

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0929
Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 2 DP 855598, 1 Allambie Road ALLAMBIE HEIGHTS NSW 2100
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	David William Watkins Richelle Ann Watkins
Applicant:	Rapid Plans Pty Ltd
Application Lodged:	28/08/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	17/10/2019 to 31/10/2019
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 415,800.00

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to a dwelling house. Specifically, the proposal comprises:

- The construction of a timber deck and access staircase on the eastern elevation;
- Internal alterations to the existing floor plan;
- An extension to the western elevation to include a new master bedroom with an attached ensuite and walk in robe, and the addition of two (2) new bedrooms;
- The construction of a timber deck and access staircase on the southern elevation;
- The construction of a 1.65m high timber fence along the southern front boundary;
- The construction carport in the front setback area;

- The construction of new roof;
- The construction of a storage area in the undercroft area of the proposed front deck on the southern elevation; and
- Associated soft 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

Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - C5 Erosion and Sedimentation
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
 Warringah Development Control Plan - D2 Private Open Space
 Warringah Development Control Plan - D6 Access to Sunlight
 Warringah Development Control Plan - D8 Privacy
 Warringah Development Control Plan - D9 Building Bulk
 Warringah Development Control Plan - E1 Preservation of Trees or Bushland Vegetation
 Warringah Development Control Plan - E6 Retaining unique environmental features

SITE DESCRIPTION

Property Description:	Lot 2 DP 855598 , 1 Allambie Road ALLAMBIE HEIGHTS NSW 2100
Detailed Site Description:	The subject site consists of one (1) allotment located on the corner of Allambie Road and Kentwell Road in Allambie Heights. Vehicle access to the site is currently maintained from Kentwell Road. The site is irregular in shape with a frontage of 27.3m along Kentwell Road, a secondary frontage of 16.14m along

Allambie Road and a depth of 18.51m along the western side boundary. The site has a surveyed area of 511.3sqm.

The site is located within the R2 Low Density Residential zone and accommodates a detached single storey dwelling house.

The site contains a small landscaped open space area within the front yard and concrete/paved areas within the front yard and western side portion of the site. A number of trees of varying sizes are located throughout the subject site.

The site experiences a fall of approximately 3.5m that slopes towards the southern front boundary (Kentwell Road).

The site is mapped as being located within 'Landslip Area B' under the provisions of the *Warringah Local Environmental Plan 2011* (WLEP 2011).

Detailed Description of Adjoining and Surrounding Development

Adjoining and surrounding development is largely characterised by one (1) and two (2) storey detached dwelling houses. A number of shop top housing developments are located approximately 80m east from the subject site (along Kentwell Road).

Map:



SITE HISTORY

The site has been used for residential purposes for an extended period of time. As 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	Warringah Development Control Plan 2011 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)	<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 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <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.
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 Warringah Development Control Plan 2011 section in this report. (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	The site is considered suitable for the proposed

Section 4.15 Matters for Consideration'	Comments
site for the development	development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Leanne Van Hurten	

One (1) submission was received during the Notification Period from the residents of the western adjoining property 54A Kentwell Road, Allambie Heights.

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

- Concerns that the proposed development will result in a built upon area of 374.67sqm, which greater than the allowable 306.78sqm for the site.
- Concerns that the proposed development will result in a landscaped open space area of 27% of the total site area.
- Concerns that a reduced setback of 0.91m from the western side boundary will result in an increased morning shadow that would substantially restrict solar access to the private open space area located along the eastern side boundary of 54A Kentwell Road.
- Concerns that the windows located along the western elevation of the dwelling will result in direct overlooking into the private open space area located along the eastern side boundary of 54A Kentwell Road.
- Concerns that the proposed development is not in accordance with the character of the Allambie Heights Locality.
- Concerns that the bulk and scale of the proposal, in conjunction with the reduced setbacks will adversely impact their only usable outdoor space located along the eastern side boundary of 54A Kentwell Road.

The matters raised within the submissions are addressed as follows:

- Concerns that the proposed development will result in a built upon area of 374.67sqm, which greater than the allowable 306.78sqm for the site.
Comment: The site coverage numerical control entailed within the WDCP 2011 does not apply to the subject site.
- Concerns that the proposed development will result in a landscaped open space area of 27% of the total site area.
Comment: The proposed development does not comply with the landscaped area numerical control of 40% of the total site area. Please refer to the detailed discussion provided under Section D1 Landscaped Open Space and Bushland Setting of this report.
- Concerns that a reduced setback of 0.91m from the western side boundary will result in an increased morning shadow that would substantially restrict solar access to the private open space area located along the eastern side boundary of 54A Kentwell Road.
Comment: Please refer the detailed discussion provided under Section D6 Access to Sunlight of this report.
- Concerns that the windows located along the western elevation of the dwelling will result in direct overlooking into the private open space area located along the eastern side boundary of 54A Kentwell Road.
Comment: Please refer the detailed discussion provided under Section D8 Privacy of this report.
- Concerns that the proposed development is not in accordance with the Allambie Heights Locality.
Comment: The WDCP 2011 contains no locality based provisions specifically relating to Allambie Heights.
- Concerns that the bulk and scale of the proposal, in conjunction with the reduced setbacks will adversely impact their only usable outdoor space located along the eastern side boundary of 54A Kentwell Road.
Comment: Please refer to the detailed discussion provided under Section D9 Building Bulk of this report.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The DA is considered acceptable with regard to the relevant controls relating to landscape issues, subject to conditions. Planner Comments 17 October 2019 Council's Landscape Officer has assessed the application and raised

Internal Referral Body	Comments
	no objections, subject to conditions. Upon assessing this application against the requirements of Clause D1 and D2 of the WDCP 2011, two (2) additional landscaping conditions have been recommended to ensure that sufficient dimensions of landscaped open space are provided throughout the site and that privacy between dwellings is maintained. These conditions are as follows: • The existing impervious area located to the east of the proposed carport is to be removed and replaced with soft landscaping (grass surface); and • The <i>Murraua paniculata</i> (orange jessamine) screen planting proposed along the southern and eastern boundaries is to be planted along the western boundary for a length of 7.5m, measured from the front boundary (Kentwell Road) towards the rear boundary. The screen planting is to be installed at a minimum 15L pot size and planted no more than 1m apart.
NECC (Development Engineering)	No objections are raised to the proposed development, subject to conditions.

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. A350894 dated 14 June 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.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	6.43m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	4.79m	-	Yes
B3 Side Boundary Envelope	4m	Within Envelope (East)	-	Yes
	4m	Within Envelope (West)	-	Yes
B5 Side Boundary Setbacks	0.9m	0.96m (North)	-	Yes
B7 Front Boundary Setbacks - Kentwell Road	6.5m	0m (front fence), 0.37m (carport), 5.63m (front deck) and 7.42m (western portion of dwelling) (South)	94.31% (carport) and 13.38% (front deck)	No
B7 Front Boundary Setbacks (Secondary Frontage) - Allambie Road	3.5m	0.93m (entry deck staircase on eastern elevation) - 3.71m (eastern elevation deck) (East)	73.43% (entry deck staircase on eastern elevation)	No
B9 Rear Boundary Setbacks (Corner Allotments)	0.9m	0.91m - 1.09m (West)	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (204.52sqm)	25.17% (128.7sqm)	37.08%	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	No	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	No	Yes
D7 Views	Yes	Yes
D8 Privacy	No	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D13 Front Fences and Front Walls	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B7 Front Boundary Setbacks

Description of non compliance

Clause B7 of the WDCP 2011 stipulates that all development (excluding driveways, letter boxes, garbage storage areas and fences) is to be setback at least 6.5m from the front boundary. Furthermore, Clause B7 of the WDCP 2011 also states that the 6.5m front setback requirement may be reduced to a minimum of 3.5m for sites that contain a secondary frontage. The application proposes the following setbacks from the front (Kentwell Road) and secondary (Allambie Road) frontages:

- The proposed carport would be setback 0.37m from the southern front boundary (Kentwell Road);
- The proposed front deck would be setback 5.63m from the southern front boundary (Kentwell Road); and
- The proposed entry staircase to the proposed deck on the eastern elevation would be setback 0.93 from the eastern boundary (secondary frontage on Allambie Road).

As a consequence, the aforementioned elements of the proposed development fail to comply with the requirements of the Control. It is noted that there are a number of carport and garage structures located within the 6.5m front setback area along the northern side of Kentwell Road.

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 create a sense of openness.*

Comment:

The proposed carport is an open structure with no enclosed walls and would be constructed to a maximum height of 2.69m above the existing ground level. Furthermore, the proposed carport would occupy less than 20% of the 6.5m front setback area. The proposed front deck would be located behind the established front building line along the northern side of Kentwell Road. The proposed entry staircase to the proposed deck on the eastern elevation would occupy an area of approximately 5.2sqm, therefore will not dominate the secondary frontage area. As such, it is considered that the proposed development provides a sense of openness within the front and secondary frontage setback areas.

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

Comment:

As noted above, the proposed front deck will be located behind the established front building line along the northern side of Kentwell Road. Whilst the proposed carport is located 0.37m from the southern front boundary, there are a number of carport and garage structures located within the 6.5m front setback area along the northern side of Kentwell Road. As such, it is considered that the proposed development maintains the visual continuity and pattern of development along the northern side of Kentwell Road. Whilst the proposal is non-compliant by virtue of the landscaped open space numerical control, the application proposes an additional 6.12% of the total site area (31.3sqm) as landscaped open space. To ensure that sufficient landscape elements are provided throughout the site, a condition is recommended with this consent requiring a portion of the proposed impervious area to be removed and replaced with soft landscaping.

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

Comment:

The proposed development is largely located behind the established front building line along the northern side of Kentwell Road. Whilst the proposal is located in front of the established building line along Allambie Road (secondary frontage), it is noted that the existing dwelling is currently located in front of the established building line. Furthermore, a number of significant trees are located along the eastern boundary (secondary frontage), which will screen the built form when viewed from Allambie Road. As such, it is considered that the proposal will not adversely impact the visual qualities of the streetscape.

- *To achieve reasonable view sharing.*

Comment:

The proposal will not give rise to adverse view loss impacts to adjoining properties.

Having regard to the above assessment, it is considered that the relevant Objectives of the Control have been achieved. Therefore, the application is supported on merit.

C5 Erosion and Sedimentation

The plans submitted with this application indicate that a sediment control fence will be installed along the eastern, southern and western boundaries. A condition has been recommended with this consent requiring the sediment and erosion control measures to be installed and remain in proper operation until all development activities have been completed and the site is fully stabilised.

D1 Landscaped Open Space and Bushland Setting

Description of non compliance

Clause D1 of the WDCP 2011 stipulates that all development is to provide at least 40% (204.52sqm) of the site area as landscaped open space (LOS). In calculating LOS, areas with dimensions less than 2m are excluded from the calculation. The application proposes a LOS area of 25.17% (128.7sqm) of the site area, which fails to comply with this Control. By including landscaped areas less than 2m, the site would contain a landscaped area of 26.56% (135.8sqm) of the site area. It is noted that the site currently contains a LOS area of 19.05% (97.4sqm).

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 enable planting to maintain and enhance the streetscape.*

Comment:

The application proposes landscaping improvements within the front setback area. These improvements are as follows:

- Additional soft landscaping throughout the primary and secondary frontages;
- *Murraya paniculata* (orange jessamine) screen planting along a portion of the southern front boundary and a portion of the eastern boundary (secondary frontage); and
- The addition of an *Angophora costata* (smooth-barked apple) within the south-west front corner of the site.

Furthermore, Council's Landscape Officer has assessed the application and recommended that the applicant plants an additional tree within the front yard. The tree is to be capable of attaining a minimum height of 5m at maturity and is to be planted prior to the issue of an Occupation Certificate. It is considered that the proposed landscaping provisions, in conjunction with the recommended planting and existing planting along the eastern boundary, will soften the built form and contribute to an attractive streetscape.

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

Comment:

The proposed development will not result in the removal of significant indigenous vegetation or landscape features.

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

Comment:

The application proposes landscaping improvements within the primary and secondary frontages that will soften the built form. To ensure that the site contains a sufficient amount of LOS that is capable of maintaining further soft landscaping and vegetation planting, a condition has been recommended with this consent requiring a portion of an existing impervious area located to the east of the proposed carport to be removed and replaced with soft landscaping (grass surface). Subject to compliance with the recommended condition, the proposal will provide sufficient LOS dimensions that are capable of further planting and vegetation growth to mitigate the height, bulk and scale of the dwelling. .

- *To enhance privacy between buildings.*

Comment:

The proposed screen planting, in conjunction with the recommended conditions for high window sills along the western elevation (refer to Section D8 Privacy of this report for detailed discussion) and additional landscaping, will ensure that privacy between buildings is maintained.

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

Comment:

The proposed decks on the southern and eastern elevations, in conjunction with the landscaped areas within the primary and secondary frontages, will provide appropriate recreational opportunities to sufficiently meet the needs of the occupants.

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

Comment:

The site will contain a sufficient amount of space to service functions, including cloths drying.

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

Comment:

As the site slopes towards the eastern front boundary, stormwater will be directed to the primary frontage. It is considered that the LOS provisions, as recommended by condition, are sufficient to facilitate stormwater infiltration.

Having regard to the above assessment, it is considered that the relevant Objectives of the Control have been achieved. Therefore, the application is supported on merit.

D2 Private Open Space

Description of non compliance

Clause D2 of the WDCP 2011 stipulates that residential development is to include private open space (POS) for each dwelling as follows:

- Dwelling houses (including dual occupancy) and attached dwellings with three (3) or more bedrooms provide at least 60sqm as POS with minimum dimensions of 5m.

Furthermore, this control also stipulates that private open space shall not be located in the primary front setback area. The proposed development provides 99.6sqm of open space (LOS in primary front setback) that meets the minimum dimensions of 5m. However, this area is located in the primary front setback, therefore is not included in the POS calculation. As a consequence, the proposal 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:

- *To ensure that all residential development is provided with functional, well located areas of private open space.*

Comment:

The existing dwelling is located approximately 1.2m from the northern boundary, therefore there are no existing provisions for POS within the northern area of the site. The site currently contains 41.6sqm of paved open space within the western portion of the site (behind the building line) that is included in the POS calculation. The application proposes to extend the existing dwelling along the western elevation, thus removing the existing paved POS within this area. Consequently, the application proposes no POS that is located outside of the primary front building setback. However, the application proposes two (2) new decks that would be directly accessible from living spaces within the dwelling. The proposed decks would provide 50.4sqm of open space, of which will provide appropriate recreational opportunities to meet the needs of the occupants. It is noted that the application proposes 99.6sqm of open space within the front yard as a consequence of the existing dwelling being setback 1.2m from the northern boundary. Any alternative designs of a single storey scale that would enable POS within the western portion of the site would require the dwelling to be constructed towards the southern front boundary, which would encroach into the established front building line along the northern side of Kentwell Road. In this regard, it is considered that the proposed open space area within the primary front setback area is suitable to serve as a function of POS, as the 4m high screen planting proposed along southern front

boundary will screen the area from Kentwell Road. To ensure that the area is screened from the western adjoining property 54A Kentwell Road, a suitable condition has been recommended with this consent requiring the proposed *Murraya paniculata* (orange jessamine) screen planting to be included along the a portion of the western side boundary. Subject to compliance with the recommended condition noted above, the proposal would provide functional, well located areas of POS.

- *To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.*

Comment:

As noted above, the proposed development includes two (2) elevated decks that would be directly accessible from living spaces within the dwelling. Furthermore, the proposed open space area within the primary front setback area will be accessible from living spaces within the dwelling via the proposed elevated deck on the southern elevation.

- *To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.*

Comment:

The proposed open space areas will have negligible privacy impacts on the western adjoining property 54A Kentwell Road, as the principle POS is located at the rear of the property along the eastern side boundary. A submission was received during the Notification Period from the residents of the western adjoining property addressing concerns that the proposed setback of 0.91m from the western side boundary would restrict solar access to the adjoining POS. However, this matter is discussed within Section D6 Access to Sunlight of this report. Furthermore, the submission also stated that the proposed windows along the western elevation would result in direct overlooking into the adjoining POS. However, this matter is addressed within Section D8 Privacy of this report.

- *To ensure that private open space receives sufficient solar access and privacy.*

Comment:

The shadow diagrams submitted with this application indicate that less than 50% of the open space within the front setback area would receive three (3) hours of solar access between the hours of 9am and 3pm on June 21 as a result of the proposed development. It is noted that this less than 50% of this area currently receives three (3) hours of solar access between the hours of 9am and 3pm on June 21. This is a result of the existing dwelling being setback 1.2m from the northern boundary and facing towards a southern aspect, which results in extensive shadows being cast over the primary front setback area. Furthermore, the siting of the western adjoining property (54A Kentwell Road) results in shadows being cast over the open space area within the primary front setback area. It is noted that an alternate design for a single storey dwelling would allow for POS to be located in the western portion of the site, however that would require the dwelling to be constructed towards the southern front boundary, which would encroach into the established front building line along the northern side of Kentwell Road. As the proposed development enables over 50% of the western adjoining property's (54A Kentwell Road) POS to maintain over three (3) hours of solar access between 9am and 3pm on June 21, it is considered that the proposed open space within the front setback area is sufficient, having regard to the siting of the existing dwelling house. Subject to the installation of the proposed screen planting, in conjunction to the recommended condition requiring screen planting along a portion of the

western boundary, the proposed open space area within the front yard will allow the occupants of the site to maintain sufficient access to privacy.

Having regard to the above assessment, it is considered that the relevant Objectives of the Control have been achieved. Therefore, the application is supported on merit.

D6 Access to Sunlight

Description of non compliance

Clause D6 of the WDCP 2011 stipulates that at least 50% of the required area of POS for the subject site and adjoining properties are to receive a minimum three (3) hours of sunlight between 9am and 3pm on June 21. The shadow diagrams submitted with this application indicate that less than 50% of the open space within the front yard would receive three (3) hours of solar access between 9am and 3pm on June 21 as a result of the proposed development. As a consequence, the proposed development fails to comply with the requirements of this Control. It is noted that less than 50% of this area currently receives three (3) hours of solar access between the hours of 9am and 3pm on June 21.

Merit Assessment

However, a variation to the Control is provided in the following circumstances:

i) the slope or topography of the site or adjoining property makes compliance impractical;

Comment:

The site experiences a fall of approximately 3.5m towards the southern front boundary. The existing dwelling is located 1.2m from the northern boundary, therefore is elevated above the proposed open space area in the primary front setback area (south portion of property). The existing dwelling on site currently casts extensive shadows over the front yard as a consequence of the following factors:

- The slope of the land;
- The southern orientation of the dwelling; and
- The elevated siting of the dwelling.

Having regard to the above-mentioned factors, it is considered that compliance with the Control is impracticable.

ii) other design factors have been investigated which would comply but would unreasonably constrain development of an otherwise compliant building.

Comment:

As discussed earlier within this report, it is noted that an alternative design for a single storey dwelling would require the dwelling to be constructed towards the southern front boundary, which would encroach into the established front building line along the northern side of Kentwell Road. The proposed dwelling house would be constructed to a height of 6.43m above the existing ground level, therefore a first floor addition would likely encroach into the 8.5m maximum building height development standard. Having regard to the above-mentioned factors, it is considered that compliance with the Control is impractical.

Based on the information discussed above, it is considered that a variation to the Control is supported in this particular circumstance.

The submission received during the Notification Period from the residents of the western adjoining property 54A Kentwell Road addressed concerns that the proposed setback of 0.91m from the western side boundary would restrict solar access to the adjoining POS located along the eastern side boundary of 54A Kentwell Road.

In addressing these concerns, the proposed development is considered against the underlying Objectives of the Control as follows:

- *To ensure that reasonable access to sunlight is maintained.*

Comment:

The shadow diagrams submitted with this application indicate that the proposed development will cast extensive shadows over the adjoining POS at 9am on June 21. However, the shadow diagrams indicate that well over 50% of the POS will receive sufficient solar access between 12pm and 3pm on June 21. As such, it is considered that the proposed development will ensure that reasonable access to sunlight is maintained on the western adjoining property.

- *To encourage innovative design solutions to improve the urban environment and public open space.*

Comment:

As noted above, the proposed development will ensure that reasonable access to sunlight is maintained on the western adjoining property 54A Kentwell Road.

- *To promote passive solar design and the use of solar energy.*

Comment:

This Objective is not of relevance to the concerns addressed within the submission prepared by the residents of the western adjoining property 54A Kentwell Road.

Having regard to the above assessment, it is considered that the relevant Objectives of the Control have been achieved. Therefore, the application is supported on merit.

D8 Privacy

Description of non compliance

Clause D8 of the WDCP 2011 stipulates that building layout should be designed to optimise privacy for occupants of the development and occupants of the adjoining properties. A submission was received from the residents of the western adjoining property 54A Kentwell Road addressing concerns that the windows located along the western elevation of the proposed development would result in direct

overlooking into the POS located along the eastern side boundary of 54A Kentwell Road. In addressing these concerns it is noted that the western elevation of the proposed development would contain three (3) windows. The windows would be located as follows:

- One (1) window would be located in Bedroom 3, would contain a sill height of 0.9m above the finished floor level and be setback 0.91m from the western side boundary;
- One (1) window would be located in the ensuite attached to the proposed Master Bedroom, contain a sill height of 1.2m above the finished floor level and be setback 0.98m from the western side boundary; and
- One (1) window would be located in the Master Bedroom, contain a sill height of 0.9m above the finished floor level and be setback 1.02m from the western side boundary.

As a consequence of the siting and size of the windows, the three (3) windows would result in potential overlooking into the western adjoining property's POS along the eastern side boundary, which fails to comply with this Control. It is noted that the western adjoining property contains landscape screening along the eastern side 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 ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

The proposed windows would be located between 0.91m and 1.02m from the western side boundary. The finished floor level of the proposed western extension would be located between 1.13m and 2.25m above the existing ground level. As a consequence, the elevated levels would allow the occupants of the proposed dwelling to obtain a views over the adjoining property's screen planting into the POS along the eastern side boundary. The mitigate the opportunity for overlooking, a condition has been recommended with this consent requiring all three (3) windows to be re-designed to contain a sill height of at least 1.5m above the finished floor level. Subject to compliance with the recommended condition noted above, the proposal would provide a building design that encourages a high level of visual and acoustic privacy for the occupants of the subject site and 54A Kentwell Road.

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

Comment:

Subject to compliance with the recommended condition noted above, the proposal would provide a design that is considered acceptable in the context of the site and surrounding locality.

- *To provide personal and property security for occupants and visitors.*

Comment:

Subject to compliance with the recommended condition noted above, the occupants will maintain a

sense of personal and property security.

Having regard to the above assessment, it is considered that the relevant Objectives of the Control have been achieved. Therefore, the application is supported on merit.

D9 Building Bulk

A submission was received from the occupants of the western adjoining property 54A Kentwell Road. The submission stipulated that the bulk and scale of the proposal, in conjunction with the reduced setbacks, will adversely impact their POS along the eastern boundary. Accordingly, the proposal is assessed against the objectives of this Control as follows:

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment:

Through developing into the western portion of the site, the proposal provides a design that is compliant by virtue of the side setback and building envelope controls. Furthermore, whilst the proposed deck on the southern elevation (front) provides a minor encroachment into the 6.5m front setback area, the proposed development provides a front boundary setback that is in line with the established front building line along the northern side of Kentwell Road. Having regard to the established siting of the existing dwelling, it is considered that the proposed development provides a design that is suitable in the context of the subject site and surrounding locality.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The submission noted concerns of the proposed setback between 0.91m and 1.09m along the western boundary. However, the WDCP 2011 stipulates that the 6.5m rear setback control does not apply on corner lots, therefore the proposed setback along the western boundary is compliant by virtue of the 0.9m side setback control. Subject to conditions, the proposal will provide raised window sills along the western elevation to alleviate any privacy concerns. Furthermore, the proposed development will be sited in line with the established front building line along the northern side of Kentwell Road. Subject to compliance with the recommended conditions for landscaping, the visual impact of the proposed development will be minimised when viewed from adjoining properties and the street.

Having regard to the above assessment, it is considered that the relevant Objectives of the Control have been achieved. Therefore, the application is supported on merit.

E1 Preservation of Trees or Bushland Vegetation

Council's Landscape Officer 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.

E6 Retaining unique environmental features

Council's Landscape Officer 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.

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 \$4,158 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$415,800.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/0929 for Alterations and additions to a dwelling house on land at Lot 2 DP 855598, 1 Allambie Road, ALLAMBIE 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
DA1003 - Site Plan	12 July 2019	Rapid Plans
DA1014 - Sediment & Erosion Control Plan	12 July 2019	Rapid Plans
DA2001 - Lower Ground Floor	12 July 2019	Rapid Plans
DA2002 - Ground Floor Plan	12 July 2019	Rapid Plans
DA2003 - Roof Plan	12 July 2019	Rapid Plans
DA3001 - Section 1	12 July 2019	Rapid Plans
DA3002 - Sections 2 and 3	12 July 2019	Rapid Plans
DA4001 - Elevations - North and South	12 July 2019	Rapid Plans
DA4002 - Elevations - South and West	12 July 2019	Rapid Plans
DA4003 - Elevation - Front Fence	12 July 2019	Rapid Plans

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A350894	14 June 2019	Rapid Plans

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
DA1013 - Landscape Plan	12 July 2019	Rapid Plans

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	not dated	Rapid Plans

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 \$4,158.00 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 \$415,800.00.

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. **Stormwater Disposal**

The Applicant is to demonstrate stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Warringah Water Management Policy PL850. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

7. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- The three (3) windows located on the western elevation are to be amended to include sill heights no less than 1.5m above the finished floor level.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

8. **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.

9. **Compliance with Standards**

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

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

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

10. **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.

11. 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

12. Tree protection

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 30mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 30mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. 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.

14. **Protection of rock and sites of significance**

a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

15. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

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

16. **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.

17. **Required Planting**

Trees shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Pot Size
1	Tree species capable of attaining a minimum height of 5 metres at maturity	Front Yard	200mm

Additionally, landscaping work is to be implemented in accordance with the following requirements:

- The existing impervious area located to the east of the proposed carport is to be removed and replaced with soft landscaping (grass surface); and
- The *Murraua paniculata* (orange jessamine) screen planting proposed along the southern and eastern boundary is to be planted along the western boundary for a length of 7.5 metres, measured from the front boundary (Kentwell Road) towards the rear boundary. The screen planting is to be installed at a minimum 15L pot size and planted no more than 1 metre apart.

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

Reason: To maintain environmental amenity.

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

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

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

Reason: To ensure bushland management. (DACPLF01)

19. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

Signed



Thomas Burns, Planner

The application is determined on 05/11/2019, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments