

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0135
Responsible Officer:	Megan Surtees
Land to be developed (Address):	Lot 44 DP 15763, 13 Sydney Road WARRIEWOOD NSW 2102
Proposed Development:	Use of premises as a secondary dwelling
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Wade Julian Streeter Hanne Topland
Applicant:	Rapid Plans Pty Ltd
Application Lodged:	14/02/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New second occupancy
Notified:	28/02/2020 to 13/03/2020
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 65,000.00

PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for the **use** of the unauthorised as-built Secondary Dwelling.

While this application is strictly for the **use** of the structure, the built form and any non-compliances will also be addressed within this report.

It is noted that this application has been lodged as a result of a Building Certificate (BC2019/0285) which is currently with Council's Building Control team due to the unauthorised works at the site.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning

and Assessment Act 1979 and the associated Regulations. In this regard:

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 5.4 Controls relating to miscellaneous permissible uses

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - D14.8 Side and rear building line

Pittwater 21 Development Control Plan - D14.12 Landscaped Area - General

SITE DESCRIPTION

Property Description:	Lot 44 DP 15763 , 13 Sydney Road WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Sydney Road.</p> <p>The site is regular in shape with a frontage of 15.24m along Sydney Road and a depth of 41.15m. The site has a surveyed area of 627.1m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates single storey residential dwelling, and a detached structure in the rear yard (which is the subject of this application).</p> <p>The site has a westerly orientation and is located on a slope of approximately 6.06m (14%) falling in the direction from the rear north-eastern corner across the site to the south-western street frontage.</p> <p>The site has no significant canopy trees. The rear yard has established gardens with areas of turf and hedging along both the northern and southern side boundaries. At the site visit it was noted that the area of turf within the front yard has been removed and is currently dirt.</p>

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by 1 and 2 storey residential dwelling.

Map:



SITE HISTORY

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

21 April 2016

A Complying Development Certificate (CDC0046/16) for alterations and additions to an existing residential dwelling was submitted to Council.

15 December 2017

A Complying Development Certificate (CDC2018/0011) for alterations and additions to an existing residential dwelling was submitted to Council.

17 December 2019

A Building Certificate (BC2019/0285) for the unauthorised construction of a secondary dwelling was lodged with Council. At the time of this assessment, BC2019/0285 had not yet been determined.

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	See discussion on "Environmental Planning

Section 4.15 Matters for Consideration'	Comments
environmental planning instrument	Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

Name:	Address:
Withheld	WARRIEWOOD NSW 2102
Gary James Andrews	15 Sydney Road WARRIEWOOD NSW 2102

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

- The 'use' of the structure as a Secondary Dwelling is unfair on the neighbourhood.
- Approval for the 'use' of the Secondary Dwelling should not be granted as it was constructed

without Council approval.

- Limited off-street parking availability.
- Incorrect wording and statements within the Statement of Environmental Effects (SEE) prepared by Rapid Plans.
- Statements made during private conversations between the owner of the subject site and adjoining property owners.
- Non-compliance to the landscaped area minimum requirement.
- Amenity impacts - including privacy (visual and acoustic) and direct overlooking.

The matters raised within the submissions are addressed as follows:

- *Concern has been raised by a neighbour that the approval of the Secondary Dwelling would be unfair on the immediate neighbourhood.*

Comment:

Under the *Pittwater Local Environmental Plan (PLEP) 2014*, the property is zoned as R2 Low Density Residential. Secondary Dwellings are permissible within this zone. As such, the '*use*' of the structure as a Secondary Dwelling is acceptable. The proposed '*use*' achieves consistency within the immediate vicinity in which other property's have approved Secondary Dwellings.

- *The adjoining property owner (being 15 Sydney Road) and another neighbouring property owner believe this application for the 'use' of the Secondary Dwelling should be refused as it was constructed without Council approval.*

Comment:

While the previous structure was demolished to make way for the new Secondary Dwelling, there are pathways that can be taken to have approval granted for unauthorised structures. Such is the case in this instance - the Applicant has lodged a Building Certificate with Council which will be reviewed and assessed by a member of Council's Building Control team. This current development application is for the '*use*' of the structure, which, as discussed above, is a permissible land use in the R2 Low Density Residential Zone of PLEP 2014.

- *Concern has been raised by adjoining property owners (being 15 Sydney Road and another neighbouring property owner) that the residents of the subject site park their vehicles, and trailer, on Sydney Road with claims it impacts upon traffic flow.*

Comment:

While the existing streetscape may be busy with parked vehicles, trailers and boats from many properties, on-street parking is acceptable and permitted as there are no timed or restricted parking signs. Any persons parking vehicles, trailers and boats on the street should adhere to common-sense practices and not block driveways of neighbouring properties.

- *Concern has been raised by the owners of adjoining properties (being 15 Sydney Road and another neighbouring property owner) regarding incorrect wording and statements within the SEE prepared by Rapid Plans.*

Comment:

Concern has been raised by the adjoining property owners that the SEE falsely describes the structure as 'existing' - the submissions provided label this misleading and untrue. Council is aware that the existing structure is a result of the demolition of the previous structure in the same location on the site. This incorrect wording does not impact upon the assessment of the '*use*' of the current structure as a Secondary Dwelling. The unauthorised works are currently subject to a Building Certificate (BC2019/0285), which is being reviewed by a member of the Building Control team.

While there may be incorrect statements in the SEE, Council's Development Assessment Officer

conducts their assessment based on all information provided, as well as a site visit, and assesses this against the relevant controls to determine the compliance of the application. This application does not involve any physical works, however, to accompany BC2019/0285, the built form controls will be discussed but does not contribute to the final recommendation for the 'use' of the structure as a Secondary Dwelling.

- *Both submissions have stated that, during private conversations, the owner of 13 Sydney Road advised that the Secondary Dwelling was not rented out.*

Comment:

Conversations between the owner and adjoining property owners' is not based on planning grounds, and, as such, is not relevant to the assessment of this application. Should this application for the 'use' of the structure as a Secondary Dwelling be approved, the process of renting it out is not done so through Council. An Occupation Certificate is, however, required to be obtained prior to the occupation of the Secondary Dwelling - this has been recommended as a condition of consent.

- *Concern has been raised by the adjoining property owner, being 15 Sydney Road, regarding the suspected non-compliance with the landscaped area minimum requirement.*

Comment:

The subject site is located within Area 3 of the Landscaped Area Map. Under control D11.10 Landscaped Area - General of the Pittwater 21 Development Control Plan (P21 DCP), land within Area 3 of the Landscaped Area Map requires the minimum landscaped area to be 50%. A further discussion can be found under Section D11.10 Landscaped Area - General of this report.

- *Concern has been raised by the owner of 15 Sydney Road that the northern orientation of windows and doors results in direct overlooking into their rear yard and dwelling as well as creating unnecessary acoustic impacts.*

Comment:

A site visit was conducted at both 13 and 15 Sydney Road. Below is a photo taken at the north-western corner of the Secondary Dwelling from a standing position facing north. The black mesh attached to the boundary fence provides an interim screen while the existing vegetation along the fence line of 13 Sydney Road grows to an adequate height that will reasonably screen the Secondary Dwelling, as well as reduce the potential for overlooking and therefore enhancing privacy for the occupants of both 13 and 15 Sydney Road. While the northern side setback is less than the desired 9m to reduce direct-overlooking, Council can be satisfied that the potential for direct overlooking is minimal due to the existing and established gardens along the northern side boundary, as well as the generous side setback distance.

A further discussion on visual privacy can be found under section C1.5 of this report.



REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.
NECC (Bushland and Biodiversity)	The proposed development, the use of an existing building as a secondary dwelling, will not impact on the biodiversity values of the site.
NECC (Coast and Catchments)	<p>Officer comments</p> <p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016</p> <p>The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objectives, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Coastal Management)</p>

Internal Referral Body	Comments
	<p>2018</p> <p>As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Coastal Environment Area' but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13 and 15 of the CM SEPP apply for this DA.</p> <p><u><i>Comment:</i></u></p> <p>On internal assessment, the DA satisfies requirements under clauses 13 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>No other coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>
NECC (Development Engineering)	No objection to approval, subject to conditions as recommended.
NECC (Riparian Lands and Creeks)	<p>This application has been assessed against:</p> <p>State Environment Planning Policy (Coastal Management) 2018 Part 2, Division 3, Clause 13 - Development on land within the coastal zone</p> <p>Pittwater 21 Development Control Plan B5.8 Water Quality - Low Density Residential B8.2 Erosion and Sediment Management</p> <p>The application doesn't significantly increase impervious surfaces as it uses, primarily, the existing footprint. With the addition of sediment and erosion controls this application is unlikely to have an adverse impact on the integrity and resilience of the biophysical, hydrological and ecological environment. The erosion and sediment controls must be maintained throughout the life of the works.</p> <p>This application is therefore recommended subject to conditions.</p> <p>Planner Note: This application does not involve any physical works. As such, sediment and erosion control measures are not required.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

Division 2: Secondary dwellings

Clause 19: Definition

Development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

Note: The standard instrument defines secondary dwelling as follows:

"secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling."*

Comment:

The Secondary Dwelling is consistent with the definition of a 'secondary dwelling' as it appears within the *Pittwater Local Environmental Plan (PLEP) 2014*.

Clause 20: Land to which this Division applies:

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but <i>only if</i> development for the purposes of a dwelling house is permissible on the land:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or (d) Zone R4 High Density Residential, or (e) Zone R5 Large Lot Residential.	Consistent. The site is located within the R2 Low Density Residential zone and, as such, the proposed use is permissible with consent under PLEP 2014.

Clause 21: Development to which this Division applies

Requirement	Comment
This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.	Consistent. This application seeks consent for the use of an as-built secondary dwelling structure, as defined by the Standard Instrument. Therefore, this Division applies.

Clause 22: Development may be carried out with consent

Development to which this Division applies may be carried out with consent.

Requirement	Comment
(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	There is currently two (2) dwellings on the site, one being the principle dwelling, and the other being the as-built secondary dwelling. The application is not seeking consent for the construction of a secondary dwelling. Therefore, no additional structures are proposed on the site. Therefore, this Division applies and is complied with.
(3) A consent authority must not consent to development to which this Division applies unless: (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and (b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning	The as-built secondary dwelling is 47.1m ² . Therefore, it is compliant with the 60m ² maximum size requirement.

instrument, that greater floor area.	
(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds: (a) site area if: (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or (ii) the site area is at least 450 square metres. (b) parking if no additional parking is to be provided on the site.	The as-built secondary dwelling is detached from the principle dwelling; the site area is greater than 450m ² (627.1m ²); and, there is no additional parking provisions included in this application.

Note: A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

Clause 24: No subdivision

Requirement	Comment
A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	Consistent. This application does not propose any subdivision of the existing allotment.

Conclusion

The use of the as-built structure as a secondary dwelling is appropriate and consistent with the relevant controls under the SEPP (ARH) 2009, and PLEP 2014. It is therefore accepted.

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

SEPP (Coastal Management) 2018

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

10 Development on certain land within coastal wetlands and littoral rainforests area

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- (a) *the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
 - (b) *the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
 - (c) *the carrying out of any of the following:*
 - (i) *earthworks (including the depositing of material on land),*
 - (ii) *constructing a levee,*
 - (iii) *draining the land,*
 - (iv) *environmental protection works,*
 - (d) *any other development.*

Comment:

This Clause is not relevant to the subject site.

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

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

Comment:

This Clause is not relevant to the subject site.

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) *the proposed development:*
 - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*

- (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
 - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.*

Comment:

This Clause is not relevant to the subject site.

13 Development on land within the coastal environment area

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

Comment:

Council's Coast and Catchment Officer has reviewed the application and raised no objection. As such,

Council can be satisfied that the as-built secondary dwelling achieves the abovementioned objectives.

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

Comment:

Council's Coast and Catchment Officer has reviewed the application and raised no objection. As such, Council can be satisfied that the as-built secondary dwelling achieves the abovementioned objectives.

14 Development on land within the coastal use area

- (1)
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
 - (b) is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

This Clause is not relevant to the subject site.

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

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

Comment:

The proposal is unlikely to result in an increased risk of coastal hazards.

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	3.1m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment

5.4 Controls relating to miscellaneous permissible uses

Subclause (9) of this control requires the total floor area of a Secondary Dwelling to be either: 60m² or 25% of the total floor area - whichever is greater. In this instance, the requirement is 60m². The as-built secondary dwelling has a total floor area of 47.1m², therefore achieving compliance with this control.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Rear building line	6.5m	1.3m	80%	No
Side building line	2.5m (northern side boundary)	6.4m	N/A	Yes
	1m (southern side boundary)	1.1m	N/A	Yes
Building envelope	3.5m (northern elevation)	Within envelope	N/A	Yes
	3.5m (southern elevation)	Within envelope	N/A	Yes

Landscaped area	50% (313.55m ²)	46.4% (290.9m ²)	7.2%	No
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***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: 38/40 x 100 = 95 then 100 - 95 = 5% variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	Yes	Yes
B4 Controls Relating to the Natural Environment	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.11 Secondary Dwellings and Rural Worker's Dwellings	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes
D14.2 Scenic protection - General	Yes	Yes
D14.3 Building colours and materials	Yes	Yes
D14.8 Side and rear building line	No	Yes
D14.11 Building envelope	Yes	Yes
D14.12 Landscaped Area - General	No	Yes

Detailed Assessment

C1.5 Visual Privacy

This control requires private open space and living areas of the subject site and adjoining dwellings to be protected from direct overlooking within 9m. While the structure achieves compliance with the minimum requirement for side setbacks, it is, however, within 9m of the secondary dwelling's located at 11 and 15 Sydney Road. The northern orientation of the secondary dwelling means that there is

negligible privacy and amenity impact to 11 Sydney Road. The owner of 15 Sydney Road raised concerns with regards to impacts on their privacy as a result of the secondary dwelling, particularly to their rear private open space, kitchen and bedroom. As such, the below discussion will address any potential privacy impacts from the development to 15 Sydney Road.

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

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.

Comment:

While the secondary dwelling is within 9m of the northern side boundary line, it is, however, 9.2m from the external wall of the secondary dwelling located at 15 Sydney Road, as well as exceeding 9m to the main private open space and habitable rooms of 15 Sydney Road - therefore achieving compliance with this control. The construction of the secondary dwelling included a degree of excavation which lowered the floor level (and subsequently the height) to minimise amenity impacts on adjoining properties, as well as reducing the bulk and scale of the development. As such, it would be difficult for the occupants of the subject site to directly look into the residence of 15 Sydney Road (as shown in the image under *Submissions*). Further, the existing vegetation along the northern side boundary, once at a mature height, will reasonably screen the development when viewed from 15 Sydney Road, and vice versa, assisting in the protection of privacy.

Due to the abovementioned, the development has optimised visual privacy through good design, such that the development does not result in any unreasonable amenity impacts to the occupants of the secondary dwelling and those of adjoining dwellings.

A sense of territory and safety is provided for residents.

Comment:

The development continues to provide a sense of territory and safety for the residents of the subject site, and those of adjoining properties.

While the proposed development is numerically non-compliant, it is consistent with the underlying objectives of this control and it is appropriate within the locality. Additionally, this application seeks consent for the **use** of the structure as a secondary dwelling - this is a permissible land use within the R2 Low Density Residential zone and the structure achieves compliance with the zone's objectives. This application can be supported on merit.

D14.8 Side and rear building line

The development achieves compliance with the side setbacks. However, the development is numerically non-compliant with the rear setback.

This control requires all development to be setback 6.5m from the rear boundary line. The development results in a rear setback of 1.2m. This represents a variation 81.5%.

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

To achieve the desired future character of the Locality.

Comment:

Under A4.14 of Pittwater 21 Development Control Plan (P21 DCP) the development is consistent with the objectives of the desired future character of Warriewood. The development achieves a height that is well below the existing tree canopy. Additionally, the bulk and scale of the development is minimised by existing vegetation and established gardens, which further enhances the character of the locality. The

bulk and scale of the development is minor in nature with little to no amenity impacts to adjoining properties.

The bulk and scale of the built form is minimised.

Comment:

The development achieves compliance with the side setbacks and the height of building development standard, therefore the bulk and scale of the built form is minimised with minimal amenity impacts upon neighbouring properties. Additionally, the existing landscape treatments and boundary fencing will continue to further reduce the built form when viewed from neighbouring properties and the principle dwelling.

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

Comment:

The development does not impact upon the views and vistas to and/or from public/private places.

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

Comment:

The development has been sited and designed to encourage view sharing by the minor excavation works that lowered the ground level to ensure the property to the rear, being 24 Narrabeen Park Parade, can continue to enjoy their westerly views free from additional built form structures. This application does not propose any physical works, including landscaping works, however, the existing landscaping treatments on the site (particularly in the rear yard) has been well-positioned along the northern and southern boundaries and is of an appropriate size to continue encouraging view sharing.

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

Comment:

Due to the slope of the land, and the excavation works during the construction of the secondary dwelling, the non-compliance with the rear setback does not create any unreasonable amenity impacts and it achieves a reasonable level of privacy and solar access for adjoining properties. There is one (1) window located along the eastern elevation, however this window is screened by a 1.8m timber lapped and capped fence along the rear boundary, thus continuing to provide a reasonable level of privacy to the property to the east, being 24 Narrabeen Park Parade. Privacy is achieved for the property to the south, being 11 Sydney Road, as there is significant vegetation along the southern side boundary that will continue to provide a reasonable level of privacy for both the occupants of the subject site and those residing at 11 Sydney Road. Additionally, as there is sufficient spatial separation between the development and the property to the north, being 15 Sydney Road, a reasonable level of privacy and amenity has been achieved.

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

Comment:

As discussed elsewhere in this report, this application does not propose any physical works (including landscape works). Furthermore, the structure is located within the rear yard and cannot be viewed from the street. Therefore, the existing streetscape will not be affected.

Flexibility in the siting of buildings and access.

Comment:

The development demonstrates flexibility in the siting of buildings through the minor excavation works that allowed the structure to sit lower in the rear eastern corner of the site to minimise the potential for any view loss to the property to the rear, being 24 Narrabeen Park Parade. The access to the secondary dwelling is along the southern boundary which is adjacent to the adjoining property's garage thus minimising the potential for amenity impacts on occupants of the adjoining property.

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

Comment:

This application is for the use of the structure, and therefore no physical works are proposed - including any landscaping works. However, the existing landscape treatments have been positioned in such a way along the northern and southern side boundaries that the built form will be visually reduced.

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

Comment:

As discussed above, the application is for the use of the secondary dwelling and no physical works are proposed. As such, the existing vegetation on the site is proposed to be retained and, a condition of consent has been included to ensure the existing vegetation is maintained for the life of the development, thus enhancing the bushland character of the locality.

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

Comment:

The subject site is located within, and surrounded by, R2 Low Density Residential zone. Therefore, this objective is irrelevant to the subject site.

While the proposed development is numerically non-compliant, it is consistent with the underlying objectives of this control and it is appropriate within the locality. Additionally, this application seeks consent for the **use** of the structure as a secondary dwelling - this is a permissible land use within the R2 Low Density Residential zone and the structure achieves compliance with the zone's objectives. This application can be supported on merit.

D14.12 Landscaped Area - General

The subject site is located within Area 3 of the Landscaped Area Map, therefore the site requires a minimum of 50% landscaped area. The development results in a numerically non-compliant landscaped area of 46.4%; this represents a variation of 7.2%. Provided the outcomes of the control can be achieved, a variation may be permitted which allows pathways (and the like) of 1m width or less, and 6% of the total site to be included in the overall landscaped proportion of the site. With the variations applied, the proposed landscaped area is increased to 52.3% (328.5m²), thus achieving numerical compliance.

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

Achieve the desired future character of the Locality.

Comment:

Under A4.14 of Pittwater 21 Development Control Plan (P21 DCP) the development is consistent with the objectives of the desired future character of Warriewood. The development achieves a height that is well below the existing tree canopy. Additionally, the bulk and scale of the development is minimised by existing vegetation and established gardens, which further enhances the character of the locality. The bulk and scale of the development is minor in nature with little to no amenity impacts to adjoining properties.

The bulk and scale of the built form is minimised.

Comment:

The development achieves compliance with the side setbacks and the height of building development standard, therefore, the bulk and scale of the built form is minimised with minimal amenity impacts upon neighbouring properties. Furthermore, the existing landscaped treatments and boundary fencing will further reduce the built form when viewed from neighbouring properties and the principle dwelling.

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

Comment:

The development achieves a reasonable level of amenity and solar access to the subject site and adjoining properties.

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

Comment:

The rear yard has established gardens, including hedges, small trees and areas of turf. As such, as this vegetation will grow and continue to visually reduce the built form. A condition of consent has been included to ensure that the vegetation and established gardens are to be maintained for the life of the development to ensure the built form continues to be visually reduced.

Conservation of natural vegetation and biodiversity.

Comment:

Council's Bushland and Biodiversity officer has reviewed this application and determined that the existing Secondary Dwelling poses no risk to the biodiversity of the site. Additionally, as discussed above, the rear yard has established gardens, which encompasses natural vegetation and biodiversity.

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

Comment:

As previously discussed, the development is located primarily over an existing hardstand surface. As such, the development does not enhance the impervious surface of the site, therefore, no on-site detention (OSD) provisions are needed. Additionally, Council's Development Engineer has reviewed this application with regard to provisions for stormwater management and no issues were raised, subject to conditions that are included within this report.

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

Comment:

As discussed above, the site currently enjoys established gardens that will continue to preserve and enhance the rural and bushland character of the area.

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

Comment:

The secondary dwelling was constructed primarily over an already existing hardstand surface. As such, the development ensured that soft surfaces on the site were maximised. The existing established garden will continue to allow for the infiltration of water to the water table, minimise stormwater run-off and continue to assist with stormwater management.

While the proposed development is numerically non-compliant, it is consistent with the underlying objectives of this control and it is appropriate within the locality. Additionally, this application seeks consent for the **use** of the structure as a secondary dwelling - this is a permissible land use within the R2 Low Density Residential zone and the structure achieves compliance with the zone's objectives. This application can be supported on merit.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

S7.12 levies are not applicable to this application as they were subject to the original development application relating to the whole site.

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 DA2020/0135 for Use of premises as a secondary dwelling on land at Lot 44 DP 15763, 13 Sydney Road, WARRIEWOOD, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA1003 Site Plan	11-2-2020	Rapid Plans
DA2002 Ground Floor Plan Dwelling	11-2-2020	Rapid Plans
DA2003 Roof Plan	11-2-2020	Rapid Plans
DA3001 Sections 1 & 2	11-2-2020	Rapid Plans
DA4001 North & East Elevations	11-2-2020	Rapid Plans
DA4002 South & West Elevations	11-2-2020	Rapid Plans

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.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

FEES / CHARGES / CONTRIBUTIONS

4. Security Bond

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

5. **Stormwater Disposal**

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

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

6. **Occupancy**

The Secondary Dwelling is not to be occupied until an Occupation Certificate has been obtained.

Reason: To adhere to legislative requirements.

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

Signed



Megan Surtees, Planner

The application is determined on 09/04/2020, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments