

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/1046
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 91 DP 13643, 42 Elanora Road ELANORA HEIGHTS NSW 2101
Proposed Development:	Construction of a secondary dwelling and associated works
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Sarah Ann Atkinson
Applicant:	Sarah Ann Atkinson

Application Lodged:	20/09/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New second occupancy
Notified:	01/10/2019 to 15/10/2019
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 200,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the construction of a secondary dwelling and associated works.

The proposed secondary dwelling would be located in the front yard (in front of the existing detached dwelling) and would comprise:

- Two bedrooms;
- A bathroom;
- A wash closet;
- A laundry; a lounge room;
- An attached deck on the eastern and western elevations; and
- An attached double garage located under the proposed secondary dwelling.

The application also proposes the construction of a new vehicle crossing over the eastern front boundary, the construction of a driveway and associated landscaping works.

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 - B5.7 Stormwater Management - On-Site Stormwater Detention
- Pittwater 21 Development Control Plan - B5.8 Stormwater Management - Water Quality - Low Density Residential
- Pittwater 21 Development Control Plan - B8.2 Construction and Demolition - Erosion and Sediment Management
- Pittwater 21 Development Control Plan - C1.5 Visual Privacy
- Pittwater 21 Development Control Plan - C1.11 Secondary Dwellings and Rural Worker's Dwellings
- Pittwater 21 Development Control Plan - D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)
- Pittwater 21 Development Control Plan - D5.5 Front building line (Excluding Elanora Heights Village Centre)
- Pittwater 21 Development Control Plan - D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)
- Pittwater 21 Development Control Plan - D5.7 Building envelope (Excluding Elanora Heights Village Centre)
- Pittwater 21 Development Control Plan - D5.9 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 91 DP 13643 , 42 Elanora Road ELANORA HEIGHTS NSW 2101
Detailed Site Description:	The subject site consists of one (1) allotment located on the western side of Elanora Road, Elanora Heights.

The site is regular in shape with a frontage of 15.25m along Elanora Road and a maximum depth of 57.51m along the southern side boundary. The site has a surveyed area of 873.8sqm.

The site is located in the E4 Environmental Living zone and accommodates a two (2) storey detached dwelling house and a detached garage/store room structure in the rear yard.

Vehicular access to the site is facilitated at the rear (west) of the site via a common access driveway.

The rear portion of the site is generally flat, whereas the middle portion of the site experiences a fall of approximately 2m that slopes towards the southern side boundary.

From the central portion of the site, the land slopes approximately 14m towards the south-eastern front corner.

The site accommodates two (2) small trees in the rear yard and landscaped areas within the front and rear yards. A large sandstone rock outcrop is located within the front portion of the site. The subject rock outcrop is approximately 8m in height.

The site is mapped as being located within the 'Biodiversity' area, the 'Geotechnical Hazard H1' area and the 'Acid Sulfate Soils Class 5' area under the provisions of the PLEP 2014.

The site is mapped as being located within the 'Coastal Environment Area' under the provisions of the SEPP (Coastal Management) 2018.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one (1) and two (2) storey detached dwelling houses. The southern adjoining property 40 Elanora Road contains a secondary dwelling within the front yard.

Map:



SITE HISTORY

The site has been used for residential purposes for an extended period of time. A search of Council's records has revealed no recent applications relevant to this Development Application.

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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 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</p>

Section 4.15 Matters for Consideration'	Comments
	Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	No submissions were received during the Notification Period.
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 classified as bushfire prone land. Accordingly, a Bushfire Assessment Report prepared by Building Code & Bushfire Hazard Solutions was submitted with this application. The report stated that the bushfire attack level is 'BAL-29' for the southern, eastern and western elevations of the proposed secondary dwelling. Furthermore, the report stated that the bushfire attached level is 'BAL-19' for the northern elevation of the proposed secondary dwelling.

The application was not referred to NSW Rural Fire Service for comment. The recommendations of the Bushfire Assessment Report have been included as part of the recommended conditions of consent.

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 of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
NECC (Bushland and Biodiversity)	<p>This application was assessed against Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP B4.4 Flora and fauna habitat enhancement category 2 and wildlife corridor.</p> <p>The proposal is for the construction of a secondary dwelling, garage and driveway. No significant native trees or vegetation will be impacted. The most significant large rock outcrops will be retained and protected. Proposed landscaping complies with biodiversity controls.</p> <p>Council's Natural Environment - Biodiversity section raises no objections, subject to conditions.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Coastal Management) 2018 As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Coastal Environment Area' but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13 and 15 of the CM SEPP apply for this DA.</p>

Internal Referral Body	Comments
	<p>Comment:</p> <p>As assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Milligan Development Consulting Pty. Ltd dated September 2019 and Council accepts the assessment, the DA satisfies requirements under clauses 13 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>No coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>
NECC (Development Engineering)	The site is located in Geotechnical Hazard H1 Areas, an " Acceptable Risk Management" level is achievable in accordance with the geotechnical report provided by White Geotechnical Group Pty Ltd. However, the proposed scale of development requires provision for OSD in accordance with Pittwater DCP Clause B5.7.
NECC (Riparian Lands and Creeks)	<p>This application has been assessed against:</p> <p>State Environment Planning Policy (Coastal Management) 2018</p> <ul style="list-style-type: none"> - Part 2, Division 3, Clause 13 <p>Pittwater 21 Development Control Plan</p> <ul style="list-style-type: none"> - B5.8 - B8.2 <p>This application proposes to increase impervious surfaces by more than 50m² therefore the applicant is required to install a Stormwater Quality Improvement Device. Additionally the applicant must install and maintain sediment erosion controls to reduce impacts to the integrity and resilience of the biophysical, hydrological and ecological environment.</p> <p>The application is recommended for approval subject to conditions.</p>
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been

External Referral Body	Comments
	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. A357552 dated 03 September 2019). A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.

- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

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

SEPP (Coastal Management) 2018

Council's Natural Environment Officer - Coastal has assessed the application against the requirements of the SEPP (Coastal Management) 2018. The Officer raised no objections to the proposal. As such, it is considered that the proposed secondary dwelling complies with the requirements of the SEPP (Coastal Management) 2018.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	5.5m	4.9m	-	Yes
Gross Floor Area:	60sqm	60sqm	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form	Requirement	Proposed	% Variation*	Complies
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Control				
Front building line	6.5m	3m - 5.05m (front deck) (east)	22.31% - 53.85%	No
Rear building line	6.5m	44.57m (west)	-	Yes
Side building line	2.5m	1m (deck) 2.7m (dwelling) (south)	60% (deck)	No
	1m	2.15m (north)	-	Yes
Building envelope	3.5m	Within Envelope (north)	-	Yes
	3.5m	One encroachment at a maximum height of 0.69m for a length of 3.15m (south)	19.71%	No
Landscaped area	60% (524.28sqm)	32.96% (288sqm)	45.07%	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
A4.5 Elanora Heights Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	No	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	No	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
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.11 Secondary Dwellings and Rural Worker's Dwellings	No	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)	No	Yes
D5.5 Front building line (Excluding Elanora Heights Village Centre)	No	Yes
D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)	No	Yes
D5.7 Building envelope (Excluding Elanora Heights Village Centre)	No	Yes
D5.9 Landscaped Area - Environmentally Sensitive Land	No	Yes
D5.13 Construction, Retaining walls, terracing and undercroft areas (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.14 Scenic Protection Category One Area	Yes	Yes

Detailed Assessment

B5.7 Stormwater Management - On-Site Stormwater Detention

Clause B5.7 of the P21DCP stipulates that an on-site detention (OSD) facility is to be installed where any development results in an additional impervious surface greater than 50sqm. The proposed secondary dwelling and associated works would create additional impervious surfaces greater than 50sqm. The application does not propose an OSD facility, which fails to comply with this Control. Accordingly, Council's Development Engineer Officer has recommended a suitable condition requiring the applicant to provide certification of drainage plans detailing the provision of an OSD facility in accordance with Clause B5.7 of the P21DCP. Subject to compliance with the recommended condition of consent, the proposal will comply with the requirements of this Control.

B5.8 Stormwater Management - Water Quality - Low Density Residential

Council's Natural Environment Officer has assessed the application against the requirements of this Control. The Officer has recommended an appropriate condition requiring the applicant to install stormwater quality improvement measures to capture organic matter and sediments prior to stormwater discharging from the site. Subject to compliance with the recommended condition of consent, the proposal will comply with the requirements of this Control.

B8.2 Construction and Demolition - Erosion and Sediment Management

The application stipulates that sediment and erosion controls will be implemented throughout construction. Council's Natural Environment Officer - Riparian has assessed the application against the requirements of this Control and raised no objections, subject to conditions. Subject to compliance with the recommended conditions of consent, the proposal will comply with the requirements of this Control.

C1.5 Visual Privacy

Description of non-compliance

Clause C1.5 of the P21DCP stipulates that private open space areas of adjoining dwellings are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation. The proposed secondary dwelling would contain an elevated deck located 1m from the southern side boundary. The southern adjoining property (40 Elanora Road) contains a secondary dwelling located within the front yard, which contains an elevated deck on the eastern (front) elevation. As a consequence, the proposed deck could result in potential overlooking into the southern adjoining property's private open space (POS) on the elevated front deck. It is noted that a portion of the deck proposes a timber privacy screen along the southern elevation. Furthermore, the application also proposes thirteen (13) *Elaeocarpus reticulatus* (Blueberry ash) trees to be planted along the southern side boundary. The aforementioned screen planting would be installed at a 45L pot size and would reach a height of 8m at maturity.

Merit Assessment

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

- *Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.*

Comment:

The proposed secondary dwelling's primary source of POS would be located on the elevated deck on both the eastern and southern elevations. Furthermore, the secondary dwelling located at 40 Elanora Road contains the principle POS on the elevated front deck. The subject site currently contains no significant trees or vegetation that would prevent overlooking into the principle POS at 40 Elanora Road. To mitigate this issue, the application proposes a timber privacy screen along a portion of the southern elevation of the elevated deck. Furthermore, thirteen (13) trees are proposed to be planted along the southern side boundary. It is considered that these provisions will effectively alleviate the potential for overlooking into the southern adjoining property's POS on the elevated timber deck.

- *A sense of territory and safety is provided for residents.*

Comment:

The proposed development is considered capable of providing a sense of territory and safety for residents of the subject site and adjoining properties.

C1.11 Secondary Dwellings and Rural Worker's Dwellings

Description of non-compliance

Clause C1.11 of the P21DCP stipulates that secondary dwellings above detached garages are not supported. The application proposes a detached garage with a secondary dwelling above, which fails to comply with this Control.

Merit Assessment

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

- *Limitation of the visual bulk and scale of development.*

Comment:

The proposed development presents as a two (2) storey structure at the front and single storey towards the rear due to the slope of the site. The proposed development is compliant by virtue of the 5.5m maximum height development standard and provides a design that is consistent with the existing dwelling on site and surrounding developments within the locality. Furthermore, the application proposes additional landscaping improvements to screen the built form. As such, it is considered that the visual bulk and scale of the proposal is suitable in the context of the subject site and surrounding locality.

- *Provision of design flexibility for second storey development.*

Comment:

The proposed development provides a design that is effectively integrated into the slope of the land. Furthermore, the proposal demonstrates that a secondary dwelling can be incorporated into a part one (1) and part two (2) storey structure whilst limiting the overall footprint for development on the site.

- *Restriction of the footprint of development site.*

Comment:

The proposal incorporates parking facilities within the footprint of the proposed development, thus limiting the overall footprint for development on the site.

- *Retention of natural vegetation and facilitation planting of additional landscaping.*

Comment:

The proposed development will not result in the removal of any trees or significant landscaped features. Whilst the proposal results in a 9.66% (84.4sqm) reduction in landscaped open space, the application proposes a number of landscaping improvements throughout the site. This comes in the form of two (2) additional native canopy trees, locally native ground cover plantings and native shrub planting. The additional provisions for landscaping will soften the built form, thus reducing the visual impact on the streetscape.

- *Provision of rental accommodation.*

Comment:

The secondary dwelling could potentially be used for rental accommodation.

D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)

Clause D5.3 of the P21DCP stipulates that all development is to incorporate external colours and materials that are of dark and earthy tones as indicated on the diagram below.



White, light coloured, red or orange roofs and walls are not permitted:



The application proposes to utilise a light grey colour on the walls of the proposed secondary dwelling, which fails to comply with this Control. Accordingly, a suitable condition has been recommended with this consent requiring the external walls of the proposed secondary dwelling to be in accordance with the above colour palette. Subject to compliance with the recommended condition noted above, the proposal will comply with the requirements of this Control.

D5.5 Front building line (Excluding Elanora Heights Village Centre)

Description of non-compliance

Clause D5.5 of the P21DCP stipulates that all development (excluding driveways, fences and retaining walls) in the E4 Environmental Living zone is to be setback at least 6.5m from the front boundary. The proposed secondary dwelling would include an elevated deck on the eastern elevation, which would contain a varying setback between 3m and 5.05m from the eastern front boundary. As a consequence, the proposal fails to comply with the requirements of the Control. It is noted that the external wall of the secondary dwelling would be setback 6.5m from the eastern front boundary, which complies with the requirements of this Control. It is also noted that the southern adjoining property (40 Elanora Road) contains a secondary dwelling that is setback 5.1m from the eastern front boundary.

Merit Assessment

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

- *To achieve the desired future character of the Locality.*

Comment:

The proposed development is consistent with the desired character statement of the Elanora Heights Locality.

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

Comment:

Developments on the western side of Elanora Road enjoy views orientated towards the Narrabeen Lagoon located to the south. The principle dwelling, in conjunction to surrounding dwellings located to the north, are located on top of a large 8m high sandstone outcrop. The proposed secondary dwelling would be constructed to a maximum height of 4.9m above the existing ground level, which is sited well below the existing 8m high sandstone outcrop. As such, the proposed secondary dwelling will not compromise the views of Narrabeen Lagoon enjoyed by the existing dwelling on site and the surrounding dwellings located to the north.

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

Comment:

The site does not adjoin a main road.

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

Comment:

As discussed earlier within this report, the proposed development will not result in the removal of any trees or significant landscape features. Whilst the proposal amounts to a 9.66% (84.4sqm) reduction in landscaped open space, the application proposes a number of landscaping improvements throughout the site. This comes in the form of two (2) additional native canopy trees, locally native ground cover plantings and native shrub planting. The additional provisions for landscaping will soften the built form, thus reducing the overall impact on the streetscape.

- *Vehicle manoeuvring in a forward direction is facilitated.*

Comment:

The proposed driveway will allow vehicles to enter and exit the site in a forward direction.

- *Preserve and enhance the rural and bushland character of the non-urban area of the locality.*

Comment:

The proposed secondary dwelling is of a modest bulk and scale, of which is sympathetic to the bushland character of the Elanora Heights Locality.

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

Comment:

As discussed above, the proposal entails a number of landscaping improvements that will soften the built form. Furthermore, the application proposes a development that effectively responds to the slope of the land. It is considered that the proposed development will have no significant impacts on the streetscape and surrounding properties.

- *To encourage attractive street frontages and improve pedestrian amenity.*

Comment:

As noted above, the proposal will not adversely impact the street frontage.

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

Comment:

The proposed development is of a modest bulk and scale, of which is consistent with surrounding development within the locality. The development will be orientated towards an eastern aspect, which is consistent with the surrounding development on the western side of Elanora Road. Whilst the properties located to the north maintain a greater setback from the eastern front boundary, the properties located to the south (40 Elanora Road and 170 Woorarra Avenue) contain development within the 6.5m front setback area. As such, the proposal will respond to the spatial characteristics of the existing urban environment.

D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)

Description of non-compliance

Clause D5.6 of the P21DCP stipulates that all development (excluding driveways, fences and retaining walls) is to be setback at least 2.5m from one side boundary and 1m from the other side boundary. The northern proposed secondary dwelling would be setback from the side boundaries as follows:

- 2.15m from the northern side boundary (external wall of dwelling);
- 2.7m from the southern side boundary (external wall of dwelling); and
- 1m from the southern side boundary (deck).

Consequently, the proposed deck on the southern elevation fails to comply with the requirements of the Control.

Merit Assessment

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

- *To achieve the desired future character of the Locality.*

Comment:

The proposed development is consistent with the desired character statement of the Elanora Heights Locality.

- *The bulk and scale of the built form is minimised.*

Comment:

The proposed development is of a modest bulk and scale that effectively responds to the slope of the land. Furthermore, the application proposes landscaping improvements, which will soften the built form.

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

Comment:

As discussed earlier within this report, the proposed secondary dwelling will not impact the views of Narrabeen Lagoon enjoyed by the existing dwelling on site and the surrounding dwellings located to the north.

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

Comment:

The proposed development will not result in any unreasonable view loss impacts within the locality.

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

Comment:

The proposed development would be constructed to a maximum height of 4.9m above the existing ground level. Whilst the front portion of the site slopes towards the south-eastern front corner, the overall height of the proposal will ensure that properties to the south maintain sufficient access to sunlight. The proposed privacy screen on the southern elevation of the deck, in conjunction with the proposed screen planting along the southern side boundary will ensure that privacy is maintained for the occupants of the subject site and the secondary dwelling at the southern adjoining property (40 Elanora Road).

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

Comment:

As discussed earlier within this report, the proposed development will not result in the removal of any

trees or significant landscape features. Whilst the proposal will result in a 9.66% (84.4sqm) reduction of landscape open space, the application proposes a number of landscaping improvements throughout the site. This comes in the form of two (2) additional native canopy trees, locally native ground cover plantings and native shrub planting. The additional provisions for landscaping will soften the built form and contribute to an attractive streetscape.

- *Flexibility in the siting of buildings and access.*

Comment:

The proposed secondary dwelling will be orientated towards an eastern aspect, which is consistent with the surrounding development on the western side of Elanora Road. Whilst the properties located to the north maintain a greater setback from the eastern front boundary, the properties located to the south (40 Elanora Road and 170 Woorarra Avenue) contain built structures within the 6.5m front setback area. As such, the proposal will not adversely impact the character of the streetscape.

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

Comment:

The landscaping improvements proposed with this application will soften the built form, thus reducing the overall impact on the streetscape.

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

Comment:

The proposed secondary dwelling is of a modest bulk and scale, of which is sympathetic to the bushland character of the Elanora Heights Locality.

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

Comment:

The surrounding development is characterised by residential development.

D5.7 Building envelope (Excluding Elanora Heights Village Centre)

Description of non-compliance

Clause D5.7 of the P21DCP stipulates that development is to be projected at 45 degrees from a height of 3.5m above the existing ground level at side boundaries. The proposed development encroaches into the building envelope control along the southern elevation for a maximum height of 0.69m for a length of 3.15m. As a consequence, the proposal fails to comply with the requirements of the Control.

Merit Assessment

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

- *To achieve the desired future character of the Locality.*

Comment:

The proposed development is consistent with the desired character statement of the Elanora Heights Locality.

- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

Comment:

As discussed earlier within this report, the proposal entails a number of landscaping improvements throughout the site, which will soften the built form. Moreover, the application proposes a development that effectively responds to the slope of the land. It is considered that the proposed development will have no significant impacts on the streetscape and surrounding properties.

- *The bulk and scale of the built form is minimised.*

Comment:

The proposed development is of a modest bulk and scale that effectively responds to the slope of the land. Furthermore, the application proposes landscaping improvements, which will soften the built form.

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

Comment:

As discussed earlier within this report, the proposed development would be constructed to a maximum height of 4.9m above the existing ground level. Whilst the front portion of the site slopes towards the south-eastern front corner, the overall height of the proposal will ensure that properties to the south maintain sufficient access to sunlight. The proposed privacy screen on the southern elevation of the deck, in conjunction with the proposed screen planting along the southern side boundary will ensure that privacy is maintained for the occupants of the subject site and the secondary dwelling at the southern adjoining property (40 Elanora Road).

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

Comment:

The additional provisions for landscaping proposed with this application will soften the built form, thus reducing the overall impact on the streetscape.

D5.9 Landscaped Area - Environmentally Sensitive Land

Description of non-compliance

Clause D5.9 of the P21DCP stipulates that the total landscaped area on land located within the E4 Environmental Living zone shall be 60% (524.28sqm) of the site area. The proposed development would provide a total landscaped area of 32.96% (288sqm) of the site area, which fails to comply with the Control. By incorporating the allowable variations (impervious areas less than 1m in width) specified within Control, the proposal would provide a total landscaped area of 34.17% (298.6sqm). It is noted that the site contains an existing landscaped area of 42.62% (372.4sqm) of the site area.

Merit Assessment

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

- *Achieve the desired future character of the Locality.*

Comment:

The proposed development is consistent with the desired character statement of the Elanora Heights Locality.

- *The bulk and scale of the built form is minimised.*

Comment:

As discussed earlier within this report, the proposed development is of a modest bulk and scale that effectively responds to the topography of the land. Furthermore, the application proposes landscaping improvements, which will soften the built form.

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

Comment:

As discussed earlier within this report, the proposed development would be constructed to a maximum height of 4.9m above the existing ground level. Whilst the front portion of the site slopes toward the south-eastern front corner, the overall height of the proposed development will ensure that the properties to the south maintain sufficient access to sunlight. The proposed privacy screen on the southern elevation of the deck, in conjunction with the proposed screen planting along the southern side boundary will ensure that privacy is maintained for the occupants of the subject site and the secondary dwelling at the southern adjoining property (40 Elanora Road).

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

Comment:

The additional landscaping improvements proposed with this application will soften the built form, thus reducing the overall impact on the streetscape.

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

Comment:

Council's Development Engineer Officer has assessed the proposal and recommended a condition requiring the applications to provide a certificate of drainage plans detailing the provision of an OSD facility to reduce stormwater runoff from the site. Subject to compliance with the recommended condition of consent, the proposal would ensure that stormwater runoff, erosion and siltation of natural drainage channels is reduced.

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

Comment:

The proposed secondary dwelling is of a modest bulk and scale, of which is sympathetic to the bushland character of the Elanora Heights Locality.

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

Comment:

The middle portion of the site contains a large sandstone rock outcrop that will direct stormwater flow towards the eastern front boundary. The proposed landscaping improvements around the perimeter of the secondary dwelling will assist with the infiltration of water. The additional landscaping provisions, in conjunction with the recommended OSD facility will assist with stormwater management on site.

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 \$ 1,000 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 200,000.

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 DA2019/1046 for Construction of a secondary dwelling and associated works on land at Lot 91 DP 13643, 42 Elanora Road, ELANORA HEIGHTS, 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
DA3 - Site Analysis Plan	05 September 2019	sketchArc
DA4 - Garage Floor Plan	05 September 2019	sketchArc
DA5 - Ground Floor Plan	05 September 2019	sketchArc
DA6 - Roof Plan	05 September 2019	sketchArc
DA7 - North and South Elevations	05 September 2019	sketchArc
DA8 - East and West Elevations	05 September 2019	sketchArc
DA9 - Section A-A and Section B-B	05 September 2019	sketchArc
DA10 - Section drive	05 September 2019	sketchArc

Engineering Plans		
Drawing No.	Dated	Prepared By
C01 Issue 2 - CIVIL ACCESS PLANS	02 July 2019	NB Consulting Engineers
C02 Issue 2 - LONGITUDINAL SECTIONS - SECTION 1	02 July 2019	NB Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A357552	03 September 2019	Phil Brown Drafting
Bushfire Assessment Report	10 September 2019	Building Code & Bushfire Hazard Solutions
Geotechnical Investigation	09 September 2019	White Geotechnical Group

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:

Landscape Plans		
Drawing No.	Dated	Prepared By
L-01 - Site Plan/Site Analysis/Sedimentation Control Plan	14 August 2019	Serenscapes Landscape Designs
L-02 - Detail Plan	14 August 2019	Serenscapes Landscape Designs
L-03 - Planting Plan	14 August 2019	Serenscapes Landscape Designs
L-04 - Sectional Elevations	14 August 2019	Serenscapes Landscape Designs

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	08 September 2019	Vaughan Milligan Development Consulting

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) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) 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.
- (j) 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.

(k) 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 \$1,000.00 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 \$200,000.00.

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 risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White Geotechnical Group Pty Ltd dated 9th September 2019 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating

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

Reason: To ensure geotechnical risk is mitigated appropriately.

7. **Construction in Bush Fire Prone Areas**

The recommendations made in the Bush Fire Assessment Report prepared by Building Code & Bushfire Hazard Solutions, dated 10 September 2019, Report Ref No. 190597 are to be carried out in full to the building.

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

Reason: To ensure adequate provision is made for the design and construction of the building to reduce the risk of ignition from a bushfire and provide building occupant safety

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. 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.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

9. **Structural Adequacy and Excavation Work**

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

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

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

Reason: To provide public and private safety.

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

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

Written approval from Council under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. The Owner's approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

11. **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.

12. **Water Quality - Low Density Residential**

To comply with Pittwater 21 DCP 5.8, the applicant must install stormwater quality improvement measures as follows:

The applicant must install a filtration device (such as a silt arrestor pit or absorption trench) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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

Reason: Protection of the receiving environment

13. **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.

14. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

15. **External Colours and Materials**

The external wall of the secondary dwelling is to incorporate colours and materials that are in

accordance with the colour palette shown in Clause 5.3 Building colours and materials (Excluding Elanora Heights Village Centre) of the Pittwater 21 Development Control Plan.

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

Reason: To ensure development is consistent with the intent of the Pittwater 21 Development Control Plan.

16. **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.

17. **Boundary Survey**

A Boundary Survey prepared by a Registered Surveyor shall be provided as evidence that all buildings are within the appropriate property, easement boundaries and rights of carriageway. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Reason: To ensure the accurate location of buildings in relation to boundaries, easements and rights of way.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. **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).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. **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.

20. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/4 EH 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. All retaining walls must be placed minimum 1.5 metre away from Council kerb line. 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.

21. **Implementation of Landscape Plan**

Landscaping is to be implemented in accordance with the approved Landscape Plans (Serenescapes 14/08/2019) and these conditions of consent. The new landscaping is to be certified in accordance with approved Landscape Plans and these conditions of consent by a qualified landscape architect, arborist or ecologist prior to issue of the Occupation Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

22. **Protection of Habitat Features**

All natural landscape features, including rock outcrops, native vegetation, and soil, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls.

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

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. **Construction in Bush Fire Prone Areas**

The recommendations made in the Bush Fire Assessment Report prepared by Planning for Bushfire Protection, dated 30 November 2017, Report Ref No. 1203 are to be carried out in full to the building.

Details demonstrating implementation and compliance are to be submitted to the Principal Certifier prior to the issue of any Interim or Final Occupation Certificate.

Reason: To ensure adequate provision is made for the design and construction of the building to reduce the risk of ignition from a bushfire and provide building occupant safety

25. **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 submitted.

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.

26. **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.

27. **Certification of Landscape Plan**

Landscaping is to be implemented in accordance with the approved Landscape Plans (Serenescapes 14/08/2019) and these conditions of consent. The new landscaping is to be certified as complete and in accordance with approved Landscape Plans and these conditions of consent by a qualified landscape architect, arborist or ecologist prior to issue of any Occupation Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

28. **Certification for the Installation of Stormwater Quality Management System**

A certificate from a Civil Engineer, who has membership to the Engineers Australia and the National Engineers Register must be provided, stating that the stormwater quality management system has been installed in accordance with the plans prepared.

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

Reason: Protection of the receiving environment

29. **Protection of Habitat Features**

All natural landscape features, including rock outcrops, native vegetation, and soil, are to remain undisturbed except where affected by necessary works detailed on approved plans. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls.

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

30. **Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Reason: Weed management.

31. **Canopy Tree Plantings**

Canopy tree plantings required under this consent are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Reason: To replace locally native trees in accordance with relevant Natural Environment LEP/DCP controls.

32. **Maintenance of Stormwater Quality System**

The stormwater quality system (sediment control pit) must be maintained at all times in accordance with the manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Reason: Protection of the receiving environment.

33. **Retention of Natural Features**

All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To ensure the retention of natural features.

34. **No Planting Environmental Weeds**

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

Reason: Weed management.

35. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be

notified.

Reason: To protect Aboriginal Heritage.

36. **Dead or Injured Wildlife**

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

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

37. **Domestic Animals Exclusion**

For the life of the development, cats are to be kept in a cat run and/or inside the dwelling such that they are prevented from entering wildlife habitat areas at all times. Dogs are to be kept in an enclosed area such that they cannot enter areas of bushland, unrestrained, on surrounding properties.

Reason: Wildlife protection

38. **Fencing for Wildlife Passage**

Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

Reason: Management of wildlife corridors

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

Signed



Thomas Burns, Planner

The application is determined on 16/10/2019, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments