

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0602
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Responsible Officer:	Penny Wood
Land to be developed (Address):	Lot 22 DP 15762, 2 Bruce Street MONA VALE NSW 2103
Proposed Development:	Alterations and additions to a dwelling house including swimming pool and fencing
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Adam Boyd Kibble Rosemary Helen Burton
Applicant:	Robert Jones Architects

Application Lodged:	10/06/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	18/06/2020 to 02/07/2020
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 352,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The development application proposes the following works:

- Excavation of existing driveway to allow for the construction of a carport and bin storage area fronting Bruce Street;
- New access stairs located along the southern elevation of the carport;
- New inground swimming pool and decking located along the western elevation of the dwelling;
- Remove part of existing hedge planting along the south western boundary and relocate the existing paling fence along the boundary;
- Raise existing deck along the southern side of the site to floor level of the dwelling.
- Convert the existing garage into a games room and storeroom associated with the dwelling.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - B8.3 Construction and Demolition - Waste Minimisation

Pittwater 21 Development Control Plan - D14.1 Character as viewed from a public place

Pittwater 21 Development Control Plan - D14.7 Front building line

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

Pittwater 21 Development Control Plan - D14.13 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 22 DP 15762 , 2 Bruce Street MONA VALE NSW 2103
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern corner of Bruce Street and Narrabeen Park Road.</p> <p>The site is triangular in shape with a frontage of 37.25m along Narrabeen Park Road and frontage to Bruce Street measuring 22.5m. The site has a surveyed area of 547.7m².</p> <p>The site is located within the E4 Environmental Living zone from PLEP 2014 and accommodates a two (2) storey dwelling with vehicular access to the site provided from Bruce Street via a concrete driveway. The site accommodates a two (2) storey dwelling which has been located to create the primary frontage to Bruce Street with the secondary frontage identified as Narrabeen Park Road. The dwelling enjoys expansive views of the Tasman Sea towards Warriewood Beach.</p>

The site slopes gradually up from Bruce Street to Narrabeen Park Road.

The site provides dense screen planting along the Bruce Street and Narrabeen Park Road frontages which assist in reducing the bulk and scale of the dwelling and the overall impact of the building being located on a prominent corner lot.

Adjoining and surrounding development is characterised by dwellings of a similar size and scale located on sloping sites. Many of the surrounding dwellings enjoy water views

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:

- N0613/04 - Demolition of the existing dwelling and construction of a new single dwelling. Approved 7 December 2004.
- Modification of N0613/04 - Demolition of the existing dwelling and construction of a new single dwelling. Approved 23 November 2005.
- N0277/13 - Alterations and additions to a dwelling. Approved on 26 November 2013.

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	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 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 matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <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>

Section 4.15 Matters for Consideration'	Comments
	<u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
Section 4.15 (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 from 18/06/2020 to 02/07/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

Name:	Address:
Ms Janet Stewart Mahony	85 Narrabeen Park Parade MONA VALE NSW 2103

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

- Structural Integrity of retaining wall on northern boundary

- Location of carport and roof to northern boundary

The matters raised within the submissions are addressed as follows:

- Structural Integrity of retaining wall on northern boundary
Comment:
Concern was raised from the neighbouring property to the north at 85 Narrabeen Park Road in regard to the existing wall located along the southern boundary of the property. A condition of consent is imposed to ensure that any excavation work is to ensure the stability of adjoining structures from damage using underpinning, shoring, retaining wall and support where required.
- Location of carport and roof to northern boundary
Comment:
Concern was raised in relation to the location of the carport and roof to the northern boundary. The carport proposes a 800mm setback to the northern boundary. Whilst the control requires a 1.0m setback, the 200mm shortfall is considered reasonable given the minimal impact the structure will have on the amenity of the neighbouring properties and the streetscape as discussed throughout the report.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The plans indicate that no significant landscape features are affected by the proposed works. No objections are raised to approval subject to conditions.
NECC (Bushland and Biodiversity)	The proposed development has been assessed against the following relevant provisions: - SEPP (Coastal Management) - Coastal Environment Area and Littoral Rainforest Proximity Area - Pittwater DCP Clause B4.5 (Landscape and Flora and Fauna Enhancement Category 3 Land) The subject site does not contain remnant native vegetation and the proposal is therefore considered to be generally consistent with the controls.
NECC (Development Engineering)	No Development Engineering objection subject to conditions.

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. A375955, dated 28 April 2020).

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

SEPP (Infrastructure) 2007

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:

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

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

Comment:

The subject site is mapped as being on land located in proximity to coastal wetlands or littoral rainforest, Council's Natural Environment Officer has reviews this application and raised no objection to the proposed development.

13 Development on land within the coastal environment area

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

Comment:

The subject site is mapped as being on land within the coastal environment area. Council's Natural Environment Officer has reviews this application and raised no objection to the proposed development.

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

impact.

Comment:

The proposed works are located within the site and are not anticipated to have any adverse impact on the integrity of the surrounding land and will ensure the coastal environmental values and natural coastal processes are not affected. Council's Natural Environment Officer has reviewed this application and raised no objection to the proposed development.

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 proposed development will not result in an increased risk of coastal hazards.

As such, it is considered that the application does not 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	3.5m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Primary Frontage building line (Bruce Street)	6.5m	Nil	100%	No
Secondary Frontage building line (Narrabeen Park Road)	3.25m	1.3m - pool coping 800mm - decking	60% 75.4%	No No
Side building line (northern elevation)	1.0	800mm	20%	No
Building envelope	3.5m	Within envelope	N/A	Yes
	3.5m	Within envelope	N/A	Yes
Landscaped area	60% (328.8sqm)	40.5% (222sqm)	32.5%	No

***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: $38/40 \times 100 = 95$ 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
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	No	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D14.1 Character as viewed from a public place	No	Yes
D14.2 Scenic protection - General	Yes	Yes
D14.3 Building colours and materials	Yes	Yes
D14.7 Front building line	No	Yes
D14.8 Side and rear building line	No	Yes
D14.11 Building envelope	Yes	Yes
D14.13 Landscaped Area - Environmentally Sensitive Land	No	Yes
D14.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

B8.3 Construction and Demolition - Waste Minimisation

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

D14.1 Character as viewed from a public place

Description of non-compliance

The Control stipulates that parking structures should be located behind the front building line, and preferably setback further than the primary building.

The proposed carport is setback between 0.5m from the Bruce Street (eastern) boundary). As a result of the site topography and location of the existing dwelling, the location of the carport is considered reasonable.

Merit consideration

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

To achieve the desired future character of the Locality.

Comment:

The proposed carport is appropriately sited within the context of the site, as well as that of the streetscape and wider locale. The carport will provide for two (2) compliant on-site parking spaces, which is consistent with surrounding development and satisfies the desired character of the locality.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment.

Comment:

The proposed carport is appropriately sited atop of the existing driveway. The development does propose to excavate the existing driveway to provide level access from Bruce Street. The visual outcome of the development will remain consistent and comparable with that of carports within Bruce Street and will ensure the carport will not present as a dominant structure when viewed from Bruce Street. Further, no significant vegetation removal is required to facilitate the works, therefore the development is considered to respond to, reinforce and sensitively relate to the spatial characteristics of the existing built and natural environment.

To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.

Comment:

The proposed carport remains well within the allowable building height, and is setback farther from the frontage than the adjoining carport which creates a visual buffer of articulation to enhance the existing streetscape. The scale and density is appropriate such that the carport will accommodate two (2) compliant parking spaces, whilst remaining within the height of the natural environment.

The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation.

Comment:

The proposed development will not significantly alter the existing landscape provision of the site. The proposed carport will be located over existing hard surface within the Bruce Street frontage. The carport whilst presenting a 0.5m setback to Bruce Street will not dominate the streetscape given the landscaping (screen planting) located along the front boundary east of the carport, therefore mitigating the visual impact of the built form of the carport. Parking structures however are dominant features throughout the streetscape, therefore this proposal will not disrupt the current streetscape identity.

High quality buildings designed and built for the natural context and any natural hazards.

Comment:

The proposed development will be conditioned to meet all relevant Australian Standards and BCA requirements. It is therefore anticipated the works to be high quality and built for the natural context and any natural hazards.

Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum.

Comment:

The carport will be the only element of the proposal visible from the streetscape. It is a relatively open-style structure, and will present as a single storey at any one point of the building.

To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.

Comment:

The proposed carport is located within the front setback at a substantially lower level than the subject dwelling and adjoining dwellings. The proposed carport is not considered to impact on existing views and will achieve view sharing. It is therefore considered the proposal satisfies this objective.

To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.

Comment:

As above, the carport will be visible as viewed from the Bruce Street streetscape. Whilst the proposed structure creates a non complaint setback to the front boundary, the scale of the carport is in keeping with surrounding structures and will appear as an open-style structure which will assist in the reduction of the built form.

To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land.

Comment:

The proposed development, as conditioned, will be of a bulk and scale that is appropriate within its context such that it does not detract from the streetscape character and will contribute to the identity of surrounding development within the locale.

Having regard to the above assessment, it is concluded the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP 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.

D14.7 Front building line

Description of non-compliance

The proposed new carport creates a nil setback to Bruce Street (Primary frontage) which does not comply with the minimum numeric front setback of 6.5m, hence creating a 100% variation to the control.

Narrabeen Park Road is identified as a secondary frontage. The variations provision of the Control allows for a reduced setback of 3.25m to the secondary frontage along Narrabeen Park Road, provided the outcomes of the control are achieved. The proposed decking along the western elevation will be setback 800mm to Narrabeen Park Road.

For swimming pools and spas a 1 metre setback from the boundary to the pool coping may be permitted subject to the following:

- satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and
- Council is satisfied that the adjoining properties will not be adversely affected, and
- the pool or spa is not more than 1 metre above ground level (existing), and

- that the outcomes of this clause are achieved without strict adherence to the standards, and
- where the site constraints make strict adherence to the setback impractical, and
- where strict compliance with these requirements will adversely impact on the views of adjoining residential properties.

The proposed swimming pool coping is located 1.3m from Narrabeen Park Road.

Merit consideration

With regard to the 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:

The proposed carport does not comply with the 6.5m front setback requirement providing a nil setback to Bruce Street. The proposed carport will be in keeping with other parking structures located along Bruce Street and given the open design of the carport and compliance with the maximum allowable building height, is considered to be appropriate in terms of bulk and scale, and is furthermore well articulated and uses materials which compliment the design of the existing dwelling. The provision of an open style carport directly in-front of the garage is not considered to hinder the desired future character of the locality that the dwelling house achieves.

The proposed swimming pool and decking located along the western elevation of the site will not be visible from any public space and will not impact on the character of the locality.

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

Comment:

The works to the secondary frontage (Narrabeen Park Road) are located below the existing boundary fence level and include a new swimming pool and decking and will have no impact on existing views currently enjoyed by the adjoining properties. The proposed carport is located significantly lower than the subject site and surrounding dwellings and will therefore not disrupt views or vistas to and/or from public or private places.

The amenity of residential development adjoining a main road is maintained.

Comment:

The subject site does not adjoin a main road.

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

Comment:

The provided landscape plan indicates that no significant landscape features are affected by the proposed works. The development will maintain generous planting along the perimeter of the site given its location on a corner lot. The existing planting ensures that the carport located to the boundary on Bruce Street will assist in reducing the visual impact of the built form.

Vehicle manoeuvring in a forward direction is facilitated.

Comment:

The application has been reviewed by Council's Development Engineer having regard to vehicle movement and safety and has raised no objection to the proposed parking provisions and carport location, subject to conditions.

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

Comment:

The subject site currently provides generous vegetation within the front setback area to Bruce Street and along the southern and western sides of the site fronting Narrabeen Park Road. The proposed works do not dramatically reduce the amount of landscaped open space given both the pool and the carport are located over existing hard surface areas. The existing landscaping is generally retained and will continue to visually soften the built form of the development.

To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.

Comment:

As above, the subject site currently does contain vegetation within the front setback area which will serve to visually soften the built form of the development to promote a scale and density that is in keeping with the height of the natural environment and subsequently enhance the streetscape of both Bruce Street and Narrabeen Park Road.

To encourage attractive street frontages and improve pedestrian amenity.

Comment:

The development will retain existing landscaping for the site which enhances the visual interest and aesthetics of the street frontage. The proposed works will ensure pedestrian access to the property is maintained and will create an attractive street frontage to Bruce Street given the scale and openness of the carport which will complement the existing dwelling.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

Comment:

The surrounding urban environment is made up of a similar-scale residential development of varying ages and architectural styles within landscaped settings. The design of the proposed development will in turn respond to such characteristics, in that it comprises a modern, minimalist design that sensitively relates to the directly adjoining dwellings by way of ensuring reasonable amenity can be maintained for all occupants.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / PDCP 21 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.

D14.8 Side and rear building line

Description of non-compliance

The Control requires built structures other than driveways, fences and retaining walls to be setback a minimum of 1m from one side boundary and 2.5m from the other side boundary. The development includes a carport that is located approximately 0.8m from the northern side boundary and a retaining wall proposing a nil setback to the northern boundary. The application also proposes a new concrete path and stairs located along the southern side of the proposed carport measuring

Merit consideration

With regard to the 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:

The carport is considered relatively minor in scale given the openness of the structure. The carport and the stairs will remain relatively unseen as viewed from the Narrabeen Park Road and Bruce Street streetscape due to the natural slope of the site up from the kerb and the amount of screen planting along the eastern and southern boundaries of the site. Further, the siting of the carport will ensure no view loss will arise and the design of the carport will complement the existing dwelling therefore creating no unreasonable visual impacts. In this regard, the desired future character of the locality is considered to be achieved.

The bulk and scale of the built form is minimised.

Comment:

Given the slope of the site, the development proposes to excavate the land where the driveway is located to allow for the construction of the carport. The carport will sit considerably lower than the existing dwelling and along with the generous landscaping along the southern and eastern boundaries of the site, will assist in softening the bulk and scale of the carport.

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

Comment:

No views or vistas will be hindered as a result of the carport and stairs, being located significantly lower in elevation than that of the adjoining properties

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

Comment:

As above, no views or vistas will be hindered as a result of the carport and stairs.

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

Comment:

The proposed carport is not a habitable structure and therefore will have a negligible impact on the privacy enjoyed by the residents of adjoining properties. The location of the carport within the front setback to Bruce Street will not result in any unreasonable amenity impacts to adjoining residential properties.

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

Comment:

The development does not greatly impact on the existing landscaped area for the site as the carport will be located over existing hard surface being the existing driveway fronting Bruce Street. The proposed stairs located along the eastern side of the carport are integrated into the existing landscaped area fronting Bruce Street and will provide access for the residents of the dwelling.

Flexibility in the siting of buildings and access.

Comment:

The proposed placement of the carport and stairs does not detract from the flexibility of the building nor hinder access to such.

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

Comment:

The proposal will result in a minimal reduction to the existing landscaped area. The existing landscaped area and screen planting along the Bruce Street and Narrabeen Park Road frontages will serve to visually reduce the built form of the development.

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

Comment:

The character of the surrounding urban environment will not be disrupted as a result of the carport and stairs, which although will be visible from Bruce Street do not detract from the rural and bushland character of the area and are noted to remain largely unseen as viewed from the streetscape.

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

Comment:

Not applicable, given the site does not adjoin a commercially zoned property.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / PDCP 21 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.

D14.13 Landscaped Area - Environmentally Sensitive Land

The control for landscaped area is 60% (328.8sqm). The proposal involves 40.5% (222sqm) of the site as landscaped area.

For single dwellings on land zoned R2 Low Density Residential or R3 Medium Density Residential, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)). This would allow for an additional 32.88sqm to be included in the LOS calculation creating a landscaped area equating to 46.5% of the site.

Merit Consideration:

Further consideration of the non-compliance is given in accordance with the outcomes of the control, as below.

Achieve the desired future character of the Locality

Comment:

The proposal involves a carport that complies with the development standard for building height, has a two storey presentation and complies with all setback controls. The proposal also maintains substantial front and rear setbacks with landscaping integrated to ensure the presentation of the dwelling meets the desired character.

The bulk and scale of the built form is minimised

Comment:

The proposed works comply with the development standard for building height, and is consistent with other similar developments located along Bruce Street. The location of the carport will be over existing hard surface area and given the level of excavation proposed will ensure the carport is located significantly lower than the dwelling and surrounding dwellings. The bulk and scale of the proposed carport is compatible with the character of the area and will not dominate the Bruce Street frontage. Additionally, the existing landscaping located along the southern side of the carport will ensure the presentation of bulk and scale for the development is minimised.

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

Comment:

The proposed dwelling is surrounded by landscaping and this contributes to providing a physical separation between the proposed dwelling and neighbours that ensures a reasonable level of amenity.

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

Comment:

The proposal maintains a landscaped area to both Bruce Street and Narrabeen Park Road. Overall, this provides for a reasonable retention of vegetation as well as an adequate presentation of the built form.

Conservation of natural vegetation and biodiversity.

Comment:

The proposal involves substantial landscaping and vegetation across the site to provide for appropriate conservation of natural vegetation and biodiversity.

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

Comment:

The proposal does not detrimentally alter the level of landscaping provided for the site and as such a reasonable situation for stormwater is provided for in this instance. This is confirmed by Council's stormwater engineer who has no objection to the proposal (subject to conditions).

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

Comment:

As a result of the vegetation at the surrounding the site and the slope of the site away from the road frontage, the built form will not dominate the presentation of the site. As such, the character of the area is adequately preserved.

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

Comment:

Soft surface is provided to the primary frontage, secondary frontage and side boundaries of the site. This is reasonable having regard to the context of the site.

Based on the above, the proposed development is consistent with the outcomes of the control and is supported.

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 \$3,520 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$352,000.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation

submitted by the applicant and the provisions of:

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0602 for Alterations and additions to a dwelling house including swimming pool and fencing on land at Lot 22 DP 15762, 2 Bruce Street, MONA VALE, 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
CC01 - Site Plan, Erosion and Sediment, Shadow Diagram, Site Analysis and Area Calculations	December 2019	Robert Jones Architects
CC02 - Ground Level Plan	December 2019	Robert Jones Architects
CC03 - First Floor Plan	December 2019	Robert Jones Architects

CC04 - Elevations Section	December 2019	Robert Jones Architects
CC05 - Elevations 2	December 2019	Robert Jones Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A375955	28 April 2020	Robert and Anne Jones
Geotechnical Report	1 June 2020	Taylor Geotechnical Engineering

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) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

FEES / CHARGES / CONTRIBUTIONS

4. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$3,520.00 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 \$352,000.00.

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

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

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

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

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

5. Security Bond

A bond (determined from cost of works) of \$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

6. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Taylor Geotechnical Engineering dated 1 June 2020 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

7. 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.

8. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

9. **Shoring of Council's Road Reserve (Temporary road anchors)**

Should the proposal require shoring to support an adjoining property, the Applicant shall provide the adjoining properties with engineering drawings, detailing the proposed shoring works for their consideration and approval.

The Owner's approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties.

10. **Vehicle Crossings Application**

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

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

Reason: To facilitate suitable vehicular access to private property.

11. **Compliance with Standards**

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards.

12. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range (BCA classification M and D) 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. (DACPLC03)

13. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

14. Tree protection

(a) Existing trees which must be retained

i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation

ii) Trees located on adjoining land

(b) Tree protection

i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.

ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.

iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.

iv) All tree pruning within the subject site is to be in accordance with relevant local planning controls and AS 4373 Pruning of amenity trees

v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. 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.

16. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the

wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

17. Vehicle Crossings

The Applicant is to remove and reconstruct one vehicle crossing 5.0 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/2 and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

18. 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**

19. Stormwater Disposal

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

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

20. Geotechnical Certification Prior to Occupation Certificate

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

Reason: To ensure geotechnical risk is mitigated appropriately.

21. **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

22. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

23. **Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

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

Signed



Penny Wood, Planner

The application is determined on 11/09/2020, under the delegated authority of:



Anna Williams, Manager Development Assessments