,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

5. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

6. **Amendments to the approved plans**

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

- The pergola shall be deleted from the proposal;
- The front boundary fence shall have a maximum height of 1.5m at least 30 percent of the fence is open/ transparent and the masonry low wall and pier shall be rendered and painted in a dark earthy colour;
- The paving on the public footpath shown on the landscape drawing shall be deleted, and
- The aluminium retractable venetian shall be deleted from the first floor balcony on the west elevation

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land and the streetscape and to ensure a sufficient quantity and quality of open space and landscaping is provided on the site.

7. **On-site Stormwater Detention Details**

The Applicant is to provide drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Manly Specification for On-site Stormwater Management 2003 and generally in accordance with the concept drainage plans prepared by NB Consulting Engineers, drawing number 191205 D01B, D02A and D03A, dated 11-02-2020 and 16-01-2020 respectively. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National

Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification that the design complies with the above specification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

8. Vehicle Crossings Application

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

9. Amended Landscape Plan

An amended landscape plan shall be provided to the Certifying Authority for approval prior to the issue of a Construction Certificate.

Specifically, the amended landscape plan shall incorporate the following requirements over and above the Landscape Plan L-01 issue F, prepared by EcoDesign:

- 1 x *Tristanopsis laurina* shall be planted within the road verge, located at least 2 metres from the proposed driveway northern edge, installed at 75 litre container size, within a prepared planting hole 1m x 1m x and at least 700mm depth, backfilled with sandy loam soilmix, and finished with a mulch layer and 3 post tree guard and hessian wrap,
- 2 x native trees as listed in Schedule 4 - Part B Native Tree Selection, suited to the site conditions, shall be documented on the plans including one in the front yard and one in the rear yard, installed at 75 litre container size, and located to satisfy 3.3.1 Landscaping Design b) iii),
- increase the current 600mm wide garden bed width to at least 2 metres along the back boundary to support suitable screening plants,
- delete the proposed *Bambusa textilis* bamboo species and replace with either tall shrub or small tree planting, such as *Acmena smithii* 'dwarf varieties', *Elaeocarpus* 'dwarf varieties', *Syzygium* 'dwarf varieties', *Viburnum* species, *Murraya paniculata*, and the like, to achieve a mature height of 4 metres.

The Certifying Authority must be satisfied that all of the relevant requirements listed above have been included in the amended landscape plan.

Reason: ensure the landscape treatments soften the built form and provide neighbourhood landscape amenity.

10. Ausgrid

The design complying with relevant Ausgrid Network standards and Safework NSW Codes of Practice for construction near existing electrical assets.

The "as constructed" minimum clearance to Ausgrid infrastructure must not encroach by the building development. It also remained the responsibility of the developer and relevant

contractor to verify and maintain these clearance distances.

Ausgrid's Network Standards can be sourced from Ausgrid's website, www.ausgrid.com.au

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. 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.

12. 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.

13. 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.

14. Vehicle Crossings

The Applicant is to construct one vehicle crossing 4 metres wide at the kerb to 5 metres wide at the boundary in accordance with Northern Beaches Council Drawing No A4-3330/1 N and the

driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. The redundant layback and crossing are to be restored to kerb and grass. Prior to the pouring of concrete, the vehicle crossing and kerb reinstatement are to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

15. Tree and vegetation protection

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

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

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF minimum Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF minimum Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF minimum Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF minimum Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF minimum Level 5 Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF minimum Level 5 Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF minimum Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009,
- xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

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

d) Any future request for tree removal is subject to a Section 4.55 modification application, or an assessment by a AQF level 5 Arborist that determines that a tree presents an imminent risk to life or property.

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

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

16. Landscape works completion

Landscape works are to be implemented in accordance with the approved Amended Landscape Plan.

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

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

17. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

The Applicant shall lodge a Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan) and Hydraulic Engineers' certification of the completed works.

The Applicant shall create on the title a positive covenant in respect to the ongoing maintenance and restriction on the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be obtained.

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

18. Environmental Reports Certification

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

(a) BASIX Certificate No 1067112S, dated 13 February 2020, prepared by LivSmart Solutions.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To ensure compliance with standards.

19. **House / Building Number**

The house number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

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

20. **Landscape maintenance**

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

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

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

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

Signed



Anne-Marie Young, Principal Planner

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



Anna Williams, Manager Development Assessments