

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/1124
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot B DP 17385, 592 Pittwater Road NORTH MANLY NSW 2100
Proposed Development:	Alterations and additions to a dwelling house including front fence and carport
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:	Trong Hieu Nguyen Thi Thu Hang Nguyen
Applicant:	Nguyen Quach

Application Lodged:	22/07/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	22/12/2021 to 25/01/2022
Advertised:	Not Advertised
Submissions Received:	6
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 40,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks retrospective consent for the use of existing structures that have been constructed without a lawful consent. These works have been identified in Order EPA2020/0308 (as issued by Council on 20 January 2021) and involve:

- Boundary fencing fronting Pittwater Road approximately 2m in height.
- Conversion of existing garage into habitable space (bedroom, kitchen and bathroom)
- Carport located in front of the existing garage.
- Re-located outbuilding within the rear yard.

- Internal works (bathroom, storage and study).

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 - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - B9 Rear Boundary Setbacks
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
 Warringah Development Control Plan - D12 Glare and Reflection
 Warringah Development Control Plan - D13 Front Fences and Front Walls
 Warringah Development Control Plan - D20 Safety and Security

SITE DESCRIPTION

Property Description:	Lot B DP 17385 , 592 Pittwater Road NORTH MANLY NSW 2100
Detailed Site Description:	<p>The subject site consists of one allotment located on the eastern side of Pittwater Road, North Manly.</p> <p>The site is irregular in shape with a frontage of 18.29m and respective depths of 38.095m and 30.665m along the northern and southern side boundaries. The site has a surveyed area of 568.4sqm.</p> <p>The site is located within the R2 Low Density Residential zone pursuant to Warringah LEP 2011 and accommodates a single storey dwelling house, including a detached outbuilding within the rear yard and attached carport on the</p>

southern side of the dwelling house.

Landscaping on the site is limited and confined to the north-western front corner of the site. The site is devoid of canopy trees.

The site experiences a fall of approximately 3.9m that slopes away from the north-eastern rear corner towards the south-western front corner.

Description of Surrounding Development

The surrounding built environment is largely characterised by detached low density residential development (i.e. dwelling houses), typically 1-2 storeys in height. The site is also located in close proximity to two residential flat buildings, which are located approximately 40m to the north.

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:

- Development Application No. 4525DA for alterations and additions approved by Council on 3 August 2000.
- Development Application No. 2001/21DA for addition of a laundry to an existing dwelling approved by Council on 22 February 2001.
- Development Application DA2020/0878 for alterations and additions to a dwelling house including change of use of garage to habitable space withdrawn by the applicant.
- Building Information Certificate BC2020/0142 lodged concurrently with DA2020/0878 withdrawn by the applicant.

- Pre-lodgement Meeting PLM2021/0032 was held between the applicant and representatives of Council's planning staff seeking advice on how to regularise the unauthorised works on the site (which are subject to this application).

APPLICATION HISTORY

The Development Assessment Planner examined the subject site and the surrounds on 27 October 2021.

Following the preliminary assessment of the application, which included the aforementioned site visit, Council wrote to the applicant raising concern with the following aspects of the proposal:

- **Rear Setback:** The outbuilding is setback 0.93m from the rear boundary, which does not meet the 6m numeric requirement. Concern was raised that the location of the outbuilding would prevent opportunities for deep soil landscaping within the rear yard.
- **Off-street Parking and Vehicular Access:** The application seeks to regularise the use of habitable space within a garage. The applicant had not provided sufficient information to demonstrate that the existing driveway and hardstand could accommodate two vehicles with sufficient dimensions and parking grades. Furthermore, the applicant had not demonstrated that two cars could enter and exit the site in forward direction.
- **Landscaped Open Space:** The site only contained minimal landscaped open space, with only 13.86% of the site consisting of landscaped open space. The Warringah DCP 2011 stipulates that 40% of the site should consist of landscaped open space.
- **Front Fence:** The front fence is 2m in height and inconsistent with the established streetscape character. Furthermore, the fence did not contain openings, which poses safety concerns for pedestrian and vehicles when vehicles exit the site.
- **Stormwater:** Insufficient information was provided to demonstrate how additional stormwater would be discharged from the property.

Subsequently, the applicant submitted additional engineering plans and certification that demonstrated the following:

- Swept paths and longitudinal sections demonstrating that two cars could be parked on the driveway and that the vehicles could enter and exist the site in a forward manner.
- Stormwater management plans demonstrating how stormwater is discharged from the property.

The applicant did not submit amended architectural plans in response to the planning related concerns (i.e. rear setback, landscaped open space and front fencing). Nevertheless, suitable conditions have been imposed with this consent to resolve this outstanding matters.

The additional engineering plans did not alter the proposal and thus, the application was not required to be re-notified, in accordance with the Northern Beaches CPP.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. 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 2011 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>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to amended engineering plans.</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 (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 Warringah Development Control Plan 2011 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 Matters for Consideration	Comments
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 22/12/2021 to 25/01/2022 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 6 submission/s from:

Name:	Address:
Mr Sean Michael Callaghan	3 Robert Avenue NORTH MANLY NSW 2100
Sylvia Meszaros	588 Pittwater Road NORTH MANLY NSW 2100
Jennifer Lyne Jeffress	594 Pittwater Road NORTH MANLY NSW 2100
John Dunn	1 A Robert Avenue NORTH MANLY NSW 2100
Cindy Gao	590 Pittwater Road NORTH MANLY NSW 2100
Boston Blyth Fleming Pty Ltd	1 / 9 Narabang Way BELROSE NSW 2085

Following the public exhibition period a total of 6 submissions were received objecting to the proposal.

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

- **Unauthorised Works**

Comment:

Concern is raised in regards to the unlawful works that have been carried out without a consent. Council acknowledges this and the unlawful works have been assessed on their merits against the aims and objectives of applicable Environmental Planning Instruments and the Warringah DCP 2011. In summary, it is concluded that with the implementation of numerous conditions that require various amendments to the development, the development will be consistent with the aims and objectives of relevant Environmental Planning Instruments and the Warringah DCP 2011. Furthermore, this consent only permits the use of the unlawful structures and does not approved any building works.

- **Use of Outbuilding (Shed) for Separate Occupancy**

Comment:

Concern is raised of the existing outbuilding on the site and that the structure is used for separate occupancy. Furthermore, concern is raised of the potential privacy impacts resulting from the outbuilding. In response, the Development Assessment Planner undertook a site visit at the subject site, which revealed that the outbuilding was used as a storage shed. Notwithstanding, the outbuilding restricts opportunities for landscaped open space to be provided on the site and hence, a condition has been recommended with this consent requiring the outbuilding and paving within the rear yard to be removed and replaced with landscaping with a minimum soil depth of 1m.

- **Height of Front Fence**

Comment:

Concern is raised with regards to the height of the fence. The submissions also raise concern of the fence as a safety hazard as vehicles cannot see pedestrians and cyclists using the footpath. An assessment has been carried out against Clause D13 of the Warringah DCP 2011, which concluded that the height of the fence is excessive and that the lack of openings creates a 'walled-in' streetscape and presents safety issues for pedestrians and cyclists using the footpath. To ensure a more balanced outcome for the streetscape, whilst still allowing for a reasonable level of privacy to be maintained within the site (noting the site adjoins an arterial road), a condition has been included with this consent requiring the existing fence to be lowered to a maximum height of 1.8m above the existing ground level on the street side of the fence. In addition, the fence must be at least 50% transparent with minimum openings of 50mm.

- **Landscaped Open Space non-compliance**

Comment:

Concern is raised in regards to the landscaped open space non-compliance on the site. The proposal has been considered against the requirements and objectives of Clause D1 of the Warringah DCP 2011, which concluded that the objectives of the control could be achieved, subject to a condition requiring the paving and shed within the rear yard to be removed (as nominated on the approved plans) and replaced with 1m deep soil landscaping. This increases the existing landscaped open space from 13.68% (78.8sqm) to 31.32% (178sqm). Whilst this does not satisfy the 40% numeric requirement, the assessment concluded that the objectives of Clause D1 will be achieved with this amendment, notwithstanding the numeric non-compliance. Section 4.15(3A) (b) of the Environmental Planning and Assessment Act 1979 requires Council to be flexible in applying provisions within a Development Control Plan, if it can be demonstrated that the objects of such provisions can be achieved. In this circumstance, the objectives of the control will be achieved with the aforementioned amendments. Therefore, flexibility is afforded in this circumstance.

- **Car Parking**

Comment:

Concern is raised in regards to off-street parking, specifically that the conversion of the garage into habitable space would reduce available off-street parking on the site. The applicant has since provided engineering plans with swept paths and longitudinal sections to demonstrate that two cars can be parked on the site, specifically under the carport and on the existing internal driveway. Council's Development Engineer have reviewed this information and raise no objections.

- **Rear Setback non-compliance for Outbuilding (Shed)**

Comment:

Concern is raised in regards to the rear setback non-compliance for the shed. As noted above, a condition has been included with this consent that requires the outbuilding (shed) to be removed from the site and the rear yard provided with 1m deep soil landscaping.

- **Secondary Dwelling within Garage**

Comment:

Concern is raised that the garage, which has been converted into habitable space, is used as a secondary dwelling. In response, the Development Assessment Planner has undertaken a site inspection, which revealed that whilst the area is converted to habitable space, the area is not used as a secondary dwelling as it is internally connected to the existing dwelling house and does not contain any cooking facilities.

Conclusion

The concerns raised within the submissions have been adequately addressed above the resolved through conditions where necessary. The concerns do not warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no concerns with the application.</p> <p><i><u>Note:</u> The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</i></p>
Landscape Officer	<p>This application is for the alterations and additions to an existing residential dwelling. Alterations are largely located within the existing dwelling which include the creation of a new study and storage area, as well as new bathroom and bedroom. Additions are inclusive of a new shed at the rear of the dwelling, as well as new front fence and</p>

Internal Referral Body	Comments
	<p>wall to help mitigate noise from the adjacent road.</p> <p>Councils Landscape Referral section has considered the application against the Warringah Local Environmental 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>The Statement of Environmental Effects provided with the application notes that no vegetation is to be removed in order to facilitate proposed works. Upon review of the Architectural Plan and Site Survey provided, this statement is supported as it is clear proposed works are clear of existing vegetation.</p> <p>Generally, there are no major concerns with the proposed works as they are largely located within the existing building footprint, or existing hardstand area. Concern is however raised regarding the dominance of these hardstand areas, and the impact that the built form, including the new front fence, shall have on the surrounding streetscape character. For this reason, it is recommended that an additional locally native canopy tree be proposed within the front yard of the property in order to enhance the streetscape character of the area, whilst also softening and mitigating the built form of the site. The addition of this canopy tree is necessary to comply with control D1, as key objectives of this control 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 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".</p> <p>The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, as well as the implementation of the required tree planting at the front of the site.</p>
NECC (Development Engineering)	<p>31/08/2021:</p> <p>Proposal is for alterations and additions to the dwelling house including a carport, new front fence and wall to help mitigate noise from the Pittwater Road and conversion of Garage to bedroom.</p> <p>As per Preliminary Geotechnical Assessment by Soils Rock, Ref. SRE/819/NM/21, Dated 18/6/2021, Without any Council approval the existing garage is already converted into a living area and new carport had also been constructed. These are illegal works.</p> <p>Proposal is for 2m high front fence, this must include openings to permit drivers exiting the site to be able to see pedestrians and cyclists using the footpath.</p> <p>No information is provided regarding the site stormwater disposal generated from the new development.</p>

Internal Referral Body	Comments
	<p>It is unclear at this stage how the access to the site is managed, hence applicant is advised to provide updated plans including following information:</p> <ol style="list-style-type: none"> 1) A longitudinal section of the driveway access from the Pittwater Road to the parking area (new Carport) showing levels and grades. 2) Provision must be available within the property to enable all vehicles to enter and leave in a forward direction, vehicle swept paths to be provided. 3) Front fence to include openings to permit drivers exiting the site to be able to see pedestrians and cyclists using the footpath. 4) Provisions to discharge site stormwater generated from the new construction. <p>13/12/2021: Additional Information provided; -Swept path analyses and driveway long section by AVN INFINITY DESIGN & DEVELOPMENTS Pty Ltd is satisfactory. -Stormwater Management plan by AVN INFINITY DESIGN & DEVELOPMENTS Pty Ltd is satisfactory.</p> <p>For Planner No details of front fence are provided. please make sure to advise openings within the fence.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	Ausgrid have reviewed the proposal and noted that a formal response is not required.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant

period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Infrastructure) 2007

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:

Ausgrid have reviewed the proposal and noted that a formal response is not required.

Warringah Local Environmental Plan 2011

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	4.4m (outbuilding) - existing structure	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.1 Acid sulfate soils	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
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B1 Wall height	7.2m	2.7m	-	Yes
B3 Side Boundary Envelope	4m then projected at 45 degrees (N)	within envelope	-	Yes
	4m then projected at 45 degrees (S)	within envelope	-	Yes
B5 Side Boundary Setbacks	0.9m (N)	9.25m (outbuilding)	-	Yes
	0.9m (S)	0.1m (carport)	88.89%	No
B7 Front Boundary Setbacks	6.5m	13.1m (carport) 5.73m (hardstand for second vehicle)	11.85%	No
B9 Rear Boundary Setbacks	6m	0.93m (outbuilding)	84.5%	No
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	Proposed: 13.86% (78.8sqm) Conditioned: 31.32% (178sqm)	21.7% (as conditioned)	No

***Notes:**

1. 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).

2. The built form controls are measured against the existing structures on the site that seek retrospective consent for the use of the structures.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	No	Yes
D13 Front Fences and Front Walls	No	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	No	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B5 Side Boundary Setbacks

Description of non-compliance

The control requires development to be setback at least 0.9m from side boundaries. The application seeks to regularise the use of a carport setback 0.1m from the southern side boundary, which does not satisfy the numeric requirement.

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 carport is located over an existing hardstand in front of the garage (now converted into habitable space). In this regard, the carport does not preclude opportunities for deep soil landscaping on the site. Suitable conditions have been included with this consent that require redundant paving within the rear yard to be removed and replaced with 1m deep soil landscaping.

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

Comment:

The carport is setback 13.1m from the front boundary and will not be visually imposing within the streetscape.

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

Comment:

The carport is an open structure comprising lightweight materials and is not excessive in its height, depth or width. In this regard, the carport is not considered to be undue in terms of its bulk or scale.

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

Comment:

Due to the positioning of the carport, the structure does not result in overshadowing of private open space on the southern adjacent site (No. 590), which is situated in the rear yard. Furthermore, the carport is not a habitable structure and does not pose unreasonable privacy impacts.

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

Comment:

An examination of the site and the surrounds has confirmed that the carport does not obstruct significant view lines to or from nearby private and public properties.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control are achieved. Therefore, the application is supported on merit in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The control requires development to be setback at least 6.5m from front boundaries. The application seeks to utilise an area of the existing internal driveway for off-street parking. The Australian Standard specifies a minimum parking depth of 5.4m for off-street vehicles. In accounting for this requirement, the second vehicle would be setback 5.73m from the front boundary, which does not meet the 6.5m numeric requirement.

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The non-compliance relates an existing internal driveway and does not preclude a sense of openness within the front yard.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

The non-compliance does not alter the existing front building line of the dwelling house, nor does the use of the driveway for off-street parking result in a reduction of deep soil landscaping on the site.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

The use of the existing internal driveway as a parking platform will not detract from the visual qualities of the streetscape.

- *To achieve reasonable view sharing.*

Comment:

The use as of the existing internal driveway for off-street parking will not compromise significant view lines to or from nearby private or public places.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control are achieved. Therefore, the application is supported on merit in this particular circumstance.

B9 Rear Boundary Setbacks

Description of non-compliance

The control requires development to be setback at least 6m from rear boundaries. The existing outbuilding within the rear yard that is proposed to be re-located further to the south is setback 0.93m from the rear boundary, which does not satisfy the numeric requirement.

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 opportunities for deep soil landscape areas are maintained.*

Comment:

Whilst the footprint of the outbuilding (shed) is relatively modest, concern is raised with regards to the lack of deep soil landscaping on the site, noting that only 13.86% of the site consists of landscaped open space, whereas the Warringah DCP 2011 requires at least 40% of the site to contain landscaped open space. The inclusion of a shed within the rear setback area prevents opportunities for deep soil landscaping to be provided within the rear yard.

To ensure a more balanced landscaping outcome that is generally consistent with the surrounds, a condition has been included with this consent requiring both the outbuilding and

paving within the rear yard to be removed and replaced with landscaping with a minimum soil depth of 1m. With the inclusion of this condition, 31.32% of the site will consist of landscaped open space, which is generally consistent with the level of deep soil landscaping provided on nearby properties.

Subject to compliance with this condition, it is considered that adequate deep soil landscaping will be provided on the site.

- *To create a sense of openness in rear yards.*

Comment:

The remove of the outbuilding, as required by condition, will ensure that a sense of openness is provided within the rear yard.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

The rear yard will be devoid of built structures and as such, a reasonable level of amenity will be maintained between properties.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

The proposal, as amended via conditions, will result in adequate deep soil landscaping within the rear yard.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

As noted above, a reasonable level of privacy will be maintained between dwellings.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control are achieved. Therefore, the application is supported on merit in this particular circumstance, subject to conditions.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The control requires at least 40% of the site to consist of landscaped open space (LOS). In calculating LOS, the following is taken into consideration:

- a) *Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;*
- b) *The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;*
- c) *Landscaped open space must be at ground level (finished); and*
- d) *The minimum soil depth of land that can be included as landscaped open space is 1 metre.*

The existing LOS on the site equates to 13.86% (78.8sqm) of the site area, which does not meet the numeric requirement.

As noted earlier within this report, a condition has been included with this consent that requires the outbuilding and paving within the rear yard to be removed and the area replaced with deep soil landscaping with a minimum soil depth of 1m. This increases the LOS on the site to 31.32% (178sqm).

Merit consideration

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

- *To enable planting to maintain and enhance the streetscape.*

Comment:

The proposal, as amended via conditions, will provide adequate deep soil landscaping on the site to ensure an appropriate landscape outcome.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

The application does not result in the removal of indigenous vegetation, topographical features or wildlife habitat on the site. Furthermore, a condition has been included with this consent requiring a native canopy tree to be planted on the site, which will enhance indigenous vegetation on the site and serve as potential wildlife habitat.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

With the inclusion of the aforementioned condition, the site will contain adequate deep soil landscaping with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees.

- *To enhance privacy between buildings.*

Comment:

As discussed earlier within this report, a reasonable level of privacy will be maintained between properties.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The removal of the outbuilding and provision of deep soil landscaping within the rear yard will ensure that there are appropriate outdoor recreational opportunities that meet the needs of the occupants.

- *To provide space for service functions, including clothes drying.*

Comment:

There is adequate outdoor open space to service functions, including cloths drying.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

The proposal, as amended via conditions, will provide an additional 99.2sqm of landscaped open space on the site, which will assist in water infiltration.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control are achieved. Therefore, the application is supported on merit in this particular circumstance, subject to conditions.

D12 Glare and Reflection

A condition has been included with this consent requiring the roof material of the carport to be removed and replaced with material within the medium to dark range, specifically to have a solar absorbance rating of 0.475 or greater. Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

Subject to compliance with this condition, the proposal will satisfy the objectives and requirements of this control.

D13 Front Fences and Front Walls

Description of non-compliance

The control requires as follows:

1. *Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character.*
2. *Where a solid fence is required it is to be articulated to provide visual interest and set back to allow for landscaping to soften and screen the appearance of the fence.*
3. *Fences located within the front building setback area are to complement the existing streetscape character.*
4. *Fences are to be constructed to allow casual surveillance, except where there is excessive noise.*
5. *Gates are not to encroach over the property boundary when opening or closing.*

6. Fences should complement the architectural period of the building.

The height of the existing front boundary fence is approximately 2m in height, which is inconsistent with the existing streetscape character. Moreover, the fence does not contain any openings, which prevents surveillance of the street and creates a 'walled-in' streetscape. Consequently, the fence fails to satisfy the prescribed requirements.

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 fencing, terracing and retaining walls are compatible with the existing streetscape character while creating visual interest in the public domain.*

Comment:

The height of the fence is excessive and does not reflect the existing streetscape character. Additionally, the fence is devoid of large openings and does not add visual interest to the streetscape. The lack of openings also does not permit drivers of vehicles to see pedestrians and cyclists, which poses safety concerns. It is acknowledged that the site adjoins an arterial road and there is a need to ensure that a reasonable level of privacy is maintained.

To ensure the proposal maintains an appropriate visual relationship with the surrounding urban environment, whilst still allowing for the maintenance of privacy, a condition has been included with this consent requiring the maximum height of the fence to be lowered to 1.8m above natural ground level when measured from the street side of the fence. Additionally, at least 50% of the fence must be transparent with minimum openings of 50mm.

Subject to compliance with this condition, the fence will have an acceptable streetscape outcome, consistent with the intent of this objective.

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

Comment:

The fence, as amended via condition, will have an acceptable impact upon the streetscape.

- *To avoid a 'walled in' streetscape.*

Comment:

The amended fence will avoid a 'walled in' streetscape.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control will be achieved, subject to compliance with the conditions of consent.

D20 Safety and Security

Subject to compliance with the condition requiring amendments to the front boundary fencing, the development will be consistent with the requirements of this control.

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 2021

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

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- 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 DA2021/1124 for Alterations and

additions to a dwelling house including front fence and carport on land at Lot B DP 17385, 592 Pittwater Road, NORTH MANLY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. No Consent for existing Unauthorised Building Works

No consent is granted for the existing unauthorised buildings works subject to this development application.

Reason: A Development Application cannot retrospectively approve building works without a lawful planning consent.

2. 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
002.0A - Site / Site Analysis / Roof Plan	12/01/2021	Ann Group
102.0A - Ground Floor Plan	12/01/2021	Ann Group
300.0A - Front Fence	12/01/2021	Ann Group
300.3A - Elevations	12/01/2021	Ann Group
300.4A - Elevations	12/01/2021	Ann Group

Engineering Plans		
Drawing No.	Dated	Prepared By
C100 - Stormwater Drainage Plan Ground Floor	21/11/2021	AVN Infinity
C400 - General Arrangement Plan	21/11/2021	AVN Infinity
C401 - Swept Path Analysis Scenario 1	21/11/2021	AVN Infinity
C402 - Swept Path Analysis Scenario 2	21/11/2021	AVN Infinity
C500 - Driveway Longitudinal Section	21/11/2021	AVN Infinity

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Preliminary Geotechnical Assessment Ref. SRE/819/NM/21	18/06/2021	Soilsrock Engineering Pty Ltd

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.

3. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house.

Warringah Local Environmental Plan 2011 defines this land has as follows:

"dwelling house means a building containing only one dwelling".

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

4. **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.

5. 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

6. **Security Bond**

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

7. **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.

8. 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.

9. 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.

10. 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.

11. 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.

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

12. Required Tree Planting

Trees shall be planted in accordance with the following:

- i) at minimum, 1x locally native canopy tree is required to be planted within the front yard of the

property. Suggested species include: *Banksia integrifolia*, *Eucalyptus haemastoma* or *Tristanopsis laurina*.

Tree planting shall be located within a 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings, and other trees.

Tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may impact upon significant views.

Native tree planting species shall be selected from Council's list, specifically the *Native Plant Species Guide - Curl Curl Ward*: www.northernbeaches.nsw.gov.au/environment/native-plants/native-plant-species-guide.

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

Reason: To maintain environmental amenity.

13. **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 Certifying Authority prior to the issue of any Final Occupation Certificate.

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

14. **External Finishes to Carport Roof**

The external finish to the carport roof shall have a medium to dark range, specifically with a solar absorbance rating of 0.475 or greater, 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 Occupation Certificate.

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

15. **Removal of Outbuilding**

The use of the existing and proposed outbuilding (shed) is not consented to.

Prior to the issue of the Occupation Certificate, details must be submitted to the Certifying Authority to confirm that the existing outbuilding has been removed from the site.

Reason: To minimise impacts upon the surrounding environment.

16. **Landscape Completion within rear yard**

The existing paving and outbuilding (shed) within the rear yard must be removed and replaced with landscaping with a minimum soil depth of 1 metre.

Additionally, screen planting must be established along the entirety of the rear boundary. The screen planting must comprise of native species and attain a height of 3 metres

at maturity. Suggested species include: *Acmena smithii* 'Firescreen', *Acmena smithii* 'Minor', or *Syzygium* 'Cascade'. Plants are to be installed at minimum 1 metre intervals and be of a minimum container size of 200mm at planting in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

Prior to the issue of an Occupation Certificate, details 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.

17. Front Boundary Fencing

The front boundary fencing fronting Pittwater Road must be reduced to a maximum height of 1.8 metres when measured from the existing ground level on the street side of the fence. Additionally, at least 50% of the fence must be transparent with minimum openings of 50 millimetres.

Prior to the issue of the Occupation Certificate, a survey certificate prepared by a Registered Surveyor is to be provided to the Certifying Authority demonstrating that the following requirements are achieved:

- The front boundary fencing is reduced to a maximum height of 1.8 metres when measured from the existing ground level on the street side of the fence.
- The front boundary fencing is located entirely within the property boundaries and does not encroach into the Road Reserve.
- At least 50% of the fence is transparent with minimum openings of 50 millimetres.

Reason: To minimise impacts on the surrounding environment.

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

18. 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.

19. Undesirable Trees

Leighton Green Cypress *Cupressocyparis leylandii* or any of its cultivars, or any other Undesirable Trees identified by Council, must not be planted on the site for the life of the development.

In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Reason: To reduce the potential for adverse amenity effects such as overshadowing, loss of views and loss of plant diversity.

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

Signed



Thomas Burns, Planner

The application is determined on 31/01/2022, under the delegated authority of:



Rodney Piggott, Manager Development Assessments