

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2021/0322 |
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| Responsible Officer: | Dean Pattalis |
| Land to be developed (Address): | Lot 121 DP 237862, 12 Howse Crescent CROMER NSW 2099 |
| Proposed Development: | Alterations and additions to a dwelling house |
| Zoning: | Warringah LEP2011 - Land zoned R2 Low Density Residential |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Land and Environment Court Action: | No |
| Owner: | Adam Teofilo Juanita Teofilo |
| Applicant: | JJ Drafting |

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| Application Lodged: | 09/04/2021 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Residential - Alterations and additions |
| Notified: | 16/04/2021 to 30/04/2021 |
| Advertised: | Not Advertised |
| Submissions Received: | 1 |
| Clause 4.6 Variation: | Nil |
| Recommendation: | Approval |

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| Estimated Cost of Works: | \$ 375,000.00 |
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for alterations and additions to an existing dwelling.

The proposed additions and alterations are as follows:

Ground Floor

- A new timber deck and stairs to the existing deck to be added to provide direct access to the rear yard.
- Part of the existing covered front deck will be enclosed to form a new extended entry.
- The existing front deck will be raised and the existing roof replaced with a new flat roof.
- A new covered deck along the Eastern wall shall provide access from the garage to the front door.

- An existing covered deck at the rear of the dwelling to be enclosed to form a new living room. Existing roof to be replaced with a new roof.
- Existing timber deck around the pool to be extended towards the house linking the new enclosed living room and an existing dining room area.

Proposed First Floor

- Proposed first floor consisting of two bedrooms with ensuites and walk-in robes, sitting room, and a void open to the floor below. Connecting the two floors will be an internal staircase.
- Lightweight wall construction with selected Colorbond and rendered cladding.
- The proposed new first floor addition shall be provided with a new Colorbond flat roof.

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

Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - D8 Privacy

SITE DESCRIPTION

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| Property Description: | Lot 121 DP 237862 , 12 Howse Crescent CROMER NSW 2099 |
| Detailed Site Description: | <p>The subject site consists of 1 allotment on a corner block, addressing Howse Crescent to the South and East.</p> <p>The site is irregular in shape with a total frontage of 46.39m along Howse Crescent and a depth of 30.48m. The site has a surveyed area of 703m².</p> <p>The site is located within the R2 Low Density Residential</p> |

zone and accommodates a single storey residential dwelling.

The site is located on a corner allotment and has an easterly and westerly orientation facing Howse Crescent. The site is located on a generally flat block, with a minor slope in the land, falling from the south-eastern corner toward the north-western corner.

The site is not known to have any threatened or significant flora species.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by single and double storey residential dwellings within a landscaped setting.

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:

CDC2015/0637 SEPP - Construction of a swimming pool (Approved 16 November 2015)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

| Section 4.15 Matters for Consideration' | Comments |
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| Section 4.15 Matters for Consideration' | Comments |
|---|---|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on “Environmental Planning Instruments” in this report. |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument | Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. 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 | Warringah Development Control Plan applies to this proposal. |
| Section 4.15 (1) (a)(iia) – Provisions of any planning agreement | None applicable. |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) | <p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to the provision of a Landscape Plan and Statement of Environmental Effects (SEE) on 21 April 2021. This information was provided to Council on 23 April 2021.</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 matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of</p> |

| Section 4.15 Matters for Consideration' | Comments |
|--|--|
| | consent. Clause 143A 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 (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 | (i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use. |
| Section 4.15 (1) (c) – the suitability of the site for the development | The site is considered suitable for the proposed development. |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | See discussion on “Notification & Submissions Received” in this report. |
| Section 4.15 (1) (e) – the public interest | No matters have arisen in this assessment that would justify the refusal of the application in the public interest. |

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 16/04/2021 to 30/04/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

| Name: | Address: |
|--|-----------------------------------|
| Mr Matthew George Foldes Gabrielle Foldes | 14 Howse Crescent CROMER NSW 2099 |

One submission has been received by the owners of 14 Howse Crescent, Cromer, and the following concerns were raised:

- **Side setback non-compliance**
- **Privacy**
- **Noise**
- **Bulk and scale**
- **Ambiguous comments in the Statement of Environmental Effects (SEE)**
- *The adjoining property owners have raised concern with regards to the proposed rooftop terrace located above the existing garage, specifically: setback distance, privacy, noise, bulk and scale.*
Comment:

The proposed rooftop terrace is located at least 3.7m from the shared northern side boundary with 14 Howse Crescent. This is compliant with B5 Side Boundary Setbacks of the Warringah Development Control Plan (WDCP). The proposed rooftop terrace does, however, result in a nil setback to a portion of the northern side setback that is adjacent to the existing sub station 15870 (as shown on DA.01, dated October 2020, prepared by JJ Drafting). The nil setback to the sub station will not result in any amenity impacts as there is no dwelling in this space.

Upon review, it appears there are multiple windows along the southern elevation of 14 Howse Crescent and from the plans submitted for a Complying Development Certificate (CDC2016/0486) - four on the ground floor and three on the first floor. It appears these windows are for bathrooms, toilets, laundry, study and staircase. It was observed on the site visit that there is a timber lapped and capped boundary fence (with a minimum height of 1.8m, progressively getting higher from east to west) along the shared boundary between 12 and 14 Howse Crescent which currently provides a degree of privacy for occupants of both dwellings. To facilitate enhanced privacy, a condition of consent will be included to ensure a privacy screen is installed along the northern elevation of the rooftop terrace. As conditioned, the rooftop terrace is unlikely to result in any unreasonable privacy or amenity impacts upon the occupants of 14 Howse Crescent. A further discussion on this can be found under section D8 Privacy of this report.

- *The adjoining property owners are concerned that the SEE notes the proposal 'predominantly complies' with the Side Boundary Envelope. As no detail was outlined in the SEE, they are seeking clarification if this refers to the proposed sundeck terrace.*
Comment:
Council's Development Assessment Planner has conducted an independent assessment of this application, including calculating the proposed built form controls. As outlined within the Built Form Controls table and further addressed in the report under section B3 Side Boundary Envelope, the non-compliant portion of the side boundary envelope refers to a small portion of the proposed first floor level along the western elevation. The proposed sundeck terrace is compliant with the side boundary envelope.

REFERRALS

| Internal Referral Body | Comments |
|------------------------|---|
| Landscape Officer | This application is for the alterations and additions to an existing residential dwelling. Alterations include the minor demolition of internal structures to create a more open living and dining area, as |

| Internal Referral Body | Comments |
|------------------------|--|
| | <p>well as transform an existing bedroom into a home gym and study area. Additions are inclusive of a deck extension to most sides of the dwelling, a new walk in robe to the master bedroom on the ground floor, as well as a new first floor comprising of new sitting area in addition to two bedrooms with accompanying en-suites and walk in robes. A new rooftop terrace is also proposed above the existing garage.</p> <p>Councils Landscape Referral section has considered the application against the Warringah Local Environment Plan, and the following Warringah DCP 2011 controls:</p> <ul style="list-style-type: none"> • D1 Landscaped Open Space and Bushland Setting • E1 Preservation of Trees or Bushland Vegetation <p><u>Original Comments - 13/04/2021</u></p> <p>The Statement of Environmental Effects provided with the application does not make note of the existing trees or vegetation on site, however the Architectural Plans provided do not indicate that any of the existing trees or palms are proposed for removal. Upon review, all trees and palms are clear of the proposed works are able to be safely retained and protected. The retention of these trees and palms, including those located within the road reserve, is vital in order to satisfy control E1, as key objectives of this control include "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide", as well as "to protect and enhance the urban forest of the Northern Beaches".</p> <p>Concern is raised regarding the limited presence of proposed landscape works, specifically screen planting and trees, which is vital to ensure the proposed built form is softened. As the proposal seeks to add an additional level to the existing dwelling, this built form mitigation is vital as the current site is largely turfed, with the existing palms providing little built form mitigation and softening. In addition to this, majority of the existing vegetation on site are exempt species, or exempt due to their heights below 5m, and can therefore be removed without Councils approval. If these tree are removed in the future, no mitigation measures will be in place. Concern is also raised regarding the privacy of not only the residents of the site itself, but also neighbours to the west. As the first floor addition provides overlooking opportunity into neighbouring properties, the need for screening vegetation along the western boundary is necessary. The Architectural Plans also indicate the presence of proposed planting above the existing garage on the new rooftop terrace. Currently no information has been made regarding this planting, specifically what species are proposed and what soil depth is proposed. This planting, as well as the need for additional screening vegetation is necessary in order to satisfy control D1, as key objectives of this condition include "to enable planting to maintain and enhance the streetscape", "to provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs</p> |

| Internal Referral Body | Comments |
|--------------------------------|--|
| | <p>and canopy trees of a size and density to mitigate the height, bulk and scale of the building", as well as "to enhance privacy between buildings". It is therefore recommended that a Landscape Plan be provided in accordance with the Council's Lodgement Requirements, addressing the issues above regarding built form mitigation as well as privacy between neighbours.</p> <p>As a result, in its current form, the landscape component of the proposal cannot be supported. It is recommended that a Landscape Plan be provided with the application addressing built form mitigation and privacy concerns. Upon receipt of the required plans, further assessment can be made.</p> <p>Updated Comments - 27/04/2021</p> <p>Following previous comments, and amended Statement of Environmental Effects and new Landscape Plans have been provided with the application. The amended Statement of Environmental Effects makes note that all existing trees and vegetation located on site are to be retained throughout development. This is supported as the retention of these trees and palms, including those located within the road reserve, is vital in order to satisfy control E1.</p> <p>The Landscape Plan provided indicates a number of screen and shrub planting is proposed within planter boxes. It has been made clear that due to an existing rock shelf on site located below the soil, there is limited soil depth available, hence in-ground planting has proven difficult. For this reason, the use of planter boxes instead is supported. This proposed landscaping not only provides valuable built form softening and mitigation, but also enhances the overall streetscape amenity through the addition of more planting, both of which are key objectives of control D1.</p> <p>The landscape component is therefore supported subject to the protection of existing trees and vegetation, and the completion of landscape works as proposed on the Landscape Plans.</p> |
| NECC (Development Engineering) | <p>The connection of stormwater to the existing easement is satisfactory.</p> <p>No objection to approval, subject to conditions as recommended.</p> |

| External Referral Body | Comments |
|------------------------|---|
| Ausgrid: (SEPP Infra.) | <p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A401175, dated 23 March 2021).

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

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

Warringah Local Environmental Plan 2011

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

Principal Development Standards

| Standard | Requirement | Proposed | % Variation | Complies |
|----------------------|-------------|----------|-------------|----------|
| Height of Buildings: | 8.5m | 7m | N/A | Yes |

Compliance Assessment

| Clause | Compliance with Requirements |
|---------------------------------|------------------------------|
| 2.7 Demolition requires consent | Yes |
| 4.3 Height of buildings | Yes |
| 6.2 Earthworks | Yes |

Warringah Development Control Plan

Built Form Controls

| Built Form Control | Requirement | Proposed | % Variation* | Complies |
|---|-----------------------------|---|----------------------------------|-------------------------------|
| B1 Wall height | 7.2m | 6.5m | N/A | Yes |
| B3 Side Boundary Envelope | 4m (Northern elevation) | Within envelope | N/A | Yes |
| | 4m (Western elevation) | Outside envelope | 10.03% | No |
| B5 Side Boundary Setbacks | 0.9m (Northern boundary) | Ground Floor (external stairs) - 5.6m - 6.9m Ground Floor (dwelling): >7.5m First Floor (dwelling): >10.7m Rooftop Terrace: Nil - 3.7m (rooftop terrace) | N/A N/A N/A 100% (max.) | Yes Yes Yes No & yes |
| | 0.9m (Western boundary) | Ground Floor - 0.9m First Floor - 1.38m - 3.06m | N/A N/A | Yes Yes |
| B7 Front Boundary Setbacks | 6.5m | 4.2m (corner lot) | 35.39% | No |
| D1 Landscaped Open Space (LOS) and Bushland Setting | 40% | 49.04% | N/A | Yes |

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide

the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

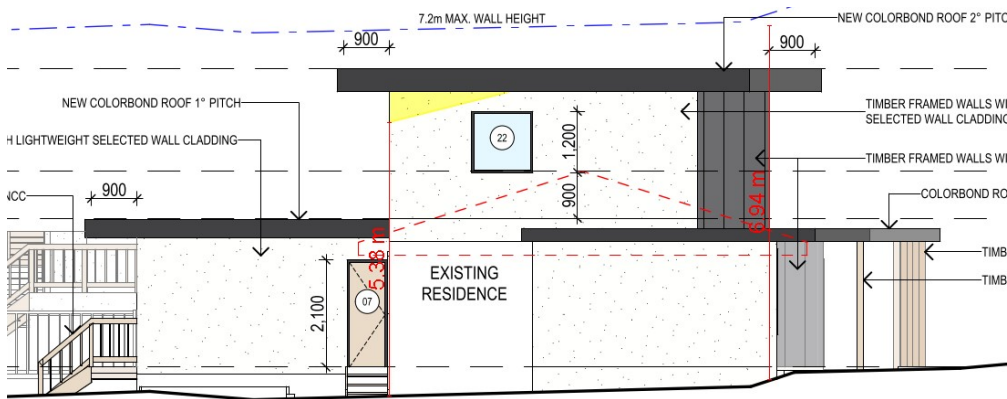
| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| A.5 Objectives | Yes | Yes |
| B1 Wall Heights | Yes | Yes |
| B3 Side Boundary Envelope | No | Yes |
| B5 Side Boundary Setbacks | No | Yes |
| B7 Front Boundary Setbacks | No | Yes |
| C4 Stormwater | Yes | Yes |
| C7 Excavation and Landfill | Yes | Yes |
| C8 Demolition and Construction | Yes | Yes |
| C9 Waste Management | Yes | Yes |
| D1 Landscaped Open Space and Bushland Setting | Yes | Yes |
| D2 Private Open Space | Yes | Yes |
| D3 Noise | Yes | Yes |
| D6 Access to Sunlight | Yes | Yes |
| D7 Views | Yes | Yes |
| D8 Privacy | No | Yes |
| D9 Building Bulk | Yes | Yes |
| D10 Building Colours and Materials | Yes | Yes |
| D11 Roofs | Yes | Yes |
| D12 Glare and Reflection | Yes | Yes |
| D14 Site Facilities | Yes | Yes |
| D20 Safety and Security | Yes | Yes |
| E1 Preservation of Trees or Bushland Vegetation | Yes | Yes |
| E2 Prescribed Vegetation | Yes | Yes |
| E6 Retaining unique environmental features | Yes | Yes |
| E10 Landslip Risk | Yes | Yes |

Detailed Assessment

B3 Side Boundary Envelope

Description of non-compliance

This control requires development to be sited within a building envelope - this is measured from the side boundary line to a maximum height of 4.0m, and then angled inwards at a 45 degrees. The proposed development is generally compliant with this control, except for a small portion of the first floor level along the western elevation, as indicated in the image below.



Merit consideration

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

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment:

The encroachment into the building envelope is minor. Notwithstanding the numerical non-compliance to this control, the proposal achieves compliance to the side setback requirement along the western elevation. Further, the proposal achieves compliance with the maximum building height. As such, by virtue of its height and bulk, the proposed first floor level is not visually dominant.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment:

The numerical non-compliance to this control does not give rise to any unacceptable loss of light, privacy or general amenity to that which is currently enjoyed by any neighbours.

- *To ensure that development responds to the topography of the site.*

Comment:

The proposed development does not result in the significant altering of the topography of the site and, as such, is considered appropriate for the site with no unreasonable amenity impacts upon adjoining properties or the existing streetscape. In this instance, the proposal responds well to the topography of the site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B5 Side Boundary Setbacks

Description of non-compliance

This control requires development to be setback 0.9m from each side boundary. The proposed development results in the follow side setback distances:

Western side boundary:

- Ground floor: 0.9m
- First floor: 1.38m - 3.06m

As such, the proposal achieves compliances along the western side boundary.

Northern side boundary:

- Ground floor (external stairs): 5.6m - 6.9m
- Ground floor (dwelling): >7.5m
- First floor (dwelling): >10.7m
- Rooftop terrace: nil - 3.7m

The proposal generally achieves compliance with this control, however, the rooftop terrace results in a nil setback distance to a portion of the northern boundary line. The nil setback, however, is adjacent to the existing sub-station - thus not resulting in any amenity impact as there is no dwelling in this space. The closest point of the rooftop terrace to the northern boundary, shared with 14 Howse Crescent, is 3.7m, which is compliant with the side setback control.

Merit consideration

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

- *To provide opportunities for deep soil landscape areas.*

Comment:

The non-compliance associated with the rooftop terrace will not impact upon the current landscape areas of the site as it will be located over the existing building footprint of the garage. As such, the proposal will continue to provide deep soil landscape areas.

- *To ensure that development does not become visually dominant.*

Comment:

The proposed rooftop terrace is located 7.3m from the eastern boundary (which is considered the secondary street frontage). This distance exceeds the minimum requirement for secondary street frontages and, coupled with the installation of a planter box along the northern, eastern and southern elevations of the rooftop terrace, will result in a development that is not visually dominant upon the existing streetscape.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

As discussed above, the nil setback of the proposed rooftop terrace is adjacent to the substation. Further, the rooftop terrace has a degree of articulation along the eastern elevation. In this instance, the proposed rooftop terrace is of an acceptable bulk and scale.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment:

As discussed above, the closest point of the rooftop terrace to the shared northern side boundary with 14 Howse Crescent is 3.7m - this is compliant with the minimum requirement for this control. In this instance, the rooftop terrace will result in a reasonable level of privacy, amenity and solar access.

- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

The rooftop terrace is below the height of the first floor level of the proposed development. As such, the rooftop terrace will continue to provide for a reasonable sharing of views to and from public and private properties.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

This control requires development to be setback 6.5m from the front boundary line.

At it's closest point to the front boundary line, the proposal results in a 4.2m front setback to the eastern boundary fronting Howse Crescent.

However, on sites that are either a corner allotment or where there is a double street frontage, this control permits an exception which allows for the front building setback to be reduced to a minimum of 3.5m for the secondary frontage. While the street does not change, the subject site is bound by two frontages. In this instance, the setback to the eastern elevation may be reduced to 3.5m.

As a result of applying this exception, the proposed development achieves compliance with this control.

D8 Privacy

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

The siting and design of the rooftop terrace affords both occupants of the subject site and adjoining property, being 14 Howse Crescent, with a reasonable level of privacy (both acoustically and visually) as it is setback at least 3.7m from the shared northern side boundary. Additionally, as noted elsewhere in this report, the rooms on the southern side of 14 Howse Crescent (as ascertained from the CDC plans provided to Council) are not habitable rooms and, as such, the rooftop terrace is not considered to adversely impact upon the amenity of the occupants of the adjoining property. However, to further enhance privacy for the occupants of both dwellings, a condition of consent will be included to ensure a privacy screen is installed along the northern elevation of the rooftop terrace. Currently, the rooftop terrace is bound by a 1.2m high brick wall along the northern elevation. In this instance, the condition will require a 0.45m addition to this 1.2m wall which will result in a 1.65m high privacy screen. This addition to the built form is minor and will not be visually obtrusive or detract from the existing streetscape.

In this instance, Council can be satisfied that the spatial separation allows for a high level of visual and acoustic privacy for the occupants of the subject site and those of adjoining properties.

Additionally, W08 and W09 proposed on the northern elevation of the first floor level and W22 along the western elevation may create an unreasonable level of direct overlooking into the private open space of 10 Howse Crescent. The BASIX certificate indicates that the frame and glass type of these windows will be 'standard aluminium, single clear'. W08 and W22 are for the ensuite bathroom to Bedroom 2, and as such, a condition of consent will be included to ensure these windows are an obscured material. Further, a condition of consent will be included to amend the sill height of W09 to a minimum sill height of 1.65m to minimise direct overlooking.

As conditioned, Council is satisfied the proposal will result in an acceptable level of privacy for the occupants of the subject site and those of adjoining properties.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The overall design of the proposed development provides an innovative solution that improves the urban environment. Areas of articulation include ground level decking along the eastern and southern elevations, new entryway and the installation of planter boxes. The first floor level is further articulated by greater setbacks than the ground level. All efforts have been made to orientate windows and external doors to the rear and front of the property to minimise any direct and unreasonable overlooking to into neighbouring properties.

- *To provide personal and property security for occupants and visitors.*

Comment:

The proposed development ensures an appropriate level of person and property security is maintained for the occupants of the subject site and its visitors.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$3,750 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$375,000.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah 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 DA2021/0322 for Alterations and

additions to a dwelling house on land at Lot 121 DP 237862, 12 Howse Crescent, CROMER, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

| Architectural Plans - Endorsed with Council's stamp | | |
|--|--------------|--------------------|
| Drawing No. | Dated | Prepared By |
| DA.01 Site Analysis Plan | Oct/20 | JJ Drafting |
| DA.03 Proposed Ground Floor Plan | Oct/20 | JJ Drafting |
| DA.04 Proposed First Floor Plan | Oct/20 | JJ Drafting |
| DA.05 Elevation Sheet 1 | Oct/20 | JJ Drafting |
| DA.06 Elevation Sheet 2 | Oct/20 | JJ Drafting |
| DA.07 Section / BASIX | Oct/20 | JJ Drafting |

| Engineering Plans | | |
|--|--------------|--------------------|
| Drawing No. | Dated | Prepared By |
| DA.10 Erosion and Sediment Control / Waste Management Plan | Oct/20 | JJ Drafting |

| Reports / Documentation – All recommendations and requirements contained within: | | |
|---|---------------|--------------------|
| Report No. / Page No. / Section No. | Dated | Prepared By |
| BASIX Certificate A401175 | 23 March 2021 | JJ Drafting |

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

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

| Waste Management Plan | | |
|------------------------------|---------------|--------------------|
| Drawing No/Title. | Dated | Prepared By |
| Waste Management Plan | 23 March 2021 | JJ Drafting |

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

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

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

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

| Other Department, Authority or Service | EDMS Reference | Dated |
|--|---------------------------|-----------|
| Ausgrid | Response Ausgrid Referral | Not dated |

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

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

3. Prescribed Conditions

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

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the

development consent must, at the person's own expense:

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

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

Reason: Legislative requirement.

4. **General Requirements**

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming

pools

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$3,750.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$375,000.00.

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

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

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

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

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

6. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with

Council's Fees and Charges paid as security 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 CONSTRUCTION CERTIFICATE

7. Stormwater Drainage Disposal

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifying Authority prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

8. Amendments to the approved plans

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

- The materials of W08 and W22 are to be changed from clear to an obscured (frosted) material.
- The sill height of W09 shall be amended to a minimum sill height of 1.65m when measured from the finished floor level of the first floor level. This may result in amending the size of W09 which would be acceptable to ensure the sill height is increased.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

9. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

10. **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.

11. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

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

12. **Privacy Screen**

A 0.45 metre privacy screen (measured from the top of the brick wall) to achieve a maximum height of 1.65m when measured from the finished floor level of the rooftop terrace, is to be erected for the entire length of the outermost northern edge of the rooftop terrace located off the existing decking of the pool area as shown on the approved plans. The privacy screen shall be of fixed panels or louver style construction (with a minimum spacing of 10mm, but now more than 20mm), in materials that complement the design of the approved development.

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

Reason: In order to maintain privacy to the adjoining / nearby property.

13. Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

14. Tree and Vegetation Protection

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

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

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) 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,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) 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 Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,

- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and 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.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree (s) is prohibited.

Reason: Tree and vegetation protection.

15. **Condition of Trees**

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

16. **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.

17. **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.

18. Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

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

Reason: To demonstrate the proposal complies with the approved plans.

19. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

20. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

21. Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

22. **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 Occupation Certificate.

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

23. **Stormwater Drainage Disposal Certification**

Certification from an appropriately qualified and practising Civil Engineer demonstrating the stormwater drainage systems have been designed and installed in accordance with the requirements of Council's Water Management for Development Policy and where relevant a Geotechnical Engineer shall be provided to the Certifying Authority prior to the issue of an Occupation Certificate, and;

If any on site stormwater detention system is installed the Applicant shall lodge the Legal Documents Authorisation Application with Council.

The application is to include the completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification. A guide to the process and associated Legal Document Authorisation Application form can be found on Council's website. The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent.

The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure satisfactory management of stormwater.

24. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management.

25. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

26. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

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

Reason: To maintain local environmental amenity.

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

Signed



Dean Pattalis, Planner

The application is determined on 11/05/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments