

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0298
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Responsible Officer:	Kent Bull
Land to be developed (Address):	Lot 29 DP 24428, 62 Rednal Street MONA VALE NSW 2103
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Corey Robert Dunn Janelle Rae Dunn
Applicant:	Quattro Architecture

Application lodged:	29/03/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	08/04/2019 to 22/04/2019
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 690,000.00
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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 Local Environmental Plan 2014 - 7.1 Acid sulfate soils

Pittwater Local Environmental Plan 2014 - 7.8 Limited development on foreshore area

Pittwater 21 Development Control Plan - C1.1 Landscaping

Pittwater 21 Development Control Plan - D9.6 Front building line

Pittwater 21 Development Control Plan - D9.7 Side and rear building line

Pittwater 21 Development Control Plan - D9.9 Building envelope

Pittwater 21 Development Control Plan - D9.11 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 29 DP 24428 , 62 Rednal Street MONA VALE NSW 2103
Detailed Site Description:	The site is known as 62 Rednal Street, Mona Val and legally referred to as Lot 29 DP 24428. The subject site consists of one (1) allotment located on the north-eastern side of Rednal Street. No works are proposed below Mean High Water Mark (MHWM) which is subject to a lease agreement with Crown Lands. The site is irregular in shape with a frontage of 15.24m along Rednal Street and a depth of 57.57m. The site has a surveyed area of 785.3m². The site is located within the E4 Environmental Living zone of the Pittwater Local Environment Plan (PLEP) 2014 and accommodates a two (2) storey brick dwelling house located centrally on the site. A swimming pool and slip way is located to the rear of the site. A ramp and pontoon are located below MHWM within the public waterways. Pedestrian and vehicle access is gained via the Rednal Street frontage. The site slopes steeply from the Rednal Street frontage to the MHWM, with a fall of approximately 5.11m (8.87%). The site contains a modified landscape setting, including terracing to the Rednal Street frontage and a turfed lawn area to the rear. Established native canopy trees are located within the front setback area and a cabbage tree palm is located towards the rear of the site. Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by detached residential dwellings and associated structures (i.e. swimming pool, jetties, slipways, pontoons/ramps on waterfront sites, etc.) within a landscaped setting. Adjoining the south-eastern boundary is a Public Reserve (62A Rednal Street) consisting of access stairs, and turfed lawn areas to the waterfront.

Map:



SITE HISTORY

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

29 June 2016

Development Application No. N0143/16 for the alterations and additions to an existing dwelling house, including new swimming pool, pergola and storage shed granted consent on 29 June 2016.

15 June 2018

Development Application No. DA2017/1385 for the construction of a new double garage and driveway granted consent on 15 June 2018.

APPLICATION HISTORY

29 March 2019

Subject Development Application received by Council on 29 March 2019.

7 May 2019

Site inspection undertaken by the Development Assessment Officer. No owners present. The inspection revealed the notification sign being placed on site.

29 May 2019

A letter was issued to the Applicant requesting that the application be withdrawn due to concerns that the proposed development would not meet the requirements

31 May 2019

Additional information (revised plans) were submitted by the Applicant addressing the above concerns. The revised plans form the basis of the following assessment.

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the alterations to a dwelling house. In particular, the works include:

Garage

- Construction of a double garage and sub-floor area below within the front setback. The garage is proposed with an entry connecting to the ground floor of the dwelling house.

Lower Ground Floor

- Internal reconfiguration; extension to the proposed lounge room; 2 bedrooms with ensuites; laundry and WC.

Ground Floor

- Internal reconfiguration; living room extension opening to a terrace area; extension proposing master bedroom with ensuite; new bathroom and WC; reconfiguration to bedroom/study room.

Note: The references to this report to 'Lower Ground Floor' and 'Ground Floor' is to maintain consistency with the submitted architectural drawings. The dwelling is currently two storeys and is proposed to remain as two storeys.

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 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iii) – 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)	<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. <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. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. <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. <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. <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. <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. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(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.

Section 4.15 Matters for Consideration'	Comments
	(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (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 of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	General Comments This is new DA for a similar recent DA submission. Site listed as Acid Sulfate class 2 A geological assessment has been carried out by White Geotechnical Group Report J1589 21 December 2017. The engineer requiring: All footings are to be inspected and approved by the geotechnical professional while the excavation equipment is still onsite and before steel reinforcing is placed or concrete is poured. This will give a greater degree of professional assessment of any acid

Internal Referral Body	Comments
	sulfate issues. Recommendation APPROVAL - subject to conditions
Landscape Officer	The proposal, in terms of landscape outcome, is acceptable subject to the protection of the existing trees and vegetation, and the completion of landscaping and replacement tree/palm planting. Council's Landscape section has assessed the proposal against the following Pittwater21 DCPC Controls: B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping D9 Mona Vale Locality A Arboricultural Impact Assessment report is provided in accordance with DA Lodgement Requirements, and provides justification for the proposed vegetation removal, as well as tree protection measures for trees to be retained and protected. One high retention value tree requires removal for the proposed development, with no alternative option available to retain this tree. No Landscape Plan is provided. Additional planting is noted along the front boundary as shown on the architectural plan and as stated in the statement of environmental effects. Tree/palm replacement conditions shall be applied to satisfy C1.1. Planner Comments 19/06/19: A Landscape Plan was submitted at the time of lodgement. Conditions amended accordingly.
NECC (Bushland and Biodiversity)	The proposal has been assessed against Pittwater LEP 7.6. The proposed works are predominantly within the existing built form footprint. Biodiversity raises no issues.
NECC (Coast and Catchments)	12 Development on land within the coastal vulnerability area <i>Development consent must not be granted to development on land that is within the area identified as "coastal vulnerability area" on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:</i> (a) <i>if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</i> (b) <i>the proposed development:</i> (i) <i>is not likely to alter coastal processes to the detriment of the natural environment or other land, and</i> (ii) <i>is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or</i>

Internal Referral Body	Comments
	<i>headland adjacent to the proposed development, and</i> <i>(iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</i> <i>(c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</i> <u>Comment:</u> The subject land has not been included on the Coastal Vulnerability Area Map under State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) and in regard to CM SEPP the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018. However, the subject land is within the Estuarine Hazard Affected zone, wave action - tidal inundation and an Estuarine Planning Level (EPL) of 2.52m AHD has been adopted by Council for the subject site.
NECC (Development Engineering)	The submitted Geotechnical report addresses the relevant DCP controls and certifies that an acceptable risk is achievable for the development. The driveway grade and parking slab is acceptable. No objection to approval, subject to conditions.
NECC (Riparian Lands and Creeks)	This application is supported with conditions. As there is no increase in impervious area, water quality controls do not apply, including the Coastal Management SEPP 2018. Sediment and erosion controls must be installed prior to any work on site and maintained until work is complete and groundcover is re-established.
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposal generally complies with Council's LEP and DCP. The proposal is recommended for approval subject to conditions.
Property Management and Commercial	The proposal is for alterations and additions to the existing dwelling. Property has no objection to the proposal as submitted.

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. A327374, dated 8 March 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

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

13 Development on land within the coastal environment area

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

Comment:

The proposed development is unlikely to cause adverse impact to the integrity and resilience of the biophysical, hydrological (surface and ground water) and ecological environment, coastal environmental values and natural coastal process, the water quality of the marine estate, or to marine vegetation, native vegetation and fauna and their habitats, underdeveloped lands and rock platforms. The proposed development does not restrict any existing public open space or safe access along the foreshore for members of the public, including persons with a disability. A recommended condition will be placed to ensure that if any Aboriginal engravings or relics are unearthed as part of the proposed development, works will cease immediately and the relevant authorities notified. The proposed development is not likely to cause an adverse impact to the use of the surf zone.

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

Comment:

The application has been referred to Council's NECC (Coast & Catchments) team that has raised no objections to the proposed development subject to recommended conditions. As detailed above, the proposed development has been designed, sited and will be managed to avoid an adverse impact on the cultural and environmental aspects referred to in Subclause (1).

14 Development on land within the coastal use area

(1)

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
- (b) is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposed development is not likely to cause an impact on the existing access along the foreshore for members of the public, including persons with a disability and will not cause any overshadowing, wind tunneling or loss of views from public places to foreshores. The visual amenity and scenic qualities of the coast, including the coastal headlands will be preserved. The proposed development will also not have an adverse impact on the cultural and built environment heritage. It is considered that the proposed development has satisfied the requirement to be designed, sited and will be managed to avoid an adverse impact to the above mentioned cultural and environmental aspects. Furthermore, the proposed development is considered to be of an acceptable bulk, scale and size that is generally compatible with the surrounding coastal and built environment, which consist of low density residential dwellings and waterway structures facing the Pittwater Waterways.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The application has been referred to Council's NECC (Coast & Catchments) team who has assessed the proposed development against the requirements of this clause and has raised no objections to the proposed development subject to recommended conditions. It is therefore considered that the proposed development is not likely to cause increased risk of coastal hazards on the subject site or other land.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.2m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Detailed Assessment

7.1 Acid sulfate soils

The subject site is classified as Acid Sulfate Class 2 on the Acid Sulfate Soils Map. Council's Environmental Health Officer (Acid Sulfate Soils) has reviewed the proposal, and has recommended approval subject to conditions.

7.8 Limited development on foreshore area

Based on the plans provided, the proposed alterations and additions to the dwelling house are within the Foreshore Building Line (FBL) or foreshore area. Subclause 7.8(2) permits the following types of development within the FBL:

- (2) Development consent must not be granted for development on land in the foreshore area (
 - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the
 - (b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stair

Clause 7.8(2a) is considered applicable, as the existing building partly encroaches within the foreshore area, and, due to the alterations and addition maintaining the existing footprint of the building and not extending further into the foreshore area. The development proposed within this application is therefore considered acceptable within the foreshore.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	4.1m	37%	No
Rear building line	N/A (Foreshore Building Line applies)	15.8m	N/A	N/A
Side building line	2.5m	3.2m	N/A	Yes
	1m	0.8m	20%	No
Building envelope	3.5m	Outside envelope (North-Western)	39.5%	No
	3.5m	Within envelope (South-Eastern)	N/A	Yes
Landscaped area	60%	38%	37%	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
A4.9 Mona Vale Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	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
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B4.16 Seagrass Conservation	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B4.20 Protection of Estuarine Water Quality	Yes	Yes
B5.11 Stormwater Discharge into Waterways and Coastal Areas	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 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
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	No	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	No	Yes
D9.7 Side and rear building line	No	Yes
D9.9 Building envelope	No	Yes
D9.11 Landscaped Area - Environmentally Sensitive Land	No	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

C1.1 Landscaping

The proposal indicates the removal of two (2) established native canopy trees. One (1) Paperbark Tree is to be removed within the front setback area for the proposed garage structure, and one (1) Cabbage Tree Palm is to be removed from its location close to the existing building along the southern boundary area. Council's Landscape Officer has reviewed the proposal and recommended approval, subject to conditions. It should be noted that in order to satisfy the control requirements of this clause, tree/palm replacement/relocation conditions have been applied.

Subject to compliance with these conditions, the proposed development in this particular instance is

considered to satisfy the outcomes of this control and is supported on its merits.

D9.6 Front building line

The proposed double garage is technically non-complaint with the front setback requirement, being 4.1m front the nearest point to the boundary facing Rednal Street. The proposed setback of 4.1m, results in a 37% variation to the 6.5m requirement. It must be noted that the proposed additions associated with the dwelling house itself are fully compliant with the front setback requirement. The variation to the control for the purposes of facilitating a carparking structure has been considered due to the steeply sloping nature of the front setback area and taking into account development application no. DA2017/1385 where Council granted a consent for the construction of a new double garage and driveway in generally the same location this proposal. While vehicle manoeuvring in a forward direction is not facilitated, Council's Development Engineer has reviewed the proposal as acceptable in this instance. Consideration has also been given that the width (7.2m) of the proposed garage (not including the attached walkway/breeze way), is compliant with the requirements of Clause D9.1 (Character as viewed from a public place) of the P21 DCP. It should further be noted that, with the exception of the low-pitched roof elements that the proposed garage is located predominately below the street level of Rednal Street reduces the overall dominance, built form and visual streetscape impacts. While also reducing the overall height of the proposed garage, the revised plans relocated the bin storage enclosure from its previous location along the front boundary to being located within the garage structure. The submitted landscape plan has further demonstrated the use of extensive native plantings, including the planting of a Angophora Costata canopy tree and Lilly Pilly shrubs along the northern boundary.

Based on the above, the proposal in this particular instance, is considered to satisfy the outcomes of this clause and is supported on its merits.

D9.7 Side and rear building line

The proposed development is technically non-complaint with the side setback requirement, being 0.8m to the nearest point on the north-western side boundary. The side setback of 0.8m results is a variation to the 1m requirement. As the proposal seeks to retain the existing 0.8m side setback, the variation within the control which provides for flexibility in instances where the existing setback is maintained for alterations and additions is considered applicable. The north-western elevation of the ground floor incorporates privacy screening to the terrace and is limited to one (1) bedroom window. It is considered that the proposal maintains sufficient privacy and spatial separation between the occupants of the subject site and those at 60 Rednal Street. It should also be noted that the north-western side setback is compliant for the front half portion of the dwelling. Furthermore, when viewed Rednal Street and the waterfront, established and proposed native canopy trees, vegetation and external colours and finishes to dwelling, will visually reduce the bulk and scale of the proposal, maintaining an appearance of built form being secondary to landscaping.

Based on the above, the proposal in this particular instance, is considered to satisfy the outcomes of this clause and is supported on its merits.

D9.9 Building envelope

The proposed development is not within the prescribed building envelope and is technically non-complaint with the control. It should be noted that the existing dwelling, in which these alterations and additions relate, breaches the building envelope control in its current form. The control also permits variations for a second floor where the existing dwelling is retained and for roof eaves that extend outside the building envelope. As the proposal seeks to retain the existing dwelling, the variation to the control is applicable in this instance. At its maximum extent, the proposed development will

breach the building envelope by 1.7m (39.5%) on the north-eastern elevation. While a breach is applicable for majority of the north-eastern elevation, the extent is significantly reduced for the front portion of the dwelling and for the elevated garage structure. The variation sought for the proposed development does not result in an unreasonable impact to neighbouring properties with regard to views, privacy and solar access. Furthermore, the proposal is consistent with achieving the desired future character of the locality, and the visual impacts on the streetscape, through limiting the built form of the proposed development and retaining as well as enhancing vegetation within setback areas.

Based on the above, the variations to the control are supported on merit in this instance, as the proposed development is considered to satisfy the outcomes of the this clause.

D9.11 Landscaped Area - Environmentally Sensitive Land

Required Landscaped Area: 60% (471.18m²)

Proposed Landscaped Area: 38% (297.6m²)

Proposed Landscaped Area with variations: 48% (374.9m²)

The proposed development is technically non-compliant with the control that requires 60% of the total site area to be dedicated towards landscaping. The proposal seeks to vary this control reducing the overall landscaped area to 38% (297.6m²). The variations in this clause allow for a revised landscaped area calculation to include impervious areas less than 1m in width, and up to 6% of the total site area if used for outdoor recreational purposes. The revised landscaped area including these variations is 46%. Consideration is given that development consent. DA2017/1385 granted consent for a 43.8% landscaped area for the subject site. While the proposal results in a further non-compliance in landscaped area and the removal of two (2) canopy trees, the submitted landscape plan and conditions recommended by Council's Landscape Officer demonstrates that the landscaped character of the site will be enhanced. Replacement plantings, including native canopy trees, are proposed throughout the site, with extensive plantings included within the front setback area to assist with visually reducing the built form of the development when viewed from Rednal Street. The application also seeks the removal of the existing driveway and hard stand area to the south of the existing dwelling, to help maximise the infiltration of water and minimise stormwater run-off. The proposal is not considered to result in an unreasonable impact on the amenity, privacy and solar access provided to neighbouring properties.

Based on the above, the non-compliance is supported on merit and considered acceptable in this particular instance.

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

Pittwater Section 94 Development Contributions Plan

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 DA2019/0298 for Alterations and additions to a dwelling house on land at Lot 29 DP 24428, 62 Rednal Street, MONA VALE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-A-050, Rev. B (Site Plan)	30 May 2019	Quattro Architecture
DA-A-100, Rev. B (Lower Ground Plan)	30 May 2019	Quattro Architecture
DA-A-101, Rev. B (Ground Plan)	30 May 2019	Quattro Architecture
DA-A-102, Rev. B (Roof Plan)	30 May 2019	Quattro Architecture

DA-A-200, Rev. B (Elevation Sheet 1)	30 May 2019	Quattro Architecture
DA-A-201, Rev. B (Elevation Sheet 2)	30 May 2019	Quattro Architecture
DA-A-250, Rev. B (Section Sheet 1)	30 May 2019	Quattro Architecture
DA-A-251, Rev. B (Section Sheet 2)	30 May 2019	Quattro Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report, J1589	21 December 2017	White Geotechnical Group
Arboricultural Impact Assessment	December 2019	Bluegum Tree Care and Consultancy
BASIX Certificate, A327374	8 March 2019	Quattro Architecture 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:

Landscape Plans		
Drawing No.	Dated	Prepared By
L-01, Rev. C (Landscape Plan)	19 December 2017	Space Landscape Designs

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. **Security Bond**

A bond (determined from cost of works) of \$2,000 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

5. **Stormwater Disposal**

A drainage plan in accordance with Clause B5.11 of Pittwater 21 DCP and certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the proposed structure shall be submitted for approval. Stormwater shall be conveyed from the site in accordance with the recommendations of the Geotechnical Report by White Geotechnical Group.

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

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

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 dated 21st December, 2017 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. **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.

8. **Flooding**

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

Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 3 m AHD. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed cut electricity supply during flood events.

Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 3 m AHD unless adequately protected from floodwaters in accordance with industry standards.

Fencing – H1

All new fencing on the property must be designed with a minimum of 50% open area between the 1% flood level of 2.52 m AHD and the natural ground level, to allow flood waters to pass through.

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

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

9. **Estuarine Hazard Design Requirements**

The following applies to all development:

All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes.

To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level.

Reason: To minimise potential hazards associated with development in an estuarine habitat.

10. **Estuarine Planning Level Requirements**

An Estuarine Planning Level (EPL) of 2.52m AHD has been adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

- All structural elements below 2.52m AHD shall be of flood compatible materials;
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above 2.52m AHD or waterproofed to this level; and
- The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below 2.52m AHD.
- All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 2.52m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 2.52m AHD to avoid the likelihood of contact with splashing waves and spray.

Reason: To ensure aspect of the development are built at the appropriate level

11. **Compliance with Standards**

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

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

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

12. Sydney Water "Tap In"

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

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

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

13. Tree protection measures

A Project Arborist with AQZ Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures for the existing tree nominated for retention and protection as Tree 2 (Broad-leaved White Mahogany) in the Arboricultural Impact Assessment report prepared by Bluegum Tree Care and Consultancy, including complying with the works outlined in section 7.1 Site Establishment, 7.2 During Construction, and 7.3 Post Construction Tree Care.

The Project Arborist shall attend site during excavation and construction works within the tree protection zone (TPZ) of existing Tree 2 as nominated in the Arboricultural Impact Assessment report.

The tree protection measures specified in this clause must:

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

The Project Arborist shall submit certification during all stages of the works (excavation and construction) and prior to Occupation Certificate to the Certifying Authority that all tree protection measures as recommended by the Project Arborist have been completed prior to the commencement of excavation and construction works, and have been appropriately maintained during the works.

Reason: to ensure tree protection is provided and maintained.

14. Tree removal

The following existing tree is granted approval for removal following assessment and recommendation in the Arboricultural Impact Assessment report prepared by Bluegum Tree Care and Consultancy:

- Tree 1 - Prickly-leaved Paperbark

It is noted that an existing Cabbage Tree Palm is located close to the existing building along the southern boundary area. As this palm is located within two metres (measured as 1.98m) from an existing approved building, approval for removal is not required, as determined in Council's

policy 'Removing and Pruning Trees on Private Land'

15. 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 (DACNED06)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. Road Reserve

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

Reason: Public Safety.

17. Vehicle Crossings

The provision of one vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/5 EL and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

18. Acid Sulfate Soil Management

Any new information which comes to light during the removal of the footings, or if any additional excavation is required, which has the potential to alter previous conclusions about the uncovering of Acid Sulphate Soil, and the findings of the report by White Geotechnical Group Report J1589 21/12/17, it must be notified to the Certifier as soon as reasonably practicable.

This development requires an Acid Sulphate Soil Management Plan, including disposal of affected soil to an approved facility, to be submitted to the certifier, before work commences.

Reason: To ensure potential Acid Sulphate Soil is appropriately managed.

19. Tree and vegetation protection

A) Existing trees and vegetation shall be retained and protected as follows:

i) all trees and vegetation within the site not impacted by development and as identified for retention in the Arboricultural Impact Assessment report prepared by Bluegum Tree Care and

Consultancy, 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 AS4970- 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.

Note: 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 significant planting on development and adjoining sites.

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

20. **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an AQF Level 5 Arborist, shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- i) compliance to Arborist recommendations for tree protection and excavation works.
- ii) extent of damage sustained by vegetation as a result of the construction works.

- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: to retain and protect significant planting on development sites.

21. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a NPER Civil Engineer. 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.

22. **Certification Elevated Parking Facility Work**

An appropriately qualified and practicing Structural Engineer shall certify to the Council / Principal Certifying Authority that the elevated parking facility was constructed in accordance with this consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation (or Subdivision)

Reason: Compliance with this consent

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

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

24. **Required planting**

The following tree/palm replacement planting shall be installed:

- i) at least one (1) *Livistona australis* (Cabbage Tree Palm) shall be planted within the front, rear or side setback, and installed through relocation of the existing Cabbage Tree or the installation of one with a minimum 75 litre container size.
- ii) at least one (1) *Melaleuca styphelioides* (Prickly-leaved Paperbark) shall be planted within the front or rear setback. Tree planting is to be installed at 75 litre container size, have a minimum individual area of 3 metres x 3 metres of soil area, and shall be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.

Shrub planting along the front boundary shall be planted in accordance with the Landscape Plan L-01, Rev C prepared by Space Landscape Designs.

Prior to the issue of an Occupation Certificate, a report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the planting works have been completed in accordance with the plans and any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity and soften the built form.

25. **House / Building Number**

House/building number is to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

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

26. **Landscape maintenance**

Any existing landscaping 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 natural life. Planting that may die or is removed must be replaced.

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

27. **Environmental and priority weed control**

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: preservation of environmental amenity.

28. **Wood burning/solid fuel fireplace**

The use of a wood burning/solid fuel fireplace is not approved as part of this consent.

Reason: To comply with the Protection of Environmental Operations Act 1997.

29. **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 the Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

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

Signed



Kent Bull, Planner

The application is determined on 20/06/2019, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments