

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/1377
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Responsible Officer:	Adam Urbancic
Land to be developed (Address):	Lot 27 DP 26604, 25 Carpenter Crescent WARRIEWOOD NSW 2102
Proposed Development:	Construction of a secondary dwelling
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Jeremy Paul Maudson Carlie Yvonne Maudson
Applicant:	Granny Flat Solutions

Application Lodged:	04/12/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New second occupancy
Notified:	17/12/2019 to 22/01/2020
Advertised:	Not Advertised
Submissions Received:	4
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 140,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for the construction of a two (2) bedroom secondary dwelling and earthworks including a new 1m high retaining wall at the rear of the site.

Amended Plans and Additional Information

Following a request from Council, amended plans were submitted on 18 February 2020 to confirm that the proposed setback from the northern wall of the secondary dwelling and the proposed retaining wall is 0.5m, as this distance was indicated as being 0.5m on the Site Analysis Plan (CDC 02), but 0.75m on the Site Management Plan (CDC 09). A revised geotechnical report and certified forms were also submitted to Council on 9 March 2020 and 10 March 2020 respectively, to address some deficiencies in the original report. As the amendments were minor in nature, the development application was not required to be re-notified.

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 - B6.3 Off-Street Vehicle Parking Requirements

Pittwater 21 Development Control Plan - D14.3 Building colours and materials

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

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

SITE DESCRIPTION

Property Description:	Lot 27 DP 26604 , 25 Carpenter Crescent WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Carpenter Crescent.</p> <p>The site is regular in shape with a frontage of 16.77m along Carpenter Crescent and a depth of 42.67m. The site has a surveyed area of 714.5m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates a two (2) storey brick dwelling house with a tiled roof located towards the street frontage.</p> <p>The site has an overall slope of 23.22% and falls 9.96m from the street frontage towards the rear of the site.</p> <p>The site contains four (4) trees, medium sized shrubs and ground-cover vegetation spread across the site.</p> <p>Detailed Description of Adjoining/Surrounding</p>

Development

Adjoining and surrounding development is characterised by two (2) and three (3) storey dwelling houses of varying architectural styles built to the natural topography of the land.

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

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	Pittwater 21 Development Control Plan applies to this proposal.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to revised architectural plans to correct an error, and a revised geotechnical report to meet Council's Geotechnical Risk Management Policy for Pittwater.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p>

Section 4.15 Matters for Consideration'	Comments
	(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited 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 4 submission/s from:

Name:	Address:
Mrs Vickie Narelle Dyer	27 Carpenter Crescent WARRIEWOOD NSW 2102
Mr Adam Denver Loel	PO Box 700 NARRABEEN NSW 2101
Mr Donald George McNamara	36 Arnott Crescent WARRIEWOOD NSW 2102
Mr Jorg Walter Boehden	40 Arnott Crescent WARRIEWOOD NSW 2102

Note: Although the postal address for Mr Adam Denver Loel is displayed in the above table, this assessment has considered the potential impacts from the property for which submission was received, being 38 Arnott Crescent, Warriewood.

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

- Privacy (Visual and Acoustic);
- Visual Impact;
- Stormwater Disposal;
- Use of Excavated Materials;
- Non-Compliance with Council's Controls;

- Off-Street Parking;
- Impact to Property Values;
- Construction Access;
- Access to Secondary Dwelling;
- Interference with Air Flows; and
- Inconsistency with Character of Carpenter Crescent.

The matters raised within the submissions are addressed as follows:

- Privacy (Visual and Acoustic)

Comment:

There is concern that the proposed secondary dwelling will result in unacceptable visual and acoustic privacy impacts to adjoining and surrounding properties, particularly due to the elevated finished floor level (RL 21.3) of the building and the location of the private open space including the verandah. A request was also made for the construction of additional timber screening to the fence along the common boundary with 27 Carpenter Crescent.

The proposed secondary dwelling has been partially excavated into the slope of the land, but due to the natural topography of the site, the floor level remains elevated by approximately 1m above natural ground level in the south-eastern corner of the building. Due to the natural topography of the land, elevated structures are somewhat characteristic of the area and are difficult to avoid without causing additional environmental and amenity impacts within the development site, and to adjoining and surrounding properties. The southern elevation of the building, which is the point in which the building is of its greatest elevation, includes two (2) windows, one being a bench top height window to the kitchen and the other being a standard window to the combined living and dining area. The location of the private open space is considered to be appropriate and is consistent with the current use of the rear yard as the private open space area for the existing dwelling house. When considering the physical separation of the proposed secondary dwelling and adjoining dwelling houses, the existing vegetation and the additional screen planting required by this development consent, it is considered that the proposed secondary dwelling will provide for a reasonable visual privacy arrangement, without the need for further privacy mitigation measures.

In terms of acoustic privacy, the proposed secondary dwelling includes a small porch on the eastern side of the building, which is of minimal width (1.25m) and provides appropriate separation between buildings to maintain a reasonable level of acoustic privacy for adjoining and surrounding properties.

This does not warrant the refusal of the development application.

- Visual Impact

Comment:

There is concern that the proposed secondary dwelling will result in an unacceptable visual impact for adjoining and surrounding properties, particularly in relation to the roof of the structure, and the water tanks and water heater along the southern elevation of the building.

Due to the natural topography of the land, views of the roofs of adjoining and surrounding properties are characteristic of the area, particularly for those properties on the up-slope, and is difficult to avoid. The proposed roof is sympathetic to the natural topography of the land and will be of dark and earthy tones to blend with the environment.

The southern elevation of the building includes a number of water tanks and a water heater, which are required for the proposed development. Although these elements may be visible from adjoining and surrounding properties, the existing vegetation and the additional screen planting required by this development consent will obscure the view of these elements, which is satisfactory.

This does not warrant the refusal of the development application.

- Stormwater Disposal

Comment:

There is concern regarding stormwater disposal from the subject site, both as existing and as a result of the proposed development, which has been specifically raised by the properties on the down-slope fronting Arnott Crescent.

Any existing issues with stormwater disposal from the subject site, or from adjoining and surrounding properties, is not a matter for this development application.

Stormwater Concept Plans, prepared by SDS Engineering and dated 14 November 2019, were submitted with the development application and will be enforced as part of this development consent. These plans indicate that the stormwater run-off from the proposed development is to be managed through a dispersion trench with level spreading located near the southern boundary of the site, as well as an on-site detention system, which is to be included within the rainwater tanks. Council's Development Engineer and Water Management Officer have both reviewed the proposed development and are satisfied that the additional stormwater run-off can be managed as per the engineering plans, subject to minor amendments enforced through conditions of consent. This is acceptable.

This does not warrant the refusal of the development application.

- Use of Excavated Materials

Comment:

There is concern regarding the proposed spreading of the excavated materials across the subject site, rather than its disposal off-site.

The Waste Management Plan, prepared by Granny Flat Solutions and submitted with the development application, indicates that 3m³ of excavated material is to be spread on the site during demolition, with a further 2.5m³ spread over the site at the construction stage.

The geotechnical report submitted with the development application, prepared by Geotechnical Consultants Australia and dated 28 February 2020, has assessed the proposed development, including the required cut and fill, and has outlined a number of recommendations to ensure that any risk relating to the proposed development is appropriately managed. The use of the excavated material on the site is supported, subject to compliance with the recommendations of the geotechnical report, which will be enforced as part of this development consent.

This does not warrant the refusal of the development application.

- Non-Compliance with Council's Controls

Comment:

There is concern that the proposed variation to the rear boundary setback is unacceptable and

that the proposed development should comply with the 6.5m requirement under Clause D14.8 Side and rear building line of the Pittwater Development Control Plan 2014. There is also concern with the general level of compliance of the secondary dwelling with Council's requirements.

As per Section 4.15 of the Environmental Planning and Assessment Act 1979 (NSW), Council is required to apply flexibility in such provisions to allow for a reasonable alternative that can still achieve the objectives of the controls. The proposed variations to the stipulated rear boundary setback, off-street parking requirement, and landscaped area requirement are supported on merit based on an assessment which has found that the proposed development can achieve the outcomes of the controls.

Refer to the discussion under the relevant Clause for further details.

This does not warrant the refusal of the development application.

- Off-Street Parking

Comment:

There is concern that the proposed secondary dwelling will result in an overcrowding of the street due to the lack of off-street parking within the subject site, as well as within other properties on Carpenter Crescent. It was also queried as to where the designated parking for the secondary dwelling will be located.

The proposed development does not provide any additional off-street parking for the secondary dwelling and therefore does not comply with the requirements of Clause B6.3 Off-Street Vehicle Parking Requirements of the Pittwater Development Control Plan 2014, which requires two (2) parking spaces for a principal dwelling and one (1) parking space for a secondary dwelling. The proposed development maintains the existing single off-street parking space within the carport for the principal dwelling, with an additional parking space able to be facilitated on the driveway behind the carport in an informal tandem arrangement. Although the proposed development results in a shortfall of the required amount of off-street parking spaces, which may then result in additional cars parking on the street, providing additional parking on the site is difficult due to the topography of the land and the siting of the existing development. The parking arrangement is considered to be acceptable and appropriate for the individual circumstances of this site.

This does not warrant the refusal of the development application.

- Impact to Property Values

Comment:

There is concern that the approval of the proposed secondary dwelling will devalue adjoining and surrounding properties.

The value of properties is not a consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (NSW), and is therefore not a matter for this development application.

This does not warrant the refusal of the development application.

- Construction Access

Comment:

There is concern regarding construction access to the location of the proposed secondary dwelling and the potential for access impeding on the adjoining property at 27 Carpenter Crescent, causing damage to property and infrastructure.

Construction access is to be facilitated within the boundaries of the subject site, unless consent is granted by the adjoining property owners. Any damage caused to the adjoining property as a result of construction activities is a civil matter between the affected property owners.

This does not warrant the refusal of the development application.

- Access to Secondary Dwelling

Comment:

There is concern regarding general access to the secondary dwelling, as well as access in an emergency or if there is a fire, which has been raised due to the location of the secondary dwelling at the rear of the site.

The submitted Statement of Environmental Effects states that general access is to be facilitated along the side of the existing dwelling house, which is considered to be acceptable and appropriate. It is reasonable to expect that access will be facilitated in the same manner in the event of an emergency or fire. Council does not undertake an assessment of emergency evacuation procedures for secondary dwelling developments.

This does not warrant the refusal of the development application.

- Interference with Air Flows

Comment:

There is concern that the proposed secondary dwelling may block natural air flows in the escarpment. It was also raised that the Site Analysis Plan (CDC 02) provided with the development application incorrectly depicts the orientation of the wind.

The proposed secondary dwelling has been partially located within the slope of the land and is of minimal overall height, therefore allowing for natural air to flow within the escarpment. Although the wind direction has been incorrectly depicted on the Site Analysis Plan, this assessment has considered the impacts of the proposed development in relation to the correct wind direction.

This does not warrant the refusal of the development application.

- Inconsistency with Character of Carpenter Crescent

Comment:

There is concern that the proposed secondary dwelling, which is considered to be a form of affordable housing, is not appropriate when considering the existing character of Carpenter Crescent, which is said to consist of one (1) and two (2) storey single dwelling houses with families.

Although secondary dwellings are not prevalent along Carpenter Crescent, the use of the subject land for the purposes of a secondary dwelling is permitted with consent within the E4 Environmental Living zone under the Pittwater Local Environmental Plan 2014, and the proposed use is consistent with the desired future character of the Warriewood Locality, in that it provides compact and affordable housing, with minimal environmental impact, in an appropriate

location. Therefore, it is considered that the use of the land for the purposes of a secondary dwelling is acceptable.

This does not warrant the refusal of the development 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 objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Landscape Officer	<p>The proposal is for the construction of a secondary dwelling.</p> <p>No significant trees are located within the site. An Arboricultural Impact Assessment is not required. Existing vegetation not impacted by the development shall be retained and protected.</p> <p>No Landscape Plan has been prepared for the development application. Development works are proposed upon cleared land. All existing landscape area not impacted by the development shall be retained and protected. Existing planting along the rear and side boundaries, to the extent of the secondary dwelling alignment, shall be retained and replaced if damaged, and shall be augmented to provide a screen buffer between the proposed secondary dwelling and private open space areas within adjoining properties.</p> <p>The proposal is acceptable in terms of achieving the landscape outcomes of Pittwater 21 DCP, subject to conditions to protect existing trees and vegetation, and completion of landscaping.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP Controls:</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees or Bushland Vegetation • C1.1 Landscaping • C1.11 Secondary Dwellings • D14 Warriewood Locality
NECC (Development Engineering)	The submitted geotechnical report addresses the relevant DCP controls and certifies that an acceptable risk is achievable for the development. No objection subject to conditions.
NECC (Water Management)	<p>This application has been assessed for compliance with:</p> <ul style="list-style-type: none"> • Pittwater 21 DCP B5.8 Water Quality

Internal Referral Body	Comments
	<ul style="list-style-type: none"> Pittwater 21 DCP B8.2 Erosion and Sediment <p>The stormwater management plan provided by SDS Engineering provides a suitable solution to meet the water quality controls.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been submitted with the application (see Certificate No. 1022641S_05, dated 14 November 2019).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	43
Thermal Comfort	Pass	Pass
Energy	50	50

A condition has been included in the recommendation of this report requiring compliance with the

commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	5.5m	3.78m	N/A	Yes
Controls relating to Miscellaneous Permissible Uses (Floor Area for Secondary Dwellings):	Max 60m ²	57.1m ²	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes

Clause	Compliance with Requirements
7.2 Earthworks	Yes
7.7 Geotechnical hazards	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	31.38m	N/A	Yes
Rear building line	6.5m	5.3m	18.46% (1.2m)	No
Side building line	2.5m (E)	4.56m	N/A	Yes
	1m (W)	1m	N/A	Yes
Building envelope	3.5m (E)	Within envelope	N/A	Yes
	3.5m (W)	Within envelope	N/A	Yes
Landscaped area	60% (428.7m ²)	51.5% (368m ²)	14.16% (60.7m ²)	No

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
C1.11 Secondary Dwellings and Rural Worker's Dwellings	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes
D14.3 Building colours and materials	Yes	Yes
D14.7 Front building line	Yes	Yes
D14.8 Side and rear building line	No	Yes
D14.11 Building envelope	Yes	Yes
D14.13 Landscaped Area - Environmentally Sensitive Land	No	Yes
D14.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D14.18 Scenic Protection Category One Lands	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

Description of non-compliance

The proposed development provides one (1) formal off-street parking space within the existing carport serving the principal dwelling.

The control requires three (3) off-street parking spaces, being two (2) for the principal dwelling and one (1) for the secondary dwelling.

Merit Consideration

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

- *An adequate number of parking and service spaces that meets the demands generated by the development.*

Comment

The proposed development maintains the existing off-street parking space within the carport on the site for the principal dwelling, with a second parking space able to be facilitated on the driveway behind the carport in an informal tandem arrangement. Due to the topography of the land and the existing development on the site, providing additional parking would be difficult.

Therefore, despite the proposed development resulting in a shortfall of off-street parking, it is considered that the proposed development provides an adequate number of parking and service spaces to meet the demands generated by the development, and when considering the individual circumstances of this site.

- *Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*

Comment

The proposed development provides functional parking within the existing carport and on the driveway, which does not result in any additional hard surface area on the site, thereby minimising rainwater runoff and adverse visual and environmental impacts, while maximising pedestrian and vehicle safety.

- *Safe and convenient parking.*

Comment

The proposed development provides safe parking within the subject site, which is also convenient in terms of its location close to the primary entry point to the principal dwelling.

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

D14.3 Building colours and materials

A Schedule of Colours and Materials has been provided with the application, however, 'Linen' which is to be used on the external wall cladding of the secondary dwelling, as well as 'Colorbond Surfmist', which is to be used on the fascia and gutters of the building, are non-compliant with Council's requirement for dark and earthy tones under this control. As 'Linen' and 'Colorbond Surfmist' are to be used on large and noticeable features of the secondary dwelling, it is considered that the visual prominence of the development will be increased. Furthermore, the lighter toned 'Linen' and 'Colorbond Surfmist' are seen to conflict with the dark and earthy tones found in the natural landscape.

As such, a condition will be placed to ensure that the building colours and materials are amended to comply with Council's requirement for dark and earthy tones under this control.

D14.8 Side and rear building line

Description of non-compliance

The proposed development provides a 5.3m setback from the rear boundary to the wall of the proposed secondary dwelling.

The control requires a 6.5m rear boundary setback.

Merit Consideration

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

- *To achieve the desired future character of the Locality. (S)*

Comment

The proposed development is consistent with the desired future character of the Warriewood Locality, as outlined in Clause A4.14 of the PDCP 2014.

- *The bulk and scale of the built form is minimised. (En, S)*

Comment

The proposed secondary dwelling is a single storey building, which is to be located partially within the slope of the land, therefore minimising the overall bulk and scale of the built form.

- *Equitable preservation of views and vistas to and/or from public/private places. (S)*

Comment

The proposed development ensures the equitable preservation of views and vistas to and/or from both public and private places.

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

Comment

The proposed development encourages view sharing by being sited partially within the slope of the land and has also been designed to respond to the views attainable over the site, by incorporating a skillion roof which mirrors the gradient of the land. The landscaping is well-positioned along the rear and side boundaries to provide privacy, whilst also allowing for views to be maintained.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*

Comment

Although the proposed secondary dwelling has a finished floor level which is partially elevated above natural ground level due to the topography of the land, the southern elevation of the building, which is the point in which the building is of its greatest elevation, contains only two (2) windows, one being a narrow horizontal bench height window to the kitchen and the other being a standard window to the combined living and dining room. Based on the separation between the proposed secondary dwelling and the adjoining dwelling houses, as well as the existing vegetation and the additional screen planting required by this development consent, the proposed development is not considered to present any unreasonable privacy, amenity or solar access impacts within the subject site or to adjoining and surrounding properties.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*

Comment

The proposed development retains all existing vegetation on the site, which although is not substantial, will be sufficient in creating a landscaped setting for both the principal and secondary dwellings upon completion of the landscaping required as part of this development consent. The subject site does not contain a mature tree canopy and due to the limited space available on the site for landscaping and the existing view corridors across the site, it is not considered to be appropriate to create a tree canopy on the site. The proposed development will not be visible within the streetscape of Carpenter Crescent.

- *Flexibility in the siting of buildings and access. (En, S)*

Comment

The proposed development demonstrates flexibility in the siting of buildings and access by locating the secondary dwelling partially within the slope of the land to reduce the overall height and impact of the building, and by facilitating access on the eastern side of the building to reduce acoustic and visual privacy impacts to adjoining and surrounding properties.

- *Vegetation is retained and enhanced to visually reduce the built form. (En)*

Comment

The proposed development retains all existing significant vegetation on the site, which is to be further enhanced through the additional screen planting required by this development consent along the side and rear boundaries, to visually reduce the built form.

- *To preserve and enhance the rural and bushland character of the locality. (En, S)*

Comment

The proposed development preserves and enhances the rural and bushland character of the Warriewood Locality by retaining and enhancing vegetation within the subject site.

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

Comment

The subject site is located within an environment protection zone, and is surrounded by residential zones and environment protection zones, therefore, this outcome is not applicable.

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

D14.13 Landscaped Area - Environmentally Sensitive Land

Existing Landscaped Area: 63.49% or 453.66m²

Required Landscaped Area: 60% or 428.7m²

Proposed Landscaped Area: 51.5% or 368m²

The proposed landscaped area on the site does not meet the 60% requirement of this control and the proposed development seeks to reduce the landscaped area on the site, as outlined in the above calculations.

Merit Consideration

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

- *Achieve the desired future character of the Locality. (S)*

Comment

The proposed development is consistent with the desired future character of the Warriewood Locality, as outlined in Clause A4.14 of the PDCP 2014.

- *The bulk and scale of the built form is minimised. (En, S)*

Comment

The proposed secondary dwelling is a single storey building, which is to be located partially within the slope of the land, therefore minimising the overall bulk and scale of the built form. From an overall site perspective, the bulk and scale of the built form is minimised through the inclusion of landscaped buffer areas between the proposed and existing development, and also between the proposed development and the development on adjoining properties.

- *A reasonable level of amenity and solar access is provided and maintained. (En, S)*

Comment

The proposed development ensures that a reasonable level of amenity and solar access is provided and maintained within the subject site, and also to adjoining and surrounding properties, through building separation and the enhancement of vegetation along the side and rear boundaries.

- *Vegetation is retained and enhanced to visually reduce the built form. (En)*

Comment

The proposed development retains all existing vegetation on the site, which is to be further enhanced through the additional screen planting required by this development consent along the side and rear boundaries, to visually reduce the built form.

- *Conservation of natural vegetation and biodiversity. (En)*

Comment

The proposed development conserves natural vegetation and biodiversity within the subject site by retaining and enhancing vegetation.

- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*

Comment

Although the proposed development increases the amount of hard (impervious) surface on the site and does not technically reduce stormwater run-off, Council's Development Engineer and Water Management Officer have both reviewed the proposed development and are satisfied that the additional run-off can be managed through the proposed dispersion trench and on-site detention system, which will therefore prevent soil erosion and siltation of natural drainage channels.

- *To preserve and enhance the rural and bushland character of the area. (En, S)*

Comment

The proposed development retains and enhances vegetation on the site 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. (En, S)*

Comment

Although the proposed development seeks to increase the amount of hard (impervious) surface on the site, the amount of soft surface to be provided on the site is considered to be maximised based on the development on adjoining and surrounding sites, therefore providing for infiltration of water to the water table, minimising runoff and assisting with stormwater management. As above, Council's Development Engineer and Water Management Officer have both reviewed the proposed development and are satisfied that the additional stormwater run-off can be managed through the proposed dispersion trench and on-site detention system.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

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

A monetary contribution of \$ 700 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 140,000.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/1377 for Construction of a secondary dwelling on land at Lot 27 DP 26604, 25 Carpenter Crescent, WARRIEWOOD, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
CDC 02 Site Analysis Plan, Rev J	14/02/2020	Granny Flat Solutions
CDC 03 Floor Plan, Rev J	14/02/2020	Granny Flat Solutions

CDC 04 Elevations & Section, Rev J	14/02/2020	Granny Flat Solutions
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Engineering Plans		
Drawing No.	Dated	Prepared By
C000 General Notes, Rev A	14/11/2019	SDS Engineering
C001 Concept Stormwater Drainage Plan/Details, Rev A	14/11/2019	SDS Engineering
C002 Stormwater Drainage Details, Rev A	14/11/2019	SDS Engineering

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (Cert No. 1022641S_05)	14/11/2019	AWG Design
Colour & Material Schedule - 25 Carpenter Crescent, Warriewood	undated	Granny Flat Solutions
Geotechnical Investigation and Site Lot Classification Report (Ref: G19360-1-Rev A)	28/02/2020	Geotechnical Consultants Australia Pty Ltd

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
CDC 09, Site Management Plan, Rev J	14/02/2020	Granny Flat Solutions
Waste Management Plan - Demolition and Construction	undated	Granny Flat Solutions

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

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

2. Prescribed Conditions

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

hours, and

- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

Reason: Legislative requirement.

3. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the

development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

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

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

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

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

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$700.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$140,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or

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

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

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

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

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

5. **Security Bond**

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

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

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

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

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

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

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

The recommendations of the Geotechnical Report prepared by GCA Geotechnical Consultant Australia dated 28th February 2020 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

Details demonstrating compliance are to be submitted to the Accredited certifier prior to the

issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

7. Boundary Identification Survey

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

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

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

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

8. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's PITTWATER DCP21 Clause B5.7 and B5.10. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

1. On Site Detention storage volume of 4.5 m³
2. Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
3. Any on site stormwater level spreader/absorption drainage system proposed shall be locate at least 3.0 meters clear to the rear and side boundaries.

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

9. 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.

10. External Colours and Materials

The use of 'Linen' on the external wall cladding of the proposed secondary dwelling, as well as the use of 'Colorbond Surfmist' on the fascia and gutters of the building, is not permitted.

The external colours and materials shall be dark and earthy tones, non-glare and of low reflectivity, in accordance with the requirements of Clause D14.3 of the Pittwater Development Control Plan 2014. White, light coloured, red or orange roofs and walls are also not permitted. The external finish to the roof shall have a medium to dark range (BCA classification M and D)

in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

An amended Schedule of Colours and Materials which satisfactorily achieves the above requirement shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the external colours and materials comply with Council's requirements for dark and earthy tones.

11. 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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. Tree and vegetation protection

a) Existing trees and vegetation not impacted by development shall be retained and protected, including:

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and palms 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 generally undertaken as follows:

- i) all tree protection shall be in accordance with AS 4970-2009 Protection of Trees on Development Sites,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, 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,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, including advice on root

protection measures,

ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,

x) 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 AS 4970-2009,

xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect planting worthy of retention on development and adjoining sites.

13. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by Granny Flat Solutions prior to commencement of any other works on site.

Erosion and sediment controls 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 vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

The discharge of sediment-laden waters from the site may result in clean-up orders and/or fines under Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Reason: Protection of the receiving environment

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

14. Certification for the Installation of Stormwater Treatment Measures

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the plans prepared by SDS Engineering. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment

15. Works as Executed Drawings - Stormwater Treatment Measures

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council

Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment

16. **Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be obtained.

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

17. **Geotechnical Certification Prior to Occupation Certificate**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

18. **Required planting**

All existing vegetation not impacted by development shall be retained.

Existing vegetation removed or damaged during the works shall be replaced with a similar species. Planting to the rear and side boundaries, to the extent of the secondary building alignment, shall be augmented with screening shrubs planting into 'gaps' along the boundary at 1 metre intervals, and planted at a minimum 200mm pot container. Selected shrubs shall be capable of attaining 3 metres in height at maturity.

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

Reason: to maintain environmental amenity.

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

19. **Landscape maintenance**

Any existing landscaping including trees required to be retained together with any additional landscaping required by this consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

20. **Maintenance of Stormwater Treatment Measures**

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment

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

Signed



Adam Urbancic, Planner

The application is determined on 23/04/2020, under the delegated authority of:



Claire Ryan, Acting Development Assessment Manager