

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0037
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Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 19 DP 17229, 94 Queens Parade East NEWPORT NSW 2106
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Luke Ryan Holmes Melanie Rahera Holmes
Applicant:	Luke Ryan Holmes Melanie Rahera Holmes

Application Lodged:	25/01/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	02/02/2021 to 16/02/2021
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 97,900.00
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PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for the construction of a double carport to the front of the site; construction of a new driveway, construction of new front fencing and associated works to the existing roof of the house to integrate the carport to it.

Revised plans were received on 19 February 2021 which reduced the scale of the proposal at the request of Council and it is these plans that are assessed herein this report. Those plans were not formally re-notified given that they represent a lesser environmental impact than the initial approval, and the one objector to the application was contacted and provided a copy of the revised plans on 22 February 2021.

Those revised plans result in the carport measuring 6 metres in depth by 6.175 metres in width and reaching a ridge height of 3.634 metres.

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 - C1.23 Eaves

Pittwater 21 Development Control Plan - D10.1 Character as viewed from a public place

Pittwater 21 Development Control Plan - D10.7 Front building line (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - D10.8 Side and rear building line (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - D10.12 Landscaped Area - General

Pittwater 21 Development Control Plan - D10.14 Fences - General

SITE DESCRIPTION

Property Description:	Lot 19 DP 17229 , 94 Queens Parade East NEWPORT NSW 2106
Detailed Site Description:	<p>The subject site is legally identified as Lot 19 DP 17229 and is known as 94 Queens Parade East, Newport. The site falls within the R2 Low Density Residential zone pursuant to the Pittwater Local Environmental Plan 2014.</p> <p>The site is to the northern side of the street and has a width of 13.411 metres and a depth of 36.576 metres, equating to an overall surveyed area of 467.9 square metres.</p> <p>The site presently accommodates a detached two storey dwelling house, a small carport / front porch to the southeastern corner of the house and a shed structure to the</p>

northeastern corner of the site. The site has some landscaping throughout, but nothing of significance. On the 7 metre wide road reserve in front of the house there are two large mature trees and other vegetation.

Topographically the site declines from south to north (front to rear). From the street edge to the front boundary the land falls by approximately 1 metre, and then falls a further 2 metres from front to rear boundary.

Surrounding developments consist of other forms of residential accommodation including detached dwelling houses of dual occupancy developments. In general development within the vicinity is within a landscaped setting.

Map:



SITE HISTORY

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

- **0643/95** second storey addition to the house (determination and date unknown)

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 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 2014 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. 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 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 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 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan 2014 section in this report.</p>

Section 4.15 Matters for Consideration'	Comments
the locality	<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 02/02/2021 to 16/02/2021 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:
Mrs Jocelyn Germaine Brennan-Horley	5 Carter Street GORDON NSW 2072

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

- Setbacks
- Overdevelopment and Streetscape
- Inaccurate Documents
- Amenity
- Stormwater

The submission also includes suggested conditions and amendments which have all been considered in this assessment but for the purpose of this report, are not in themselves considered 'objections' and are therefore not addressed in this section.

The matters raised within the submissions are addressed as follows:

- **Setbacks**

Comment:

The submission raises concern regarding the proximity of the proposed carport to the side boundary. Revised plans were received on 19/02/2021 which increased from 570mm to 955mm. This matter is discussed in more detail in Part D10.8 of this report but in summary, does not warrant the refusal of the application.

- **Overdevelopment and Streetscape**

Comment:

This matter is discussed in greater detail in part D10.7 of this report.

- **Inaccurate Documents**

Comment:

The submission received states that the survey does not accurately reflect the full built form of neighbouring properties, and thus Council cannot make an accurate assessment on the impact on neighbouring properties.

The survey submitted is adequate for the purpose of a survey and does not require amendment. In assessment the Council has reviewed available documents of neighbouring properties, has considered the features of neighbouring properties and has visited the site for the purpose of a site inspection (on 04/02/2021). Sufficient detail is shown in the survey plan for the purpose of which it serves, and therefore this matter does not warrant the refusal of the application.

- **Amenity**

Comment:

The submission raises concern that the development may impact on the provision of amenity enjoyed from the front garden of no. 96 Queens Parade East, as this space is the primary recreation space for one of the homes within the duplex. The submission states that the space will be impacted by the bulk of the proposed structure. This matter is discussed in both Parts D10.7 and D10.8 of this report and in summary, does not warrant the refusal of the application.

- **Stormwater**

Comment:

The submission received raises questions as to what stormwater system will be employed and whether an easement is required to be created. Stormwater collected is to be disposed of as per the existing arrangement and the carport will have guttering. A condition of consent is required prior to Construction Certificate which requires the plan of drainage works to be certified as compliant with the relevant standards and, a second condition requires certification prior to occupation that the works have been constructed and installed corrected. Further to this, the application has been reviewed and conditioned by Council's Development Engineering department whom raise no objections, subject to conditions.

REFERRALS

Internal Referral Body	Comments

Internal Referral Body	Comments
Landscape Officer	<p>This application is for the demolition of an existing car port, and the construction of a new car port, driveway and front fence.</p> <p>Councils Landscape Referral section has considered the application against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP controls:</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D10.12 Landscaped Area - General <p>The Statement of Environmental Effects provided with the application notes that the proposed development will not necessitate the removal of any significant vegetation, and will also seek to retained the current perimeter vegetation located on site. This is confirmed within the Architectural Plans as no trees have been proposed for removal.</p> <p>In order to accommodate the proposed driveway, works are likely to impact the existing street trees at the front of the property. Works within this area must be supervised by a Project Arborist, who shall also be responsible for providing sufficient tree protection measures to ensure these existing street trees are retained and protected. The retention of these street trees are vital to satisfying controls B4.22, C1.1 and D10.12 as key objectives within these are to "protect and enhance scenic value and character that trees and bushland provide", as well as "vegetation is retained and enhanced to visually reduce the built form".</p> <p>The landscape component of the proposal is therefore acceptable subject to the protection of existing street trees.</p>
NECC (Development Engineering)	No objection to approval subject to conditions as recommended.
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The proposed development comprises a new carport to replace the existing undersized carport, widening of the driveway and a new front picket fence.</p> <p>The Newport Flood Study (2019) identified the location of the carport to be partially affected by the Medium Flood Risk Precinct and the 1% AEP flood event, with a varying flood level but as detailed in the Flood Management Report by Pittwater Data Services (14.12.20). The Flood Planning Level of 17.24m AHD has been taken from Point 11 of the Flood Information Report, in App C of the Flood Management Report. The front picket fence is identified as being partially affected by the Low Flood Risk Precinct.</p> <p>The proposed development generally complies with the flood requirements of Section B3.11 of the Pittwater DCP and Clause 7.3 of the Pittwater LEP.</p>
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<i>Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements</i>

External Referral Body	Comments
	<p><i>between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.</i></p> <p><i>The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au</i></p> <p><i>It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.</i></p> <p><i>“Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.”</i></p> <p><i>Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au</i></p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (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. Ausgrid raised no objections to the development, subject to conditions as recommended.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	3.634m	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
7.3 Flood planning	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	3.091m - 4.895m	Max. 52.5%	No
Rear building line	6.5m	27.62m	-	Yes

Side building line	East - 1.0m	0.955m	4.5%	No
	West - 2.5m	5.714m	-	Yes
Building envelope	East - 3.5m	Within envelope	-	Yes
	West - 3.5m	Within envelope	-	Yes
Landscaped area	50% (233.95m ²)	35.6% (138.8m ² + 28.074m ²)	28.7%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport 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
B3.11 Flood Prone Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
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
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.23 Eaves	No	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
D10.1 Character as viewed from a public place	No	Yes
D10.3 Scenic protection - General	Yes	Yes
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D10.8 Side and rear building line (excluding Newport Commercial Centre)	No	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	Yes	Yes
D10.12 Landscaped Area - General	No	Yes
D10.14 Fences - General	Yes	Yes

Detailed Assessment

C1.23 Eaves

Part C1.23 prescribes that eaves should be 450mm in width, however the proposal only achieves an eave depth of 310mm. In this circumstance the variation is acceptable as shading requirements of a carport should not be considered in the same light as shading of windows into a house and, as the eave depth matches the eaves of the existing ground level of the house thereby maintaining architectural consistency.

D10.1 Character as viewed from a public place

Description of non-compliance

Part D10.1 of the DCP stipulates that parking structures should be set beyond the prescribed building setback line and should not be of a width greater than 50% of the width of the site. The proposed carport is within the front setback area but measures lesser than half the width of the site (6175mm of 12844mm).

The proximity of the carport to the front boundary line is assessed below in this report under Part D10.7 and a secondary assessment on this clause (which in essence requires the same thing) is not required.

D10.7 Front building line (excluding Newport Commercial Centre)

Description of non-compliance

Part D10.7 of the DCP prescribes a minimum front boundary setback of 6.5 metres which is to be free of structures. The proposed carport encroaches this setback area by up to 52.5%, achieving a setback of between 3.091 - 4.895 metres. The area of encroachment within the setback area measures 16.4m² of the total 80.466m² setback area, representing 20.38%. This variation is assessed against the following control objectives:

- *Achieve the desired future character of the Locality.*
- *Equitable preservation of views and vistas to and/or from public/private places.*
- *The amenity of residential development adjoining a main road is maintained.*
- *Vegetation is retained and enhanced to visually reduce the built form.*
- *Vehicle manoeuvring in a forward direction is facilitated.*
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
- *To encourage attractive street frontages and improve pedestrian amenity.*
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

The existing house on the site is a typical example of a traditional cottage that has been added to and contemporised over the years to facilitate modern living. The addition of a carport to this house is another improvement to the dwelling on top of the numerous works that have been carried out to it. The works proposed are designed in a manner which is sympathetic to the original proportions and architecture of the host dwelling, specifically with regards to the front gable design. Whilst the works would no doubt change the appearance of the house, this in itself does not detract from the quality of the dwelling nor the quality of the streetscape, and therefore it is found that the desired future character of the Locality is not compromised by the development.

The works are not considered to result in any unreasonable loss of views or vistas from the public domain or neighbouring houses. The works would change the way that the building appears from neighbouring properties and the street, however the change is not considered to be of such a magnitude that it is detrimental to the quality of accommodation afforded to neighbours.

As described elsewhere in this report, the road reserve garden largely screens the development and distorts where the front setback is. Whilst landscaping on public land cannot be used to solely justify a variation, it does contribute to an assessment. Conditions are imposed in the recommendation of the consent which require the significant elements of vegetation in the road reserve to be maintained.

Consideration had been given to modifying the carport to be a tandem carport instead of side by side, however this would then require the structure to be even closer to the street edge. Consideration was also given to having a single carport structure, however the visual impact of a single carport compared to a double carport was not considered to be so significantly different that the structure needed to be amended in that way.

On balance: the encroachment into the front boundary setback area is not unprecedented; the works retain significant landscaping and are setback almost 8m from the street edge; the development results in a reduction of reliance on on-street car parking; and the works are an attractive addition to the host dwelling - and therefore approval is recommended.

D10.8 Side and rear building line (excluding Newport Commercial Centre)

Description of non-compliance

Part 10.8 of the DCP prescribes that development is to achieve a 1.0m wide side setback to one side (in this case, east) and a 2.5m wide side setback to 'the other side' (west). To the east the proposal fails to achieve compliant and instead provides a 0.955m setback to the carport posts and outer edge of the roof. The western setback complies at 5.714m. The request for a variation is considered against the following objectives:

- *To achieve the desired future character of the Locality.*
- *The bulk and scale of the built form is minimised.*
- *Equitable preservation of views and vistas to and/or from public/private places.*
- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*
- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*
- *Flexibility in the siting of buildings and access.*
- *Vegetation is retained and enhanced to visually reduce the built form.*
- *To ensure a landscaped buffer between commercial and residential zones is established.*

The variation sought in actuality measures 45cm and equates to 4.5% and is therefore, for the purpose of this assessment, considered to be minor. The works result in an improvement to the existing structure on site which is setback 0.577m from the boundary, although in reality the structure appears to be closer than that to the boundary fence. Numerous structures and buildings throughout Queens Parade East have elements that encroach into the side boundary setback, whether they be approved, constructed after the fact or ancillary (i.e. bin storage). Therefore the works and setback sought do not unreasonably change the streetscape.

Concern has been raised that the works could impact on the amenity of no. 96 Queens Parade East which sits to the east. This building is a duplex, and one of the homes within it has their primary outdoor recreational area located within the front garden adjacent to the proposed carport. The concern raised is with regards to the bulk of the structure.

The carport is not considered to be a bulky structure by virtue of being open on three sides. The structure is not found to result in any unreasonable level of overshadowing to neighbouring properties, nor does it detract from the provision of privacy currently enjoyed. Whilst the structure would be more visually prominent commensurate to the existing structure (as it is deeper and higher) that prominence is not considered to be unreasonable nor harmful to the usability of the neighbouring garden. In the event that the structure was deemed to be excessive by the neighbours, then there is still scope on both the subject and neighbouring sites to plant boundary plantings to minimise the bulk and disguise the built form.

On balance, the variation sought can be supported. It is found that a compliant scheme (one that has a 45cm greater setback) would have a non-discernible benefit commensurate to the proposed.

D10.12 Landscaped Area - General

Description of non-compliance

Part D10.12 of the DCP requires that 50% of the site area be provided as soft landscaping, and allows up to 6% of the site area that is permeable (i.e. decks, paving and the like) to be added to that calculation. In this circumstance, the site is expected to provide 233.95m² of landscaping, but instead provides 166.87m², resulting in a shortfall of 67.15m². The request for a variation is assessed against the following control objectives:

- *Achieve the desired future character of the Locality.*
- *The bulk and scale of the built form is minimised.*
- *A reasonable level of amenity and solar access is provided and maintained.*
- *Vegetation is retained and enhanced to visually reduce the built form.*
- *Conservation of natural vegetation and biodiversity.*
- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*
- *To preserve and enhance the rural and bushland character of the area.*
- *Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.*

In their submitted Statement of Environmental Effects that applicant contends that the deficiency in landscaping is outweighed by the benefit of providing on-site car parking in accordance with the requirements of Part B6.3 of the DCP. The benefit of providing parking on site is concurred with, however a merit assessment on the loss of landscaping is still required.

The site benefits from a 7 metre wide road reserve between the street edge and the front boundary,

and this space also experiences a fall of 1 metre towards the site. This road reserve has a garden within it, comprising of two large trees, rocks and numerous shrubs. The application does not seek to remove any significant vegetation and conditions to that extent are recommended. This landscaping results in the bulk and scale of the dwelling being minimised. In the event that the landscaping were to be removed in future for whatever reason, it is not considered that the proportions or architecture of the dwelling are of such that would be construed as excessively visually dominant or bulky.

The site maintains two primary areas of garden space (one to the front and one to the rear) which are adequate in dimension for outdoor recreational opportunities for occupants.

The shortfall in landscaping on the site would largely be screened by the road reserve landscaping and, commensurate to the provision of front gardens in surrounding sites, the shortfall would be largely discernible from the public domain.

The dissipation of stormwater has been resolved by way of conditions as recommended by Council's Development Engineers.

On balance, the shortfall in landscaped open space can be supported as no streetscape, ecological or amenity impacts arising from that shortfall have been identified.

D10.14 Fences - General

The proposal includes a picket style fence along the front boundary (but wholly within the lot) reaching a maximum height of 1.2m above ground level. The control states that a fence shouldn't be higher than 1m above ground level.

In this instance the variation can be supported as the topography of the land results in only a minor portion of the fence exceeding the prescribed height and given the fact that a number of neighbouring sites have fences of similar heights, if not greater. Further, the site has a garden on the road reserve inclusive of two large trees, shrubbery and rocks. These elements are to remain and would, for the most part, screen the fence from the public domain.

On balance the variation is considered minor and has no impact on the quality of the streetscape. Requiring strict compliance with the control would result in an awkwardly stepped fence and would have little to no discernible benefit above and beyond the proposed front fence.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

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

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/0037 for Alterations and additions to a dwelling house on land at Lot 19 DP 17229, 94 Queens Parade East, NEWPORT, 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
Site Plan page 2/6 Rev. B	23 February 2021	Ukalovic Design
Lower Floor Plan page 3/6 Rev. B	23 February 2021	Ukalovic Design
Upper Floor Plan page 4/6 Rev. B	23 February 2021	Ukalovic Design

Elevations + Section page 5/6 Rev. B	23 February 2021	Ukalovic Design
Elevations page 6/6 Rev. B	23 February 2021	Ukalovic Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Flood Risk Management Report	14 December 2020	Pittwater Data Services 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.

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	Undated

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

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

3. **No Approval for Garage**

No approval is granted under this Development Consent for the enclosure of the approved carport with walls to become a garage or separate room.

Reason: To ensure compliance with the intent of this Development 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 \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

7. Stormwater Disposal

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development.

8. 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.

9. Pier footing design near trees to be retained

a) The pier footing structural layout plans for the external works including the proposed front fence, shall be developed in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture, and a qualified Structural Engineer.

b) The Arborist shall review, comment, recommend design revision as required and approve the pier footing layout, to ensure the locations of piers will be manageable in terms of tree protection measures.

c) The Arborist shall submit certification to the Certifying Authority, that the locations of the pier footings are accepted.

d) The agreed pier footing structural layout plans shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.

Reason: tree protection.

10. **Flooding**

In order to protect property and occupants from flood risk the following is required:

Building Components and Structural Soundness – C1

All new development shall be designed with flood compatible materials in accordance with Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-N Steering Committee (2006).

Building Components and Structural Soundness – C2

All new development must be designed and constructed to ensure structural integrity up to 17.24m AHD, taking into account the forces of floodwater, wave action, flowing water with Structural certification shall be provided confirming the above.

Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other must be waterproofed and/or located above the Flood Planning Level of 17.24m AHD. All power points located below the Flood Planning Level must have residual current devices during flood events.

Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level and adequately protected from floodwaters in accordance with industry standards.

Car parking – G6

Car ports are to be designed to allow flood waters to pass through and are to have a minimum 1% AEP flood level of 16.74m AHD.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

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. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

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.

14. External Finishes to Roof

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the

works and at completion.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: tree protection.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

17. 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.

18. Vehicle Crossings

The Applicant is to construct one vehicle crossing 3.0 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ 3NL 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.

19. 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 not approved for removal.

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.

20. **Protection of existing street trees**

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

As a minimum the tree protection fencing for the street tree fronting the development site shall consist of standard 2.4m panel length to four sides, located to allow for unrestricted and safe pedestrian access upon the road verge.

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

Reason: tree protection.

21. **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

22. **Condition of retained vegetation - Project Arborist**

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: tree protection.

23. **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.

24. **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.

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

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

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

Reason: To ensure bushland management.

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

Signed



Adam Mitchell, Principal Planner

The application is determined on 26/02/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments