

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2022/1363
Responsible Officer:	Adam Urbancic
Land to be developed (Address):	Lot 13 DP 6195, 3 Orana Road MONA VALE NSW 2103
Proposed Development:	Demolition works and construction of a dwelling house including swimming pool, detached garage and studio
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Steven Paul Halpin Julie-Anne Halpin
Applicant:	Sheralee Patricia Hogan
Application Lodged:	25/08/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	08/09/2022 to 22/09/2022
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 2,010,000.00

PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for demolition works and the construction of a dwelling house including a garage with studio above, as well as a swimming pool and spa.

Amended Plans

During the assessment process, the applicant provided amended plans to address Council's concerns in relation to the degree of non-compliance with the prescribed building envelope on the south-western elevation of the dwelling house and the removal of the existing Crimson Bottlebrush (*Callistemon citrinus*) within the road reserve. Amended plans were also provided at the request of the Assessing Officer to clarify the areas of the site that are landscaped area and in relation to the overshadowing of the solar panels on the roof of the adjoining property at 1 Orana Road. The amended plans reduced the

degree of non-compliance with the prescribed building envelope on the south-western elevation of the dwelling house and included minor adjustments to the driveway to allow for the retention of the existing tree within the road reserve. In line with the Northern Beaches Community Participation Plan, as the amendments resulted in a development of a lesser or reduced environmental impact than that originally proposed, the amended application was not required to be re-notified.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - C1.3 View Sharing
 Pittwater 21 Development Control Plan - C1.4 Solar Access
 Pittwater 21 Development Control Plan - C1.5 Visual Privacy
 Pittwater 21 Development Control Plan - C1.6 Acoustic Privacy
 Pittwater 21 Development Control Plan - C1.14 Separately Accessible Structures
 Pittwater 21 Development Control Plan - D9.1 Character as viewed from a public place
 Pittwater 21 Development Control Plan - D9.3 Building colours and materials
 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 - D9.10 Landscaped Area - General
 Pittwater 21 Development Control Plan - D9.12 Fences - General

SITE DESCRIPTION

Property Description:	Lot 13 DP 6195 , 3 Orana Road MONA VALE NSW 2103
Detailed Site Description:	The subject site consists of one (1) allotment located on the south-eastern side of Orana Road. The site is regular in shape with a frontage of 15.24m along Orana Road and a depth of 60.96m. The site has a surveyed area of 929m².

The site is located within the R2 Low Density Residential zone and accommodates a single storey brick dwelling house with a tiled roof and attached carport located towards the street frontage, along with two (2) brick outbuildings with tiled roofs located in the centre of the site.

The site has an overall slope of 12.66% and falls 7.8m from the north-eastern corner of the site to the south-western corner of the site.

The site contains a number of small to medium trees, medium to high shrubs and groundcover vegetation including turf.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one (1) and two (2) storey dwelling houses and dual occupancies of varying architectural styles within a landscaped setting.

Map:



SITE HISTORY

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

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 29</u> of the EP&A Regulation 2021 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 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to amended architectural plans including amended shadow diagrams. <u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 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 Pittwater 21 Development

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 08/09/2022 to 22/09/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mrs Pamela Louise Faulkner	5 Orana Road MONA VALE NSW 2103
Mr Zeljan Tomasich Mrs Linda Tomasich	1 Orana Road MONA VALE NSW 2103

The following issues were raised in the submissions:

- View Impacts;
- Acoustic Privacy;
- Bulk and Scale/Visual Impact/Size of Development;
- Potential Dual Occupancy;
- Visual Privacy; and
- Solar Access.

The above issues are addressed as follows:

- **View Impacts**

The submission raised concern that the proposed development will impact upon locality views available to the south and south-west from the adjoining property at 5 Orana Road due to the height of the development.

Comment:

A view assessment has been undertaken as part of this assessment and it has been concluded that the minor view impact resulting from the proposed development is acceptable.

Refer to the discussion under Clause C1.3 of P21DCP within this report for further information.

This does not warrant the refusal of the development application.

- **Acoustic Privacy**

The submission raised concern regarding the acoustic impacts of the pool and spa pumps, as these are located adjacent to two (2) bedrooms at 5 Orana Road.

Comment:

A condition has been included to ensure that the noise generated by the pool filter does not exceed 5dB(A) above the background noise when measured from the nearest property boundary to ensure that a reasonable level of acoustic privacy is maintained to the adjoining properties.

This does not warrant the refusal of the development application.

- **Bulk and Scale/Visual Impact/Size of Development**

The submission raised concern that the proposed development will dominate the landscape and change the look of the area due to its bulk and scale, overall size and reduced green space.

Comment:

Although the proposed development does not achieve full compliance with all built form controls under P21DCP, an assessment has found that the proposed development achieves the outcomes of the relevant controls.

In terms of landscaped area (green space), the proposed development provides the required proportion of the site area as landscaped area when including the permitted variations under Clause D9.10 of P21DCP, with the existing Crimson Bottlebrush (*Callistemon citrinus*) within the road reserve retained and significant additional landscaping proposed across the site to ensure that the landscaped setting is maintained.

This does not warrant refusal of the development application.

- **Potential Dual Occupancy**

The submission raised concern that the proposed development is a dual occupancy and that development consent has not been sought for this use.

Comment:

It is understood that this concern relates to the proposed studio located above the garage, which contains a bedroom, bathroom and living area with a wet bar. The submitted Statement of Environmental Effects states that it is intended to use the studio as an extension of the dwelling house.

As per Clause C1.14 of P21DCP, separately accessible structures may be permitted for use as a studio provided that the structure is ancillary to a dwelling, is not designed for separate habitation and does not contain any cooking facilities. A bathroom may be included within the structure as a permitted variation under the control if the use of the structure dictates the inclusion of such facilities.

As the structure has been proposed as a studio, rather than a separate dwelling, the proposed development constitutes a dwelling house, rather than a dual occupancy. Nevertheless, a condition has been included to ensure that the studio is not used as a separate dwelling and that cooking facilities are not provided within the studio.

Refer to the discussion under Clause C1.14 of P21DCP within this report for further information.

This does not warrant refusal of the development application.

- **Visual Privacy**

The submission raised concern that the proposed first floor of the dwelling house, which is located at the highest point of the land, will result in unreasonable overlooking of surrounding neighbours, including 1 Orana Road.

Comment:

Although the first floor of the dwelling house is located at the high point of the site, the three (3) windows located on the south-western elevation of the dwelling house are associated with two (2) bedrooms, which have sill heights of 1.5m from the finished floor level, and a bathroom, which contains frosted louvres. These windows do not facilitate direct overlooking between the private open space areas of the proposed development and the adjoining dwelling house at 1 Orana Road, therefore, these windows will not result in any unreasonable visual privacy impacts.

It was identified during the assessment process that the bedroom window on the north-eastern elevation of the proposed studio and the deck associated with the first floor rumpus room of the dwelling house may facilitate direct overlooking into the private open space areas of the adjoining dwellings at 5 Orana Road. A condition has been included to ensure that the sill height of the bedroom window is increased to be at least 1.7m from the finished floor level of the studio and that a privacy screen is included on the north-eastern side of the rumpus room deck.

Refer to the discussion under Clause C1.5 of P21DCP within this report for further information.

This does not warrant the refusal of the development application.

- **Solar Access**

The submission raised concern that the proposed development will block the northerly sunlight to the back courtyard and garden, and drastically reduce the sunlight to this area in winter.

Comment:

Whilst it is acknowledged that the proposed development will result in greater overshadowing of the adjoining property at 1 Orana Road when compared to the existing situation, the proposed

development achieves compliance with the requirements of Clause C1.4 of P21DCP and is therefore acceptable.

Refer to the discussion under Clause C1.4 of P21DCP within this report for further information.

This does not warrant the refusal of the development application.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Solid Fuel/Oil Heater)	<u>General Comments:</u> Environmental Health have been requested to consider this proposal for "Demolition works and construction of a dwelling house including swimming pool, detached garage and studio" in respect of the installation of a solid fuel heater in the alfresco area of the proposed development. In consideration of the proposal it is noted that the close proximity of the proposed solid fuel heater to bedrooms of the neighbouring property to the north would most likely result in smoke nuisance that may not be easily remedied even with an increase in flue height. For this reason it is considered that the proposal in its current form is not supported. <u>Recommendation:</u> NOT SUPPORTED <u>Planner Comment:</u> As the solid fuel heater is not supported, a condition will be placed stating that no solid fuel heaters are authorised under this development consent and that any heater must be gas only.
Landscape Officer	The proposal is supported with regard to landscape issues. <u>Additional Information Comment 21/10/22:</u> The amended plans and Arborist statement (18/10/22) is noted. All trees within the property boundary are shown to be removed; however, as indicated on the Landscape Plan all these trees are exempt by species or height thus do not require consent for removal. One street tree is proposed to be removed to accommodate the driveway, which can be supported, and a replacement street tree shall be installed as outlined in the conditions of consent. Pruning more than 10% of the canopy of existing trees to be retained is not permissible. The landscape proposal includes replacement tree planting which will help to offset any canopy loss, and all proposed planting shall meet the requirements outlined in the conditions of consent. Existing vegetation is shown to be retained in various location's and as such this vegetation must be retained and protected.

Internal Referral Body	Comments
	Should any existing vegetation shown to be retained be damaged or removed during construction, it shall be replaced with a like-for-like substitute to ensure the existing landscape character is maintained. A roof garden, adjacent to the garage, is shown on the plans although no indication of soil depth is shown. To enable successful planting in the roof garden, minimum soil depths must comply with the requirements outlined in the conditions of consent. <u>Original Comment Summary:</u> concern was raised regarding the removal of the street trees and the driveway design was requested to be amended.
NECC (Development Engineering)	The proposed new crossing width and grades are acceptable. It is noted that Council's Landscape Officer requires further information with respect to the street trees. If the driveway is altered then the application will need to be reassessed by Development Engineering. The proposal does not require OSD and connection of stormwater to the kerb is acceptable. Development Engineering support the proposal, subject to conditions as recommended. <u>Planner Comment:</u> The amended plans resulted in only a minor adjustment to the location and design of the driveway which will not significantly alter the original assessment undertaken by Council's Development Engineer, therefore, the amended application was not referred back to Council's Development Engineer for comment. All conditions originally recommended have been included.

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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 (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been submitted with the application (see Certificate No. 1315906M_02, dated 19 October 2022). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 0007832160, dated 19 October 2022).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	71

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 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 who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	Garage/Studio: 5.56m	Yes
		Dwelling House: 6.66m	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
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation	Complies
Front building line	6.5m	7.1m - 8.0m to Garage/Studio	N/A	Yes
Rear building line	6.5m	5.0m to Rear Staircase	23.08% (1.5m)	No
		7.21m to Dwelling House	N/A	Yes
Side building line	2.5m (NE)	0.5m to Surfboard Storage/Outdoor Shower	80% (2.0m)	No
		1.6m to Fireplace/Alfresco	36% (0.9m)	No
		1.87m - 8.045m to Dwelling House (Ground Floor)	Up to 25.2% (0.63m)	No
		2.94m - 2.99m to Garage/Studio	N/A	Yes
		3.85m - 5.2m to Dwelling House (First Floor)	N/A	Yes
	1m (SW)	1.6m to Gym	N/A	Yes
		1.33m - 2.55m to Dwelling House	N/A	Yes
		3.2m - 3.3m to Garage	N/A	Yes

		4.74m to Swimming Pool	N/A	Yes
Building envelope	3.5m (NE)	Within Envelope	N/A	Yes
	3.5m (SW)	Outside Envelope	N/A	No
Landscaped area	50% (464.5m ²)	44.93% (417.4m ²)	10.14% (47.1m ²)	No

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
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	No	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D9.1 Character as viewed from a public place	No	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	No	Yes
D9.9 Building envelope	No	Yes
D9.10 Landscaped Area - General	No	Yes
D9.12 Fences - General	No	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

C1.3 View Sharing

An assessment of the view impacts of the proposed development has been undertaken from the adjoining property at 5 Orana Road, Mona Vale, which comprises an attached dual occupancy with one dwelling located at the front of the site and another located at the rear of the site. Both dwellings within the dual occupancy are under the same ownership and land title. The view loss assessment has been undertaken from the rear dwelling of the dual occupancy, as this dwelling currently obtains views over the subject site which would not be visible from the front dwelling of the dual occupancy due to the topography of the land and the existing development on the subject site.

Merit Consideration

The development is considered against the underlying outcomes of the control as follows:

- *A reasonable sharing of views amongst dwellings.*

Comment:

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

1. Nature of the views affected

"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

Comment to Principle 1:

The views attainable from the rear dwelling of the dual occupancy comprise district land views of Mona Vale and Ingleside to the south and south-west, with the dome of the Baha'i House of Worship in Ingleside also visible at a distance. The views are obscured by existing development and vegetation.



Photo 1: View obtained from the north-western terrace associated with the rumpus/bedroom looking towards the south-west, taken from a standing position.



Photo 2: View obtained from the master ensuite looking towards the south-west, taken from a standing position.

2. What part of the affected property are the views obtained

“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic”.

Comment to Principle 2:

The views are obtained from the north-western terrace and the associated rumpus/bedroom from both a seated and standing position, as well as the bathroom, second bedroom and master

ensuite from a standing position, with these views obtained over the south-western side boundary.

3. Extent of impact

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.

Comment to Principle 3:

There will be an impact on the view obtained from the north-western terrace when in a seated position looking towards the south-west mainly comprising dwelling houses and vegetation. The extent of view loss is best described as minor, as views from the north-western terrace will be retained from a standing position over the ridge of the proposed garage/studio and all other views from the property will be retained or improved. It is important to note that this view is also vulnerable to development as it is obtained over the south-western side boundary.

4. Reasonableness of the proposal that is causing the impact

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Comment to Principle 4:

The proposed development breaches the prescribed rear building line, side building line from the north-eastern boundary, building envelope on the south-western elevation and does not provide the required landscaped area when based on the area of the site. A fully compliant development would result in the same degree of view loss as the portion of the proposed garage/studio and dwelling house located within the view corridor achieves full compliance with the relevant planning controls. As such, the proposed development and the view sharing arrangement is considered to be both reasonable and acceptable.

- *Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced.*

Comment:

The proposed development will not impact any views and vistas available from roads and public places.

- *Canopy trees take priority over views.*

Comment:

Although the proposed development includes the removal of existing trees on the site, significant landscaping is to be undertaken as part of the proposed development, which will include the planting of several trees.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

C1.4 Solar Access

Although the proposed development will result in additional overshadowing of the adjoining property at 1 Orana Road, compliance with the requirements of this control is achieved.

Solar Access to Principal Living Areas

The north-eastern elevation of the dwelling house at 1 Orana Road contains five (5) windows on the ground floor, being a window to a bathroom, separate toilet, bedroom and a multi-purpose/utility room, as well as a set of sliding doors to a dining room. It is noted that none of the windows or doors are to the principal living area of the dwelling house, as defined under Clause A1.9 of P21DCP, which is copied below for reference:

principal living area means the living room currently benefiting from the most solar access during mid winter.

The principal living area of the dwelling house at 1 Orana Road has windows facing the south-eastern and south-western elevations which will not be impacted by the proposed development.

It is noted that the Elevational Shadow Diagrams submitted with the development application do not depict the bedroom window located between the window to the separate toilet and sliding doors to the dining room. The assessment has noted that this room is a bedroom and that no minimum solar access requirements apply, therefore amended plans were not requested.

Solar Access to Solar Collectors for Electricity

During the assessment of the application, amended Shadow Diagrams were submitted correctly depicting the existing solar panels located on the north-eastern side of the roof at 1 Orana Road, as the original Shadow Diagrams depicted 28 panels orientated east-west, whereas the roof only contains 14 panels orientated to north-south.

The amended Shadow Diagrams demonstrate that the existing solar panels will receive 6 hours of sunshine between 10:00am and 4:00pm on the winter solstice (21 June), which complies with the requirements of this control.

C1.5 Visual Privacy

The proposed development includes a bedroom window on the north-eastern elevation of the studio with a sill height of 1.5m which is located within close proximity and at a similar level to the windows to the kitchen and living area of the front dwelling of the dual occupancy at 5 Orana Road. This window will permit direct overlooking between these areas and as such, a condition has been included to ensure that the sill height of this window is increased to be at least 1.7m from the finished floor level to

ensure that the proposed studio and adjoining dwelling are protected from direct overlooking.

The proposed development also includes a deck associated with the first floor rumpus room on the north-western elevation of the dwelling house, which will facilitate direct overlooking into the private open space of the rear dwelling of the dual occupancy at 5 Orana Road. A condition has been included requiring the installation of a 1.7m high privacy screen along the north-eastern side of the deck to ensure that the private open space of the rear dwelling at 5 Orana Road is protected from direct overlooking.

Subject to the inclusion of these conditions, the proposed development achieves the requirements of this control.

C1.6 Acoustic Privacy

A condition has been included to ensure that the noise generated by the pool filter does not exceed 5dB (A) above the background noise when measured from the nearest property boundary to ensure that a reasonable level of acoustic privacy is maintained to the adjoining properties.

C1.14 Separately Accessible Structures

Description of Non-Compliance

The proposed development includes a separately accessible structure with a bathroom located above the garage for use as a studio.

The control includes a permitted variation for the inclusion of bathroom/toilet facilities within the separately accessible structure where the purpose of the structure, or its distance from the nearest bathroom facility, dictates a need for such facilities.

Merit Consideration

With regard to the consideration for a variation, the development is considered against the underlying outcomes of the control as follows:

- *Separately accessible structures that provide a recreational or office function for residents. (S)*

Comment:

The proposed studio is to be used as an ancillary recreation/living area to the dwelling house, with the inclusion of a bathroom deemed appropriate given the distance between the studio and the nearest bathroom located in the dwelling house. A condition has been included to ensure that the studio is not used as a separate dwelling and that cooking facilities are not provided.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D9.1 Character as viewed from a public place

Description of Non-Compliance

The proposed garage is located behind the required front building line, but forward of the proposed

dwelling house, and measures 7.91m in width, equating to 51.9% of the 15.24m lot frontage.

The control requires parking structures to be located behind the front building line, preferably set back further than the primary building, and to be no greater in width than 50% of the lot frontage, or 7.5m, whichever is the lesser.

Merit Consideration

With regard to the consideration for a variation, the development is considered against the underlying outcomes of the control as follows:

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

Comment:

The proposed development achieves the desired future character of the Mona Vale Locality.

- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)*

Comment:

The proposed garage is sited behind the required front building line with a setback of 8.0m, which is generally consistent with the setback of the existing dwelling houses to the north of the subject site. Although trees within the subject site and the adjoining road reserve are to be removed to facilitate the proposed development, the existing Crimson Bottlebrush (*Callistemon citrinus*) within the road reserve is to be retained and additional landscaping is to be undertaken as part of the proposed development. The proposed development therefore adequately responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment.

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

Comment:

Although the proposed garage is wider than permitted under this control, it has been adequately set back and a roof garden has been incorporated above the garage to ensure that the existing streetscape is enhanced. The garage is of minimal overall height, with the studio above the garage set back further than the garage, which ensures that the proposed development is of a scale and density that is in scale with the height of the natural environment.

- *The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)*

Comment:

The proposed development includes significant additional landscaping, including within the roof garden above the garage and more generally within the front yard, to ensure that the visual impact of the built form is secondary to landscaping and vegetation.

- *High quality buildings designed and built for the natural context and any natural hazards. (En, S)*

Comment:

The proposed garage/studio building is of a high quality design and will be built to respond to the natural context and any natural hazards present on the site.

- *Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)*

Comment:

The proposed garage is of minimal overall height and is adequately set back from the street to ensure that it does not dominate the streetscape and is at 'human scale'. The garage/studio building presents as a two-storey building when viewed from Orana Road.

- *To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.*

Comment:

The proposed garage/studio building is of minimal overall height which ensures that the district and local views which reinforce and protect Pittwater's natural context are preserved and enhanced.

- *To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.*

Comment:

The proposed development includes significant additional landscaping with groundcover vegetation, low to high shrubs and canopy trees across the site and within the front yard which will enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including the proposed garage, being a secondary component.

- *To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (EN, S)*

Comment:

Although the proposed development requires the removal of trees within the subject site and the adjoining road reserve, the existing Crimson Bottlebrush (*Callistemon citrinus*) within the road reserve is to be retained and additional landscaping, including the planting of a replacement tree within the road reserve, is to be undertaken as part of the proposed development which will ensure that the development compliments the landscape character, public use and enjoyment of Orana Road.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D9.3 Building colours and materials

Description of Non-Compliance

The proposed development is to be finished in dark and earthy tones with the exception of the lightweight cladding, which is to be finished in Dulux 'Snowy Mountains Qtr' and the external walls, which are to be finished in Dulux 'Snowy Mountains'. These colours are described by the manufacturer as warm white tones and are not pure white.

The control requires external colours and materials to be dark and earthy tones, however, the control

includes a permitted variation for lighter coloured walls (excluding white) for residential development within Area 3 of the Landscaped Area Map of P21DCP, in which the subject site is located.

Merit Consideration

With regard to the consideration for a variation, the development is considered against the underlying outcomes of the control as follows:

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

Comment:

The proposed development achieves the desired future character of the Mona Vale Locality.

- *The development enhances the visual quality and identity of the streetscape. (S)*

Comment:

The streetscape of Orana Road generally comprises buildings with lighter coloured walls, therefore the proposed development enhances the visual quality and identity of the streetscape by matching the existing buildings.

- *To provide attractive building facades which establish identity and contribute to the streetscape.*

Comment:

The western elevation of the proposed garage/studio incorporates varying building materials and a roof garden above the garage to provide an attractive building facade which establishes identity and contributes to the streetscape.

- *To ensure building colours and materials compliments and enhances the visual character and its location with the natural landscapes of Pittwater.*

Comment:

The lighter coloured walls of the proposed development will compliment and enhance the visual character of Orana Road and the natural landscapes of Pittwater by matching the existing lighter coloured buildings and by including the use of natural materials such as sandstone and timber.

- *The colours and materials of the development harmonise with the natural environment. (En, S)*

Comment:

Although the lightweight cladding and external walls will finished in a lighter tone, the proposed development incorporates natural materials such as sandstone and timber, therefore ensuring that the colours and materials of the proposed development will harmonise with the natural environment.

- *The visual prominence of the development is minimised. (S)*

Comment:

The proposed development includes significant additional landscaping, including within the roof garden above the garage and the front yard, to ensure that the visual prominence of the proposed development is minimised.

- *Damage to existing native vegetation and habitat is minimised. (En)*

Comment:

The proposed development will not result in any damage to existing native vegetation and habitat.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D9.7 Side and rear building line

Description of Non-Compliance

The proposed development provides a side building line from the north-eastern boundary of 0.5m to surfboard storage/outdoor shower, 1.6m to the fireplace associated with the alfresco and 1.87m to the wall of Bedroom 1. The proposed development also provides a rear building line of 5.0m to the rear staircase.

The control requires a side building line of 2.5m to at least one side and 1.0m to the other side, and a 6.5m rear building line. Based on the siting of the proposed development, the 2.5m side building line is taken to apply to the north-eastern side boundary.

Merit Consideration

With regard to the consideration for a variation, the development is considered against the underlying outcomes of the control as follows:

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

Comment:

The proposed development achieves the desired future character of the Mona Vale Locality.

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

Comment:

The elements of the proposed development which encroach the north-eastern side building line are single storey in height and are of minimal width, with the proposed rear staircase located below existing ground level, which ensures that the bulk and scale of the built form is minimised.

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

Comment:

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

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

Comment:

The proposed development has been sited and designed to encourage view sharing, with the proposed landscaping also well-positioned.

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

Comment:

A reasonable level of privacy, amenity and solar access will be provided within the development site, and maintained to adjoining and surrounding residential properties, as the surfboard storage/outdoor shower is a non-habitable structure intended for short term use only with the north-eastern wall to Bedroom 1 being a solid wall. The fireplace associated with the alfresco was initially proposed as a solid fuel heater, however, Council's Environmental Health Officer reviewed the proposed development and raised concern in relation to the amenity impacts to the bedrooms of the adjoining dwelling at 5 Orana Road and as such, a condition has been included to ensure that the fireplace is gas only to ensure that the amenity of the adjoining dwelling house is maintained. The proposed rear staircase is located below existing ground level and will provide access from the dwelling house to the rear yard when needed, but is otherwise considered to be of low use, therefore maintaining a reasonable level of privacy and amenity to adjoining and surrounding residential properties.

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

Comment:

The proposed development includes substantial landscaping across the site, including along the north-eastern side boundary, with the existing Crimson Bottlebrush (*Callistemon citrinus*) within the road reserve retained and additional trees planted to form a mature tree canopy. The proposed development provides an attractive streetscape by incorporating landscaping within the roof garden above the garage and within the front yard.

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

Comment:

The proposed development demonstrates flexibility in the siting of buildings and access by providing a side yard to act as a buffer between the proposed development and the existing dwellings at 5 Orana Road, and by incorporating a rear staircase which is located below existing ground level to provide access between the dwelling house and the rear yard.

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

Comment:

The existing Crimson Bottlebrush (*Callistemon citrinus*) within the road reserve, and the mature hedging along the north-eastern and south-western boundaries, are to be retained, with significant additional landscaping to be incorporated across the site to visually reduce the built form.

- *To ensure a landscaped buffer between commercial and residential zones is established. (En, S)*

Comment:

The subject site is located within a residential zone, and is surrounded by a residential zone, therefore, this outcome is not applicable.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported,

in this particular circumstance.

D9.9 Building envelope

Description of Non-Compliance

The proposed development protrudes the 3.5m prescribed building envelope on the south-western elevation of the dwelling house, as depicted on Figure 1 below.

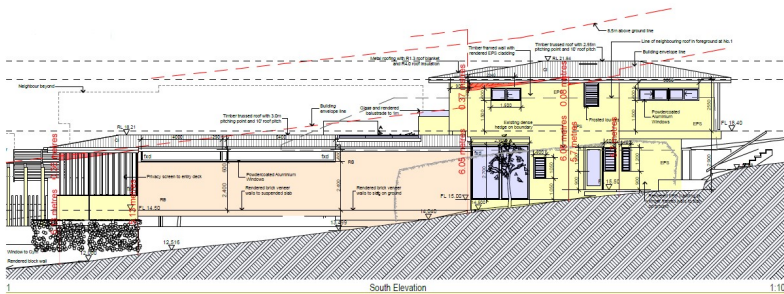


Figure 1: Extract from Drawing No. DA07, Rev A depicting the breach to prescribed building envelope (shaded in red) on the south-western elevation of the dwelling house.

Merit Consideration

With regard to the consideration for a variation, the development is considered against the underlying outcomes of the control as follows:

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

Comment:

The proposed development achieves the desired future character of the Mona Vale Locality.

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

Comment:

The proposed development includes the retention of the existing Crimson Bottlebrush (*Callistemon citrinus*) within the road reserve, and the planting of significant additional landscaping within the roof garden above the garage and within the front yard to enhance the existing streetscape. The areas of the south-western elevation of the dwelling house which protrude the prescribed building envelope do not significantly increase the scale or density of the proposed development, which is below the height of the trees of the natural environment.

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

Comment:

The proposed development responds to, reinforces and sensitively relates to the spatial characteristics of the existing natural environment by retaining the existing Crimson Bottlebrush (*Callistemon citrinus*) within the road reserve and by including the significant additional landscaping across the site.

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

Comment:

The proposed development is well articulated with varying setbacks and the areas of the south-western elevation of the dwelling house which protrude the prescribed building envelope do not result in excessive bulk and scale. It is therefore considered that the bulk and scale of the built form is minimised.

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

Comment:

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

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

Comment:

The portions of the south-western elevation which protrude the prescribed building envelope do not contain any windows, therefore ensuring that a reasonable level of privacy and amenity is provided within the development site and is maintained to adjoining and surrounding residential properties. A reasonable level of solar access is provided within the development site, and is maintained to adjoining and surrounding residential properties.

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

Comment:

The proposed development includes the retention of the existing mature hedging along the south-western side boundary, as well as significant additional landscaping along the south-western side boundary, to visually reduce the built form.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D9.10 Landscaped Area - General

Description of Non-Compliance

The proposed development provides 44.93% of the site area, or 417.4m², as landscaped area.

When including areas allowable under the permitted variation of this control, the landscaped area equates to 50.93% of the site area or 473.14m².

The control requires 50% of the site area, or 464.5m², to be provided as landscaped area.

Merit Consideration

With regard to the consideration for a variation, the development is considered against the underlying outcomes of the control as follows:

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

Comment:

The proposed development achieves the desired future character of the Mona Vale Locality.

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

Comment:

The proposed development is well articulated with varying setbacks and significant additional landscaping is to be incorporated across the site to ensure that the bulk and scale of the built form is minimised.

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

Comment:

A reasonable level of amenity and solar access is provided for the dwelling house within the areas designated as landscaped area and is also maintained to adjoining and surrounding properties.

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

Comment:

The existing Crimson Bottlebrush (*Callistemon citrinus*) within the road reserve, and the mature hedging along the north-eastern and south-western boundaries, are to be retained, with significant additional landscaping to be incorporated across the site to visually reduce the built form.

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

Comment:

The proposed development conserves natural vegetation and biodiversity by retaining the existing Crimson Bottlebrush (*Callistemon citrinus*) within the road reserve and through significant additional landscaping, including several native species.

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

Comment:

The proposed development provides the required proportion of the site area as landscaped area when including the permitted variation under this control and Council's Development Engineer has reviewed the proposed development and is satisfied that stormwater can be managed through connection to the kerb, therefore reducing stormwater runoff, preventing soil erosion and siltation of natural drainage channels.

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

Comment:

The proposed development preserves and enhances the rural and bushland character of the area by retaining the existing Crimson Bottlebrush (*Callistemon citrinus*) within the road reserve and through significant additional landscaping, including the planting of canopy trees.

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

Comment:

The proposed development provides the required proportion of the site area as landscaped area when including the permitted variation under this control and Council's Development Engineer has reviewed the proposed development and is satisfied that stormwater can be managed through connection to the kerb, therefore ensuring that soft surface areas are maximised to provide for infiltration of water to the water table, minimising run-off and assisting with stormwater management.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D9.12 Fences - General

Description of Non-Compliance

The proposed front fence varies in height from 0.68m to 1.3m when measured from existing ground level and is not screened by landscaping on the roadside.

The control states that front fences within the front building setback must not exceed a maximum height of 1.0m above existing ground level and that landscaping is to screen the fence from the roadside.

Merit Consideration

With regard to the consideration for a variation, the development is considered against the underlying outcomes of the control as follows:

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

Comment:

The proposed development achieves the desired future character of the Mona Vale Locality.

- *To ensure fences compliment and conserve the visual character of the street and neighbourhood.*

Comment:

Although a small portion of the proposed fence exceeds the maximum permitted height under this control, the visual character of Orana Road, and more generally Mona Vale, includes front fences of similar or greater height, therefore, the proposed fence will compliment and conserve the visual character of the street and neighbourhood.

- *To define the boundaries and edges between public and private land and between areas of different function.*

Comment:

The proposed fence will define the boundary and edge between the road reserve of Orana Road (public land) and the subject site (private land), which also have different functions.

- *To contribute positively to the public domain.*

Comment:

The proposed fence will contribute positively to the public domain as it is of an appropriate height and material.

- *An open streetscape that allows casual surveillance of the street. (S)*

Comment:

Although a small portion of the proposed fence exceeds the maximum permitted height under this control, the fence is of an appropriate height to ensure that an open streetscape that allows casual surveillance of the street is facilitated.

- *Fences, where provided, are suitably screened from view from a public place. (S)*

Comment:

The proposed fence is not screened when viewed from Orana Road, however, the fence is of an appropriate height and materiality to ensure that it will be of minimal visual impact.

- *Safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)*

Comment:

Council's Development Engineer has reviewed the proposed development and has not raised any concerns in relation to sight distances or views of the street for motorists entering or exiting the subject site. Although the proposed fence exceeds the maximum permitted height under this control, it remains at a height at which safe sight distances and a view of the driveway can be maintained for pedestrians.

- *Unhindered travel for native animals and pedestrians. (S)*

Comment:

The subject site is not located within a mapped wildlife corridor, however, unhindered travel for native animals will be maintained over the proposed fence. The proposed fence provides two (2) pedestrian gates for access to the subject site and will not hinder the travel of pedestrians along the road reserve.

- *To ensure heritage significance is protected and enhanced. (S)*

Comment:

The subject site is not heritage listed and there are no listed heritage items within close proximity (40m) of the subject site, therefore, this outcome is not applicable.

- *To ensure an open view to and from the waterway is maintained. (S)*

Comment:

The subject site does not adjoin a waterway, therefore, this outcome is not applicable.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$20,100 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$2,010,000.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- 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 DA2022/1363 for Demolition works and construction of a dwelling house including swimming pool, detached garage and studio on land at Lot 13 DP 6195, 3 Orana Road, 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 with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA00 Site Analysis and Roof Plan, Rev B	20 December 2022	Site Specific Designs
DA01 Garage Floor, Rev A	11 October 2022	Site Specific Designs
DA02 Ground Floor Plan, Rev A	11 October 2022	Site Specific Designs
DA02-b Ground Floor Plan, Rev A	11 October 2022	Site Specific Designs
DA03 First Floor Plan, Rev A	11 October 2022	Site Specific Designs
DA04 Sections, Rev A	11 October 2022	Site Specific Designs
DA05 Elevations, Rev A	11 October 2022	Site Specific Designs
DA06 Elevations, Rev A	11 October 2022	Site Specific Designs
DA07 Elevations, Rev A	11 October 2022	Site Specific Designs
DA09 Demolition Plan	10 June 2022	Site Specific Designs
Sht-106 Sections, Issue C	5 July 2022	Jamie King Landscape Architect
Sht-107 Sections, Issue C	5 July 2022	Jamie King Landscape Architect
Sht-108 Sections, Issue C	5 July 2022	Jamie King Landscape Architect

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Assessment	7 August 2022	Complete Arborcare
Addendum to Arboricultural Impact Assessment	18 October 2022	Complete Arborcare
BASIX Certificate (Cert No.	19	CHAPMAN

1315906M_02)	October 2022	ENVIRONMENTAL SERVICES PTY LTD
External Finished Schedule	June 2022	Site Specific Designs
Geotechnical Investigation (Ref No. J4401)	27 July 2022	White Geotechnical Group

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
Sht-101 Master Landscape Plan, Issue C	5 July 2022	Jamie King Landscape Architect
Sht-102 Planting Plan, Issue C	5 July 2022	Jamie King Landscape Architect
Sht-103 Front Yard Detail Plan, Issue C	5 July 2022	Jamie King Landscape Architect
Sht-104 Middle Yard Detail Plan, Issue C	5 July 2022	Jamie King Landscape Architect
Sht-105 Upper Backyard Detail Plan, Issue C	5 July 2022	Jamie King Landscape Architect

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	28 June 2022	Sheralee Hogan

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	12 September 2022

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

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

3. **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 Certifier 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 Certifier 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 Certifier 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.

4. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

- erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished
- The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of

residents and the community.

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$20,100.00 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 (as amended).

The monetary contribution is based on a development cost of \$2,010,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

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

6. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

7. Amended Landscape Plan

An Amended Landscape Plan shall be issued to the Principal Certifier prior to the issue of a Construction Certificate to include the following details:

- i) proposed planting design for the roof garden ensuring plant selection suits the available soil depth,
- ii) show tree 1 to be retained.

Certification shall be provided to the Principal Certifier that these amendments have been documented.

Reason: Landscape amenity.

8. On Slab Landscape Works

Details shall be submitted to the Principal Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Principal Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The following soil depths are required to support landscaping as proposed:

- i) 300mm for groundcovers or native grasses,
- ii) 600mm for shrubs.

Design certification shall be submitted to the Principal Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

9. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to a single outlet to the the kerb in Orana Street.

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

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

10. 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 Ref: J4401 dated 27 July 2022 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 Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

11. Amendments to the approved plans

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

- the sill height of the bedroom window on the north-eastern elevation of the studio is to be increased to be at least 1.7m from the finished floor level of the studio;
- a 1.7m privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost north-eastern edge of the deck located off the first floor rumpus room as shown on the approved plans. The privacy screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm and louver angled to the northeast), in materials that complement the design of the approved development.

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

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

12. 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.

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

Reason: To provide public and private safety.

13. Vehicle Crossings Application

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

14. 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 Certifier prior to the issue of the Construction Certificate.

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

15. External Finishes to Roof

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

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

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

16. Sydney Water "Tap In"

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

17. Tree Removal Within the Road Reserve

This consent approves the removal of the following tree(s) within the road reserve (as recommended in the Arboricultural Impact Assessment):

- i) tree 2 - *Callistemon citrinus*,
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services business unit prior to removal.

Reason: Public liability.

18. Pre-Construction Dilapidation Report

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property / Properties: 1 Orana Road, Mona Vale (Lot 14, Sec B, DP 6195) and 5 Orana Road, Mona Vale (Lot 12, Sec B, DP 6195).

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. Protection of Existing Street Trees

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

All street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited.

No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

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

Reason: Street tree protection.

20. Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,

- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the arboricultural statement (dated 18/10/22 by Complete Arborcare), and in particular the installation and maintenance of tree protection fencing for the duration of works.

The Principal Certifier must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Reason: Tree and vegetation protection.

21. **Condition of Trees**

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,

ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

22. **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.

23. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

24. **Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

25. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

26. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, 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.

27. Vehicle Crossings

The Applicant is to construct one vehicle crossing 3 metres wide in accordance with Northern Beaches Council Standard Drawing Extra High (EH) and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. The redundant layback and crossing are to be restored to kerb and grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Certifier.

Reason: To facilitate suitable vehicular access to private property.

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

28. Street Tree Planting

Street trees shall be planted in accordance with the following:

i) one (1) *Callistemon citrinus* shall be installed to the north of the proposed driveway, centrally within the road verge.

All street trees shall be a minimum pre-ordered planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees.

All street trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and

maintained, including a four post and top and mid rail timber tree guard, and watered until established, and shall be located at least 2.0 metres from any structures including driveways, kerbs, and paths, and shall generally be centralised within the road verge.

Reason: To maintain environmental amenity.

29. **Landscape Completion**

Landscaping is to be implemented in accordance with the approved Landscape Plan (drawing Sht-102 by Jamie King dated 05/07/22), and inclusive of the amended Landscape Plan conditions, plus the following conditions:

- i) the 5 x *Banksia integrifolia*, 1 x *Tristanopsis laurina*, and 1 x *Hibiscus tiliaceus rubra* shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees,
- ii) the 3 x *Livistona australis* shall have a minimum trunk height of at least 1 metre, and shall meet the requirements of Natspec - Specifying Trees,
- iii) all trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 3.0 metres from buildings, central to the width of the garden bed, and located either within garden bed or within a prepared bed within lawn,
- iv) mass planting shall be installed at minimum 1 plant per metre square for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at least 4 plants per metre square for grasses/groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- v) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.
- vi) should any existing vegetation shown to be retained be damaged or removed during construction, it shall be replaced with a like-for-like substitute to ensure the existing landscape character is maintained.

Prior to the issue of an Occupation Certificate, details from a landscape architect or landscape designer shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

30. **Condition of Retained Vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during 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: Tree and vegetation protection.

31. **Stormwater Disposal**

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

32. **Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

34. **House / Building Number**

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Proper identification of buildings.

35. **Swimming Pool Requirements**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifier, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To protect human life.

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

36. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

All weeds are to be managed in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

37. **Swimming Pool/Spa & Mechanical Motor Noise**

The swimming pool / spa or mechanical motor(s) shall not produce noise levels that exceed 5dB (A) above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

38. **Use of Studio**

The studio located above the garage is not to be used as a separate dwelling and is not to contain any cooking facilities.

Reason: To ensure that the studio remains ancillary to the dwelling house.

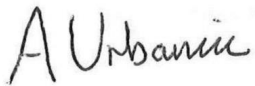
39. **No Approval for Solid Fuel Heaters**

This development consent does not authorise the use of any solid fuel heaters. All heaters must be gas or electric only.

Reason: To protect the amenity of adjoining properties.

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

Signed



Adam Urbancic, Planner

The application is determined on 28/12/2022, under the delegated authority of:



Phil Lane, Acting Development Assessment Manager