

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0246
Responsible Officer:	Kent Bull
Land to be developed (Address):	Lot 132 DP 24360, 132 Elanora Road ELANORA HEIGHTS NSW 2101 Lot 133 DP 24360, 130 Elanora Road ELANORA HEIGHTS NSW 2101
Proposed Development:	Subdivision of two (2) lots to create four (4) lots
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Cosimo Carmelo Gallo Kelly Gallo
Applicant:	Kelly Gallo

No	
No	
Subdivision only	
30/03/2020 to 13/04/2020	
Not Advertised	
3	
Nil	
Approval	
	NoNoSubdivision only30/03/2020 to 13/04/2020Not Advertised3NilApproval

Estimated Cost of Works:	\$ 24,000.00

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the subdivision of two (2) lots into four (4) at 130 Elanora Road, Elanora Heights (Lot 133 DP 24360) and 132 Elanora Road, Elanora Heights (Lot 133 DP 24360) ("**Site**"). Specifically, the application proposes:

- Demolition of a shed and the partial removal of roof eaves at No. 130 Elanora Road;
- Demolition of a shed and partial demolition of the existing garage at No. 132 Elanora Road;
- Tree removal;
- Earthworks and excavation;
- Torrens Title subdivision of the Site into four allotments;



Proposed Lot 11

Lot Area: 747m² Lot Depth: 33.8m Lot Width: 22.25m Indicative Building Footprint: 175m²

Proposed Lot 12

Lot Area: 691m² Lot Depth: 34.92m Lot Width: 22.25m Indicative Building Envelope: N/A - Existing dwelling retained

Proposed Lot 13

Lot Area: 670m² Lot Depth: 34.46m Lot Width: 22.5m Indicative Building Envelope: N/A - Existing dwelling retained

Proposed Lot 14

Lot Area: 749m² Lot Depth: 33.8m Lot Width: 22.25m² Indicative Building Footprint: 175m²

- Construction of right of carriageway being a combined driveway, including a passing bay, parking bays and maneauvering areas; and
- Water management infrastructure.

ASSESSMENT INTRODUCTION

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

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



SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - B2.2 Subdivision - Low Density Residential Areas
Pittwater 21 Development Control Plan - B6.2 Internal Driveways
Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
Pittwater 21 Development Control Plan - B8.6 Construction and Demolition - Traffic Management Plan
Pittwater 21 Development Control Plan - D5.6 Side and rear building line (Excluding Elanora Heights
Village Centre)
Pittwater 21 Development Control Plan - D5.9 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 132 DP 24360 , 132 Elanora Road ELANORA HEIGHTS NSW 2101 Lot 133 DP 24360 , 130 Elanora Road ELANORA HEIGHTS NSW 2101
Detailed Site Description:	The site is located on the south-western side of Elanora Road. The application relates to two lots, 130 Elanora Road, Elanora Heights (Lot 133 DP 24360) and 132 Elanora Road, Elanora Heights (Lot 132 DP 24360). Both lots are zoned E4 Environmental Living under the Pittwater Local Environment Plan 2014 (PLEP 2014)
	Lot 133 (the southern lot) is regular in shape with a frontage of 22.25m along Elanora Road and a depth of 67.55m. The site has a surveyed area of 1500m ² . The site is currently occupied by a two storey dwelling house towards the the front of the property, with the rear of site accomodating sandstone rock outcrops, a number of established native canopy trees and turfed lawn areas. Vehicular and pedestrian access is gained via the Elanora Road frontage. A concrete driveway of varing width intersects the northern side boundary of the site. The slope of the site is measured at 16.9%, falling approximately 11.42m from the road frontage to the rear boundary. Adjoining and surrounding development is characterised by residential properties in landscaped/bushland settings. Approximately 700m from the site to the east down Elanora Road is Elanora Heights Primary School.
	Lot 132 (the northern lot) is regular in shape with a frontage of 22.25m along Elanora Road and a depth up to 67.78m. The site has a surveyed area of 1505m ² . The site is currently occupied by a two storey dwelling house towards the the front of the property, with the rear of site accomodating a shed, sandstone rock outcrops, a number of established native canopy trees and turfed lawn areas. Vehicular and pedestrian access is gained via the Elanora Road frontage. A concrete driveway of varing width intersects the southern side boundary of the site, however primary vehicle access is gained via a separate driveway



that is for the exclusive use of the occupiers of 132 Elanora Road. The slope of the site is measured at 17.7%, falling approximately 12.03m from the road frontage to the rear boundary.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by residential properties in landscaped/bushland settings. Approximately 700m from the site to the east down Elanora Road is Elanora Heights Primary School. Abutting the southern boundary of 130 Elanora Road (Lot 133) is a three (3) lot subdivision that was approved by the Land and Environment Court in 2014 under a Section 34 agreement.



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

12 March 2020

Subject application lodged with Council.

<u>7 May 2020</u>

Subject application reallocated to a new assessing officer.

<u>19 May 2020</u>

Letter sent from the assessing officer to the applicant identifing issues in relation to the impact upon the

DA2020/0246



Blue Gum High Forest (which is a classified as a Critically Endangered Ecological Community), insufficent details on submitted stormwater and subdivision plans as well as non-compliances in relation to vehicle access and parking.

<u>9 June 2020</u>

Additional information received from the applicant in response to Council's letter.

17 July 2020

Second letter sent from the assessing officer to the applicant identifing issues in relation to vehicle access, parking and stormwater arrangements as well as in relation to the subdivision plan.

13 August 2020

Additional information received from the applicant in response to Council's second letter.

8 September 2020

Subject application reallocated to a new assessing officer.

11 September 2020

Microsoft Teams meeting beld with the applicant and Council to discuss engineering issues.

15 September 2020

Additional information in the form of revised civil drawings received from the applicant in response to the meeting held with Council.

12 October 2020

Site inspection undertaken by the assessing officer.

<u>19 October 2020</u>

Final comments received from Council's Development Engineer, recommending that the application be approved, subject to conditions.

16 November 2020

Site inspection undertaken by the assessing officer and the Aboriginal Heritage Officer.

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 Matters for Consideration'	Comments
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)	<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.
	<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.
	<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 providing a geotechnical report, as well as revised civil and subdivision plans.
	<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.
	<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.
	<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.
	<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.
	<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.



Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in	 (i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.
the locality	(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 from 30/03/2020 to 13/04/2020 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 3 submission/s from:

Name:	Address:
Mrs Kathleen Ann Crouch	38 Iluka Avenue ELANORA HEIGHTS NSW 2101
Mr Reginald Young Mrs Mary Helen Young	40 Iluka Avenue ELANORA HEIGHTS NSW 2101
Ms Johanna Petronella Foster	73 Elanora Road ELANORA HEIGHTS NSW 2101

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

• Stormwater



Comment:

Submissions were received from the rear adjoining property owners raising concern with the management of stormwater arising from the proposed subdivision. Council's Development Engineer also provided comments detailing that the stormwater plans were not satisfactory. Following letters sent from the assessing officer to the applicant, a revised stormwater design that included details of an on-site stormwater detention system was reviewed by Council's Development Engineer, who considered the arrangement as satisfactory.

• Off-street vehicle parking

Comment:

A submission was received from an adjacent property owner raising concern with insufficent offstreet parking being provided at 132 Elanora Road, Elanora Heights (Proposed Lot 12). Based on the submitted plans, the internal dimensions of the resultant garage (following its partial demolition), appears to meet the minimum dimensions for an enclosed single garage as specified under clause B6.3 Off-Street Vehicle Parking Requirements of the Pittwater 21 Development Control Plan (P21 DCP). The single carport forward of this garage also appears to also sufficently meet the minimum dimension requirements. In this regard, proposed Lot 12 maintains two (2) off-street parking spaces and is therefore compliant with the numeric requirement for a dwelling house under this clause. Whilst tandem parking is generally not preferred due to the difficulties in facilitating vehicle manoeuvering in a forward direction, the application reflects an existing arrangement. Further, the provision for a turning bay or alternative vehicle parking arrangement may result in an undesirable streetscape impacts. Additional off-street parking for a future development such as secondary dwelling should be a matter of consideration in later application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	Approval subject to conditions
	The development application is for the Subdivision of Two (2) Lots to Create Four (4) Lots at property No.130 and No. 132 Elanora Road, Elanora Heights.
	The amended proposal is consistent with the extent of tree removal previously proposed.
	The existing dwellings fronting Elanora Road are being retained on proposed Lots 12 and 13, and the Subdivision Plan includes indicative "building footprints" on proposed Lots 11 and 14. The site benefits from a 1.0 metre wide easement to drain water (with a certified stormwater pipe installed) over an adjoining property to the south-west (No. 40 Iluka Avenue).
	Council's Landscape Referral staff have assessed the proposal against Pittwater Local Environment Plan clause E4 Environmental Living, and the following Pittwater 21 DCP Controls:



Internal Referral Body	Comments
	B4.22 Preservation of Trees and Bushland Vegetation C4.7 Subdivision - Amenity and Design C4.8 Landscaping on Existing and Proposed Public Road Frontages D5 Elanora Heights Locality
	The proposal in terms of landscape outcome is acceptable subject to conditions of consent to the requirements to ensure the protection of trees and vegetation assessed in the Arboricultural Impact Assessment report as trees to be retained and protected. The proposed development includes the removal of seven (7) trees from the site of low retention value with poor health and condition including one that is dying/dead, impacted from the proposed development works for access, stormwater, and dwelling construction. All of the remaining trees on the site and adjoining sites to be protected and retained in accordance with the recommendations of the Arboricultural Impact Assessment report.
	As part of the Subdivision, two (2) street trees shall be planted as a condition of consent.
	A total of six (6) canopy native trees shall be planted with three (3) each to be planted within the proposed Lots 11 and 14, in association with the future development applications for each Lot.
NECC (Bushland and Biodiversity)	Approval subject to conditions Updated Biodiversity Referral (14 August 2020) This updated referral comment is based on amended plans and additional information received by the Biodiversity Referral Body on 14 August 2020. The amended proposal appears to be consistent with the extent of tree removal previously proposed. Therefore, no further biodiversity comments or conditions are required.
	Biodiversity Referral The proposed development has been assessed against the objectives of Pittwater DCP Clause B4.5 (Landscape and Flora and Fauna Enhancement Category 3 Land). Compliance with this control is contingent upon measures to retain protected native trees. It is noted that Council's Landscape Referral Body have recommended conditions of consent relating to tree protection, including reference to provisions for appropriate replacement planting at the dwelling DA stage. Subject to application of these conditions, it is considered that the proposal is generally consistent with the control.
NECC (Development Engineering)	Approval subject to conditions The proposal includes the provision of a new common vehicular access driveway to provide access to two new allotments at the rear of the two existing allotments at 130 and 132 Elanora Road.
	Vehicle Access A review of the proposed driveway indicates that the existing dwellings, which are to remain, will both overhang the proposed



Internal Referral Body	Comments
	driveway. This is not acceptable as this will limit the type of vehicles that will be able to use the driveway in the future. The proposed driveway also requires some filling in the nature strip and retaining walls within the property to achieve the required levels. No details of these works have been provided to assess the impact on the road reserve and the existing dwellings. The grade of the driveway is satisfactory however there is no detail of the proposed parking for the existing dwelling at number 130. The proposed driveway grade may need to be altered to suit.
	Parking As discussed above, there is no parking spaces shown for number 130. The existing dwelling is to remain and this will require 2 parking spaces to be provided as part of the proposal. The two parking areas shown on the two rear proposed lots have insufficient detail. The applicant must demonstrate how vehicles can enter and exit in a forward direction. This may require splays to be provided to accommodate these maneuvers. The right of way is to be amended to suit. As the parking areas are elevated, barriers will be required to be shown in accordance with AS/NZS 2890.1:2004. Also as these spaces are elevated, retaining walls are to be shown.
	Stormwater The submitted stormwater plan is vague and is not to scale. The plan does not show the proposed stromwater for the site including the connection of the existing dwellings. It is considered the stormwater plan be prepared by the Hydraulic Engineer with details of all the collection and connections from the site and downstream properties up to the connection to Council's drainage system. The plans must detail the required pits, grates and pipes for the access driveway.
	Subdivision Plan The subdivision plan is to be amended to include any changes to the right of way and drainage easements including the drainage for the existing dwellings and new access driveway.
	Development Engineers cannot support the application due to insufficient information to address Clauses B5.10, B6.1 and B6.2 of Pittwater 21 DCP 2014.
	Additional information submitted 9/06/2020
	Vehicle Access The revised driveway plan gaining access to proposed lots 11 and 14 still shows that the driveway structure crosses through the existing dwelling on proposed lot 12 with no details of the proposed alteration of the dwelling to accommodate the conflict provided by the applicant. It appears that the structure is the existing garage which may compromise the requirement to provide 2 parking spaces for this lot. It appears that the dwelling on lot 13 may overhang the proposed kerbs of the driveway only but this must be confirmed by the applicant via a

cross section at each of the points of overhang.



Internal Referral Body	Comments
	The proposed driveway grades are satisfactory however the proposal requires excavation which exceeds 1 metre in some locations adjacent to structures which are to remain. As a result a Geotechnical report and certified forms as set out in Council's Geotechnical Risk Management Policy for Pittwater is required.
	The proposed parking bay does not meet the objectives of the DCP in terms of the length which must be 10 metres long within the property boundary. This issue is to be assessed by Council's Traffic Engineers to determine if the design meets the DCP in this regard.
	The applicant has included an additional driveway crossing for lot 13 on the eastern side of the frontage. This driveway crossing is not supported as the frontage of the site is less than 30 metres and in accordance with Clause B6.1 of the DCP, only one driveway crossing is permitted. In this regard it may be necessary for the proposed parking for this lot to be provided off the proposed access road to lots 11 and 14 at the rear of the existing dwelling. This will require modifications to the grade of the access driveway to accommodate the required transitions for the access.
	The proposed parking space and turning areas on lots 11 and 14 must include some fall to ensure adequate drainage of these areas.
	Parking The proposal is deficient in parking for lots 11, 13 and 14 and it is unclear if the existing parking space within the garage on lot 12 will comply with AS/NZS 2890.1:2004 once it is altered for the construction of the access driveway to lots 11 and 14.
	In this regard it is considered that 2 parking spaces which meet the requirements of AS/NZS 2890.1:2004 must be provided for the proposal. The proposed parking space on lot 13 is not supported as detailed above and an amended parking design is required to satisfy the parking requirements for this lot.
	Stormwater The submitted stormwater plan indicates connection of the site into an existing stormwater easement which connects to Council's drainge system in Iluka Ave which is satisfactory.
	A review of the proposed impervious area for each lot indicates that on-site stormwater detention (OSD) is required for each lot as part of the proposal. No details of the required OSD system has been submitted with the application.
	Subdivision Plan As the stormwater will cross over both lots 12 and 13 down the driveway, a reciprocal easement to drain water over the driveway is required to be added to the plan of subdivision.



Internal Referral Body	Comments		
	Development Engineers cannot support the application due to insufficient information to address Clauses B5.7, B6.1, B6.2 and B8.1 of Pittwater 21 DCP 2014.		
	Additional Information Submitted 14/08/2020		
	Vehicular Access The amended plans adequately address the previous issues raised with respect to this item and the passing bay, driveway width and grades to the rear lots are acceptable.		
	The proposal includes two stacked parking bays at the rear of proposed lot 13. Accessing these spaces is via the 1 in 4 section of the common access driveway which will not permit adequate transitions for vehicles to exit the site in a forward direction without scrapping. It is considered that these spaces should be relocated to be square to the common driveway and be set back adequately to permit suitable transitions and the common driveway grade be reduced adjacent to these parking spaces to permit vehicles to enter and exit in a forward direction.		
	Parking As outlined above the proposed parking spaces for lot 13 do not allow both vehicles to enter and exit in a forward direction due to both design and driveway grades. A revised design as outlined above is recommended.		
	Stormwater The submitted stormwater design including the proposed OSD systems is satisfactory.		
	Subdivision Plan The submitted subdivision plan is satisfactory.		
	Geotechnical Report The submitted Geotechnical report addresses the relevant DCP controls.		
	<i>Development Engineers cannot support the proposal due to insufficient information to address Clauses B6.1 and B6.2 of Pittwater 21 DCP 2014.</i>		
	Additional Information Submitted 3/09/2020		
	The amended Civil Engineering plans have been assessed and it is considered that the proposed transition grades for the inside radius of the access driveway leading to the proposed parking spaces at the rear of 130 Elanora Rd do not provide adequate transitions and will cause vehicles to scrap. Also the section shown on drawing C3.0 indicates that a vehicle will scrap and it is considered that the grade change will be worse at the rear of the parking structure as the approach grade will be steeper. Also a review of the super elevation		



Internal Referral Body	Comments			
	for vehicles turning into and out of the parking area exceeds the maximum allowable grade of 5%.			
	Development Engineers cannot support the proposal due to insufficient information to address Clauses B6.1 and B6.2 of Pittwater 21 DCP 2014.			
	Amended plans received 17/09/2020			
	The amended plans for the common driveway and parking area for proposed lot 13 has been reviewed and is acceptable.			
	No objection to approval, subject to conditions as recommended.			
NECC (Water Management)	Approval subject to conditions			
	Each lot must install a sediment control pit at their boundary to capture coarse sediments and organic matter prior to stormwater being discharged from their land. Sediment and erosion controls apply.			
Traffic Engineer	Approval subject to conditions			
	The proposal seeks subdivision of 2 lots into 4.			
	The driveway is to accomodate 2 passing bay opportunities. The initial within the first 6.0m of the property boundary, and the second just after the front two buildings			
	All vehicles must be able to enter and exit the site in a forward direction.			
	Planner Comments 18/11/20:			
	Confirmation was received from the Acting Executive Manager for Transport & Civil Infrastructure that the condition requiring two (2) passing bays could be removed, subject to compliance with the revised plans (C1.0, Issue G, dated 15.09.20). The recommended condition requiring vehicle manoeuvring paths demonstrating that all vehicles can enter and exit in a forward direction has been removed, following a review and conditions already recommended by Council's Development Engineer to ensure compliance with relevant Australian Standards.			

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



Development Application No. DA2020/0246	External Referral Body
Address: 132 Elanora Road Elanora Heights 2101 Reference is made to the proposed development at the above area and Aboriginal heritage. 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 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, NSW Biodiversity and Conservation Division, Heritage NSW 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 (Infrastructure) 2007

<u>Ausgrid</u>

DA2020/0246



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

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

Comment:

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	550m ²	Lot 11: 747m ² (excluding access handle)	-	Yes
		Lot 12: 691m ² (excluding access handle)	-	Yes
		Lot 13: 670m ² (excluding access handle)	-	Yes
		Lot 14: 749m ² (excluding access handle)	-	Yes
Height of buildings:	8.5m	4.2m (for the suspended parking plaform)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.1 Minimum subdivision lot size	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes



Clause	Compliance with Requirements
7.2 Earthworks	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

The parking and associated turning bays on proposed Lot 11, 13 and 14 have been consideration against the relevant built form controls prescribed under D5 Elanora Heights Locality of the Pittwater 21 DCP.

The dimensions shown on the indicative footprint plans show the rear setbacks of Lot 11 and Lot 14 as 4.8m (not 6.5m as required under the rear building line control). Consideration has been given that the imposition of restricted building footprints are not necessary and should be removed via a condition of consent. Refer to further discussion under B2.2 Subdivision - Low Density Residential Areas of the P21 DCP.

Built Form Control	Requirement	Proposed	% Variation	Complies
Front building line	Front building 6.5m Lot 11: 10.7m		-	Yes
		Lot 13: 27.1m	-	Yes
		Lot 14: 11m	-	Yes
Rear building line	6.5m	Lot 11: 16.9m	-	Yes
		Lot 13: 0m	100%	No
		Lot 14: 16.5m	-	Yes
Side building line	2.5m	Lot 11: 6.9m (North) Lot 13: 7.7m (North)	-	Yes Yes Ves
	1m	Lot 11: 2.4m (South) Lot 13: 8.7m (South) Lot 14: 1.4m (North)		Yes Yes Yes
Building envelope	3.5m	Lot 11: Within Envelope (North) Lot 12: No change (North) Lot 13: No change (North) Lot 14: Within Envelope (North)	- N/A N/A -	Yes Yes Yes Yes
	3.5m	Lot 11: Within Envelope (South) Lot 12: No change (South) Lot 13: No change (South) Lot 14: Within Envelope (South)	- N/A N/A -	Yes Yes Yes Yes
Landscaped area	60%	Lot 11: Resultant development is capable of complying with 60% requirement Lot 12: 54% (407m ²) Lot 13: 31.4% (234.7m ²) Lot 14: Resultant development is capable of complying with 60% requirement	- 10% 47.7% -	Yes No No Yes



C4.7 Subdivision - Amenity and Design	Requirement	Proposed
Usable Site Area*	550	Lot 12: 691m ²
	550	Lot 13: 670m ²
	660	Lot 11: 747m ²
	660	Lot 14: 749m ²

* Where an allotment has a boundary dimension of 6.5 metres or less to a road, then the site area of the allotment shall be increased by 20% over that required for the area.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.5 Elanora Heights Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B2.2 Subdivision - Low Density Residential Areas	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	No	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
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	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
C1.13 Pollution Control	Yes	Yes
C4.1 Subdivision - Protection from Hazards	Yes	Yes
C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities	Yes	Yes



Clause	Compliance with Requirements	Consistency Aims/Objectives
C4.3 Subdivision - Transport and Traffic Management	Yes	Yes
C4.4 Subdivision - Public Roads, Footpath and Streetscape	Yes	Yes
C4.5 Subdivision - Utility Services	Yes	Yes
C4.6 Service and delivery vehicle access in subdivisions	Yes	Yes
C4.7 Subdivision - Amenity and Design	Yes	Yes
C4.8 Subdivision - Landscaping on the Existing and proposed public road reserve frontage to subdivision lots	Yes	Yes
D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.5 Front building line (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)	No	Yes
D5.7 Building envelope (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.9 Landscaped Area - Environmentally Sensitive Land	No	Yes
D5.13 Construction, Retaining walls, terracing and undercroft areas (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.14 Scenic Protection Category One Area	Yes	Yes

Detailed Assessment

B2.2 Subdivision - Low Density Residential Areas

A control of this clause stipulates that "all lots to be created by a subdivision must have a minimum building area of 175m²". The application however indicates building footprints for lots 11 and 14 that are located partially within the 6.5m prescribed rear building setback. Despite this, it has been acknowledged that the resultant building footprints (less the area within the rear setback) would still comply with the 175m² requirement. In accordance with the planning principle established under *Parrott v Kiama [2004] NSWLEC* 77, consideration was given as to whether the imposition of a restrictive building footprint would be necessary. In this regard, the environmental sensitivity and steepness of each allotment have been factored as part of this assessment. Whilst there are large sandstone outcrops and established canopy trees along side boundaries associated with proposed lots 11 and 14 that are to be retained, the lots would be sufficiently sized to accommodate a dwelling house without undue impacts on these features. The slope of both sites do not exceed 16.7 degrees (30%) and therefore also comply with the relevant control of this clause. To avoid any confusion or assumption that a dwelling house on these lots could be contructed within the rear setback area, a condition has been recommended for the 'proposed building footprints' to be deleted from the subdivision plan prior to the release of the subdivision certificate.

B6.2 Internal Driveways

Description of non-compliance

The right of carriageway that proposes a 22m portion being 1:4 (V:H) is technically non-compliant with the maximum gradient of 1:5 (V:H) as prescribed under this clause. It should be noted, that the clause permits internal driveway gradients to be increased up to 1:4 (V:H) over a maximum of 20 metre length and that provision must be made for vehicles to enter and leave the site in a forward direction where the grade exceeds 1:4 (V:H).



Merit Consideration

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

Outcome 1: Safe and convenient access.

Comment:

The propoposed right of carriageway arrangement incorporates a passing bay, suitable transitions for vehicle access, adequate sight lines (subject to conditions), while also utilising impervious (plain concrete) pavement and gutter crossing construction. In this regard, the proposal is considered to allow for safe and convenient access.

Outcome 2: Reduce visual impact of driveways.

Comment:

The proposal is considered to have a similar visual impact to the existing driveway arrangement when viewed from Elanora Road. It is also recognised that the overall width of the right of carriageway is not excessive, that the sloping nature of the site ensures that it will not be seen as a dominating streetscape feature, and that site contraints limit suitable locations for aspects such as the proposed passing bay.

Outcome 3: Pedestrian safety.

Comment:

The proposal is considered to adequately provide for pedestrian safety through ensuring that provision has been made for vehicles to enter and leave the site in a forward direction from Lots 11,13 and 14. The public footpath that abuts the gutter along Elanora Road also assists to maximise sight lines for vehicle drivers existing the site.

Outcome 4: An effective road drainage system.

Comment:

The proposal has demonstrated the provision for an on-site detention tank to facilitate appropriate stormwater drainage arising from the right of carriageway and associated driveway arrangements.

Outcome 5: Maximise the retention of trees and native vegetation.

Comment:

The proposed development includes the removal of seven (7) trees. Council's Landscape Officer has detailed that these trees are of low retention value with poor health and condition including one that is dying/dead. In addition to two (2) street trees being planted, a total of six (6) canopy native trees shall be planted with three (3) each to be planted within the proposed rear Lots 11 and 14. It is therefore considered that the area will not see a loss of tree coverage in the long-term.

Outcome 6: Reduce contaminate run-off from driveways.



Comment:

The proposal is not considered to result in any significant level of contaminate run-off from the right of carriageway or the associated driveways. Further, Council's Development Engineer has reviewed the proposed OSD and drainage arrangement and raised no objections to its approval, subject to conditions.

Based on the above, the proposed development is considered acceptable on merit and consistent with the outcomes of this clause in this particular instance.

B6.3 Off-Street Vehicle Parking Requirements

The application proposes side by side (two vehicle spaces) parking bays for Lots 11, 13 and 14. The proposed parking bays meet the minimum dimension and number of spaces as required under this clause. As discussed earlier in this report, consideration has been given to the parking arrangement at Lot 12. The site provides for a enclosed single garage, with a single space carport forward of this garage. Whilst a tandem parking arrangement is generally not preferred due to the difficulties in facilitating vehicles entering and exiting the site in a forward direction, it has been recognised that the Lot has a separate access driveway from Elanora Road and that this application reflects an existing arrangement. Consideration has also been given that the provision for a turning bay or alternative vehicle parking arrangement may result in undesirable streetscape impacts. Further, the internal dimensions of the garage and carport have been measured as capable of meeting the control requirements. In this regard, the application has been considered to comply with this clause.

B8.6 Construction and Demolition - Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Transport Network Team prior to issue of any Construction Certificate.

D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)

Description of non-compliance

The proposed parking bay at Lot 13 is to be constructed at a nil (0m) setback to the rear boundary with proposed Lot 14, and is therefore technically non-compliant with the 6.5m rear setback requirement.

Merit Consideration

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

Outcome 1: To achieve the desired future character of the Locality.

Comment:

It is recognised that while some excavation into the sandstone rock outcrop is required for the proposed parking bay, that the resultant development does not removal of any established native canopy trees. In this regard, the proposed development is seen to achieve a balance between maintaining landforms and the natural environment, while also facilitating appropriate development of the land.

Outcome 2: The bulk and scale of the built form is minimised.



Comment:

The parking bay is proposed as being open in style and excavated into an existing rock outcrop. It is therefore considered that the built form will be minimal, in particular when viewed from proposed Lot 14 to the rear. Further, the proposed parking bay and associated turning bay at Lot 14 is seen to act as buffer between its indicative building footprint and the proposed parking bay at Lot 13.

Outcome 3: Equitable preservation of views and vistas to and/or from public/private places.

Comment:

The proposed parking bay for Lot 13 is to constructed into an existing rock outcrop and therefore not seen to preserve views and vistas to and/or from public/private places.

Outcome 4: To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

Comment:

As indicated above, the proposed parking bay within the rear setback of Lot 13 is considered to encourage view sharing.

Outcome 5: To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.

Comment:

The proposed parking bay at Lot 13 is not considered to result in an unreasonable level privacy, amenity or solar access impacts for the occupants of proposed Lot 13 or for those on adjoining properties.

Outcome 6: Substantial landscaping, a mature tree canopy and an attractive streetscape.

Comment:

As discussed earlier in this report, Council's Landscape Officer has reviewed the proposal. Whilst tree removal is required, conditions have been recommended for suitable replacement tree plantings in order to help preserve canopy coverage long-term. The proposed parking bay will not be visually dominant from the streetscape.

Outcome 7: Flexibility in the siting of buildings and access.

Comment:

The proposed parking bay is positioned in a practical location in relation to the proposed right of carriageway and when accounting for the existing dwelling house on Lot 13.

Outcome 8: Vegetation is retained and enhanced to visually reduce the built form.

Comment:

As highlighted above, the proposed parking bay is to be open in style and excavated into land. It is

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therefore considered that additional plantings will not be necessary in this particular instance to visually reduce the built form.

Outcome 9: To preserve and enhance the rural and bushland character of the locality.

Comment:

Subject to compliance with conditions requiring appropriate tree plantings and the installation of nest boxes, the proposed development can be seen to preserve and enhance the bushland character of this particular area of Elanora Heights.

Outcome 10: To ensure a landscaped buffer between commercial and residential zones is established.

Comment:

Not applicable.

Based on the above, the proposed development is considered acceptable on merit and consistent with the outcomes of this clause in this particular instance.

D5.9 Landscaped Area - Environmentally Sensitive Land

Description of non-compliance

Requirement:

The total landscaped area shall be 60% of the site area.

Proposed:

Lot 11: Resultant development is capable of complying with 60% landscaped area requirement. Lot 12: 54% (407m²)

Lot 13: 31.4% (234.7m²)

Lot 14: Resultant development is capable of complying with 60% landscaped area requirement.

Proposed Lots 12 and 13 are technically non-compliant with the requirement for 60% of the site area to be dedicated towards landscaped area. In order to reduce the extent of the non-compliance for proposed Lot 13, the paved area (approximately 69m²) to the front of the existing dwelling is to be reverted to landscaping via a condition of consent. Subject to compliance with this condition, the resultant landscaped area for proposed Lot 13 would be 40.6% (303.7m²).

Merit Consideration

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

Outcome 1: Achieve the desired future character of the Locality.

Comment:

The proposal is seen to achieve the desired future character for dwelling houses to be integrated with the landform and be in a landscape setting. Whilst the subdivision does require some excavation into the landform, there are areas of sandstone outcrops that will be retained. Lots 11 and 14 that are



proposed at the rear are seen as being capable of complying the 60% landscaped area requirement. Despite the landscaped area non-compliance for proposed Lot 12, it is accepted that a majority of the site will be landscaped with both a rear and front garden area ensuring that the existing dwelling will continue being within a landscaped setting. To ensure that proposed Lot 14 is able to meet the desired future character of the Locality, a condition has been placed for paved area (approximately 69m²) to the front of the existing dwelling to be reverted to landscaping.

Outcome 2: The bulk and scale of the built form is minimised.

Comment:

The built form in this proposal is limited to the right of carriageway and associated access/vehicle parking arrangements. Whilst is is expected that the proposed parking and turning bays to Lots 11 and 14 will be integrated with any further dwelling house, it is also recognised that replacement tree plantings as required under this consent, will assist to visually reduce the built form of these structures. Reverting the paved area on proposed Lot 13, will also provide opportunities for the existing or any future dwelling to be seen as secondary to landscaping when viewed from Elanora Road.

Outcome 3: A reasonable level of amenity and solar access is provided and maintained.

Comment:

Consideration has been given that the proposed development will comply with the relevant solar access requirements to ensure a reasonable level of amenity is provided and maintained.

Outcome 4: Vegetation is retained and enhanced to visually reduce the built form.

Comment:

As discussed earlier in this report, while tree removal is required to faciliate the proposed development, conditions have been placed for suitable replacement tree plantings. It is anticipated that these tree plantings will assist to preserve and enhance tree canopy coveration long-term and also visually reduce built form on these allotments.

Outcome 5: Conservation of natural vegetation and biodiversity.

Comment:

The tree removal indicated in this proposal are detailed to be of trees of low retention value with poor health and condition. In this regard, the replacement tree plantings and associated nest boxes are seen to maintain a habitat for locally native plant and animal species.

Outcome 6: Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

Comment:

The proposed OSD and drainage arrangement associated with this proposal has been reviewed and supported by Council's Development Engineer.

Outcome 7: To preserve and enhance the rural and bushland character of the area.

Comment:

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The proposed development is seen to preserve and enhance the bushland character of the area through replacement native tree plantings and associated nest boxes.

Outcome 8: Soft surface is maximised to provide for infiltration of water to the water table, minimise runoff and assist with stormwater management.

Comment:

As discussed earlier, it is accepted that the proposed subdivision will result in increased impervious areas when compared to the existing arrangement. Consideration has however been given to opportunities maximise soft surface (landscaped areas) to assist with stormwater management. Whilst there is limited scope to reduce impervious areas on proposed Lot 12, consideration has been given that the paved area to the front of the existing dwelling at proposed Lot 13 should be reverted to landscaping in order to provide for infiltration of water to the water table.

Based on the above, the proposed development is considered acceptable on merit and consistent with the outcomes of this clause in this particular instance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect 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

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

CONCLUSION

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

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

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



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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0246 for Subdivision of two (2) lots to create four (4) lots on land at Lot 132 DP 24360, 132 Elanora Road, ELANORA HEIGHTS, Lot 133 DP 24360, 130 Elanora Road, ELANORA 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

Subdivision Plan - Endorsed with Council's stamp			
Drawing No.	Dated	Prepared By	
19051-DSUB	21.07.20	Ivan Victor Sterligov	

Demolition Plan - Endorsed with Council's stamp		
Drawing No.	Dated	
A01 (Proposed Demolition Plan and Section)	28.07.2	

Engineering Plans			
Drawing No.	Dated	Prepared By	
C1.0, Issue G (Residential Vehicular Crossings/Driveways Conceptual Plan)	15.09.20	Portes Civil & Structural Engineers	
C2.0, Issue G (Proposed Driveway/Crossing 1 Plan)	15.09.20	Portes Civil & Structural Engineers	
C2.1, Issue G (Proposed Driveway/Crossing 1 Section)	15.09.20	Portes Civil & Structural Engineers	
C3.0, Issue D (Proposed Driveway/Crossing (No. 130) Plan & Sections)	15.09.20	Portes Civil & Structural Engineers	



C3.1, Issue A (Proposed Driveway/Crossing (No. 130) Plan & Sections)	15.09.20	Portes Civil & Structural Engineers
D1, Issue B (Specifications & Details)	05.08.20	Portes Civil & Structural Engineers
D2, Issue B (Site Layout Plan)	05.08.20	Portes Civil & Structural Engineers
D3, Issue C (Proposed Stormwater Mangement Plan)	05.08.20	Portes Civil & Structural Engineers
D4, Issue A (Proposed Stormwater Mangement Plan)	05.08.20	Portes Civil & Structural Engineers

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Site Investigation Report, Ref. SRE/680/EH/20	04.08.20	Soilsrock Engineering Pty Ltd
Aboricultural Impact Statement Report	14.10.20	Mark Bury Consulting

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

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.

(I) 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.

4. Fencing Height / Vegetation

All fencing and/or vegetation along the frontage road(s) shall not impede pedestrian or driver visibility. This requires that vegetation does not exceed one (1) metre in height. Appropriate plants shall be selected within the 2.0 x 2.5m splay to ensure this condition is met.

Reason: To ensure maximum vehicular and pedestrian visibility.

FEES / CHARGES / CONTRIBUTIONS

5. Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and 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 SUBDIVISION WORKS CERTIFICATE

15. Subdivision Works Certificate

A Subdivision Works Certificate is to be approved by the Certifying Authority for the provision of engineering works within the site including the common access driveways within the proposed right of ways and parking areas, and associated stormwater drainage works which are to be generally in accordance with the design plans approved with the Development Consent.

Engineering plans for the subdivision works within this development consent are to be submitted to the Certifying Authority for approval under Section 6.13 of the Environmental Planning and Assessment Act 1979. Civil Engineering plans for the subdivision works are to be designed in accordance with the Council's specification for engineering works – AUS-SPEC #1 and Council's Water Management Policy. The plans shall be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering. The design must include the following information:

- 1. Design of the common access driveway including the passing bay, parking bays and maneuvering areas.
- 2. Inter-allotment drainage line including all connection points for each proposed lot.
- 3. On-site stormwater detention system for the access driveway and proposed lots 11 and 14.
- 4. Geotechnical Certification for the proposed excavation.
- 5. Structural Certification for the proposed suspended slabs and retaining walls.

The Subdivision Works Certificate must be supported by engineering plans, calculations, specification or any certification relied upon.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specifications.

16. Utilities Services

Prior to the issue of the Subdivision Works Certificate, the Applicant is to obtain the following:

(a) A letter from the utility provider confirming that satisfactory arrangements have been made for the approved development have been made; and

(b) Evidence that notification has been received from a utility authority that, requirements for the development can be provided.

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



Reason: To ensure that services have been provided as required by this Consent.

17. Submission of Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for Infrastructure works on Councils roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of the driveway crossing and stormwater connection in Iluka Ave which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified civil engineer. The design must include the following information:

- 1. The driveway is to be 5.5. metres wide and designed in accordance with Council's standard drawing A4/3330/3 NL.
- 2. A minimum 375mm diametre pipe connection from the site into the existing piped drainage system in Iluka Ave.

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 Subdivision Works Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

18. 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 Subdivision Works Certificate.

Reason: To provide public and private safety.

19. Geotechnical Report Recommendations have been correctly incorporated into designs and structural plans

The Applicant is to submit Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) and is to be completed and submitted to the Accredited Certifier, prior to issue of the Subdivision Works Certificate.

Reason: To ensure geotechnical risk is managed appropriately.



20. Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Subdivision Works Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

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.

21. No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Subdivision Works Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of Subdivision Works Certificate.

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

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

6. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- o Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

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

Reason: Protection of the receiving environment.

7. Water Quality Management

At the boundary of EACH individual lot, the applicant must install a filtration device (a sediment control/ silt arrestor pit is specified in the plans provided by Portes Civil and Structural Engineers) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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



Reason: Protection of the receiving environment.

8. Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Transport Network Team prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- o Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck rates through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties



• The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS' Manual – "Traffic Control at Work Sites".

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

9. Vehicle Access & Parking

All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

With respect to this, the following revision(s) must be undertaken;

All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. To ensure the gradient requirements and height clearances are satisfied, a driveway profile must be prepared for all internal ramps showing ramp lengths, grades, surface RL's and overhead clearances, taken from the crest of the ramp to the base. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

Plans prepared by a suitably qualified Engineer shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

10. Pedestrian sight distance at property boundary

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To maintain pedestrian safety.

11. Amendment to the approved subdivision plan

The following amendment is to be made to the approved subdivision plan:

• The proposed building footprints as indicated on Drawing No. 19051-DSUB (Plan of Proposed Subdivision of Lot 132 & 133 D.P.24360) are to be removed.

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

Reason: To ensure that the proposed building footprints do not breach the rear setback areas of Lots 11 and 14.



12. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

(a) AS2601.2001 - Demolition of Structures**

(b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**

(c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**

(d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **

(e) AS 4970 - 2009 'Protection of trees on development sites'**

(f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**

(g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**

(h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**

(i) AS 2890.5 - 1993 Parking facilities - On-street parking**

(j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities** (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**

(I) AS 1428.1 – 2009* Design for access and mobility - General requirements for access – New building work**

(m) AS 1428.2 – 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website www.hreoc.gov.au/disability rights /buildings/good.htm. <www.hreoc.gov.au/disability% 20rights%20/buildings/good.htm.>

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

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. (DACPLC02)

13. 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.

14. Amendment to demolition plan

The following amendment is to be made to the approved demolition plan:

• The paved area (of approximately 69m²) fronting the existing dwelling on Lot 13 and reflected on Drawing No. C1.0, Issue G (Residential Vehicle Crossing/Driveways



Conceptual Plan, dated 15.09.20), is to be annotated for removal and replacement with landscaping on Drawing No. A01 (Proposed Demolition Plan and Section, dated 28.07.20).

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

Reason: To ensure an acceptable level of landscape amenity is preserved on Lot 13.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

22. Tree Removal within the Property

The following trees located on the property and assessed as impacted from the proposed development works for access, stormwater, and dwelling construction, and without an alternative design layout to retain the trees, are granted approval for removal based on the recommendations of the Arboricultural Impact Assessment prepared by Mark Bury Consulting: T5 Sydney Blue Gum, of normal vigour and fair condition (subject to replacement within the site) T6 Tallowwood, of poor vigour and poor condition (subject to replacement within the site) T7 Tallowwood, of poor vigour and poor condition (subject to replacement within the site) T8 Tallowwood, of poor vigour and poor condition (subject to replacement within the site) T9 Liquidamber, of poor vigour and poor condition, and an Exempt Species T10 Tallowwood, of poor vigour and poor condition (subject to replacement within the site) T4 Grey Ironbark, of normal vigour and fair condition (subject to replacement within the site)

A total of six (6) canopy native trees shall be planted with three (3) each to be planted within the proposed Lots 11 and 14, in association with the future development applications for each Lot.

No other existing trees may be removed. Any subsequent 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 the tree presents an imminent risk to life or property.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

23. 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.

24. Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls 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 vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.



25. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

26. Ongoing Management

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

27. 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.

28. 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.

29. Progress Certification (Road & Subdivision)

The applicant shall provide written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Principal Certifying Authority for the following stages of works:

- (a) Silt and sediment control facilities
- (b) Laying of stormwater pipes and construction of pits
- (c) Proof Roll
- (d) Sub-grade trimmed and compacted **
- (e) Base-course laid and compacted **
- (f) Kerb and gutter and driveway construction
- (g) Pavement
- (h) Landscaping and vegetation
- (i) Clean-up of site, and of adjoining Council roadway and drainage system.
- (**To be tested by a recognised N.A.T.A. approved laboratory).

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

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

30. Civil Works Supervision

The Applicant shall ensure all civil works approved in the Subdivision Works Certificate and Section 138 approval are supervised by an appropriately qualified and practicing Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

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

31. Notification of Inspections (infrastructure works to be handed over to Council)

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter and driveway crossing

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification.

Reason: To ensure new Council infrastructure is constructed in accordance with Auspec 1 Council's design and specification standards.

32. Traffic Control During Road Works

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



the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

33. Vehicle Crossings

The Applicant is to construct one vehicle crossing 5.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 NL 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. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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.

34. Site filling - Virgin Excavated Natural Material (VENM)

Where site fill material is necessary, fill materials must:

1. Be Virgin Excavated Natural Material (VENM) only, as defined in: The Protection of the Environment Operations Act 1997

2. Be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted.

3. The Applicant shall provide certification by a N.A.T.A. approved laboratory to the Principal Certifying Authority for approval prior to importation of material.

Reason: To ensure protection of the natural environment.

35. Tree protection measures

A Project Arborist with AQF minimum Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures for existing trees to be retained and protected, requiring site attendance during excavation and construction works, in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and the recommendations of the Arboricultural Impact Assessment prepared by Mark Bury Consulting under Appendix 7 - Arboricultural Management Plan (Tree Protection Plan).

This shall include all tree sensitive works in the vicinity of the existing trees that have been identified for retention in the Arboricultural Impact Assessment prepared by Mark Bury Consulting.

The following activities as listed in the Arboricultural Impact Assessment shall be specifically supervised and certified as approved following attendance on site, review of the works and acceptance of the works:

i) actions and recommendations as listed under Appendix 7 - Arboricultural Management Plan (Tree Protection Plan).

The Arborist shall submit certification that the works described in the above sections have been correctly installed and adhered to during all Subdivision works.

The tree protection measures specified in this clause must: ii) be in place before work commences on the site, and



iii) be maintained in good condition during the Subdivision works, and iv) remain in place for the duration of the Subdivision works.

The Certifying Authority or a Project Arborist AQF Level 5 must ensure that: v) the activities listed in section 4.2 of AS4970- 2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and

vi) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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

Reason: to ensure tree protection is provided and maintained.

36. Tree and vegetation protection

a) Existing trees and vegetation shall be retained and protected as recommended in the Arboricultural Impact Assessment report prepared by Mark Bury Consulting, 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, including T3, T17, T19, T20, T21 and T22,

iii) all road reserve trees and vegetation, including T1, T2 and T23,

(*) the following existing trees within the site are to be retained and protected: T4, T11, T12, T13, T15, T16 and T18 (#).

(#) subject to arboricultural investigation as T18 is in decline and may be removed following assessment and recommendations from a AQF Level 5 Arborist. Any removal of T18 must be certified by a AQF Level 5 Arborist and a Report issued to the Certifying Authority).

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.

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

37. Impacts to Protected Native Wildlife

Trees approved for removal are to be inspected for native wildlife by a qualified ecologist prior to any tree works. If native wildlife is found within trees to be removed, the ecologist is to safely relocate the animal to an appropriate location and/or registered wildlife rescue and rehabilitation organisation. Any incidents in which native wildlife are relocated, injured or killed as a result of works are to be recorded, in addition to details of any action taken in response. Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the project ecologist and provided to the Principal Certifying Authority prior to issue of the Subdivision Certificate.

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

38. 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, NSW Biodiversity and Conservation Division, Heritage NSW 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

39. Condition of retained vegetation

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

i) compliance to any Arborist recommendations for tree protection and excavation works,

ii) extent of damage sustained by vegetation as a result of the construction works,

iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

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

40. Works as Executed Drawings - Stormwater Treatment Measures

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council



Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

41. Street Tree Planting

As part of the Subdivision, two (2) street trees shall be planted as follows:

Two (2) Eucalyptus haemastoma street tree shall be planted at 75 litre container size, located centrally within the road verge, one in front of No. 130 and one in front of No. 132, 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.

Prior to the issue of an Occupation Certificate for Subdivision works, a report prepared by a landscape architect, landscape designer, or Arborist shall be submitted to the Certifying Authority, certifying that the street tree planting works have been completed satisfactorily.

Reason: to enhance streetscape amenity.

42. Landscape completion on Lot 13

Evidence of the paved area fronting the existing dwelling on Lot 13 having been removed and replaced with landscaping is to be provided to the Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure the completion of landscaping.

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

43. Landscape maintenance

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

A 12 month establishment period shall apply for all new street trees. 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.

44. Maintenance of Stormwater Treatment Measures

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Reason: Protection of the receiving environment.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE



45. Certification of Civil Works and Works as Executed Data on Council Land

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works have been constructed in accordance with this consent and the approved Subdivision Works Certificate and Section 138 approval plans. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Subdivision Certificate.

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

46. **Positive Covenant for On-site Stormwater Detention**

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the final plan of subdivision and accompanying 88B instrument, requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate

Reason: To ensure ongoing maintenance of the on-site detention system.

47. **Provision of Services for Subdivision**

The applicant is to ensure all services including water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure that utility services have been provided to the newly created lots.

48. **Right of Carriageway**

The Applicant shall create a right of carriageway (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument, to include all vehicular access, passing bay and maneuvering areas. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.

49. Restriction as to User (On-site Stormwater Detention)

The Applicant shall create a restriction as to user (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument for the onsite stormwater detention system, restricting any alteration or additions to the system. The terms of such restriction are to be prepared to Council's standard requirements. Council shall be nominated as the party to release, vary or modify such restriction.

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

Reason: To ensure no modification to the on-site stormwater detention structure without Council's approval.



50. **Restriction as to User (Vehicular Access)**

The Applicant shall submit a restriction as to user (under the provisions of Section 88B of the Conveyancing Act) to be incorporated on the title of Lot 13. The restriction shall preclude that lot from utilising its frontage for vehicular traffic except for the section created as a Right of Carriageway. The wording of the restriction of use is to be prepared by a surveyor, with terms acceptable to Council. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance with Council policy for vehicular access.

51. Services

The Applicant shall ensure all utilities/services and street lighting is installed. The Applicant is to submit a Certification stating the above requirement has been complied with by the relevant authority(s) and/or authorised contractor.

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

Reason: To ensure services have been provided in accordance with the relevant authorities requirements.

52. Certification of On-site Detention System (New Subdivision)

A Certificate is to be submitted by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifying Authority that the on-site stormwater detention has been constructed in accordance with the plans nominated on the Development Consent and relevant conditions of Development Consent. The Subdivision Certificate will not be released until this certification has been submitted and the Principal Certifying Authority has confirmed that this condition has been satisfied.

Reason: To ensure the On-site Detention System has been built to the appropriate standard

53. Sydney Water Compliance Certification

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au http://www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and fees to be paid. Please make early contact with the coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

Reason: To ensure compliance with the statutory requirements of Sydney Water.

54. Easement for Drainage

The Applicant shall create an easement for drainage (under the provisions of Section 88B of the



Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s).

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

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.

55. Easement for Services

The Applicant shall create an easement for services (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all utility services are located within the appropriate easement(s).

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

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.

56. Release of Subdivision Certificate

The final plan of subdivision will not be issued by Council until the development has been completed in accordance with terms and conditions of the development consent.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.

57. Subdivision Certificate Application

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, four copies of the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

58. Geotechnical Certification Prior to Subdivision 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 Subdivision Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

59. Title Encumbrances

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to be created on the title naming Council as the sole authority empowered to release or modify.

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



Reason: To ensure proper management of land.

60. Install nest boxes

A minimum of one nest box per new lot is to be installed in retained trees. Nest box design (i.e. target species) is to be in accordance with recommendations of a qualified ecologist. Nest boxes must be constructed, designed and attached in accordance with industry best practice (e.g. expandable tree sensitive methods). Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Certifying Authority prior to issue of the Subdivision Certificate.

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

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

Signed

Kent Bull, Planner

The application is determined on 24/11/2020, under the delegated authority of:

Rodney Piggott, Manager Development Assessments