

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2022/1333
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 4 DP 1274062, 126 C Elimatta Road MONA VALE NSW 2103 Lot 1 DP 1274062, 126 B Elimatta Road MONA VALE NSW 2103
Proposed Development:	Construction of two dwelling houses (one dwelling on Lot 1 and one dwelling on Lot 4)
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Richard Andrew Mirosevich Beachside Investments No 1 Pty Ltd
Applicant:	Urbanesque Planning Pty Ltd

Application Lodged:	22/08/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	05/09/2022 to 19/09/2022
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Deferred Commencement Approval

Estimated Cost of Works:	\$ 1,898,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the construction of two new dwelling houses on vacant allotments. The allotments are part of 4 recent allotments that were subdivided from one larger allotment under Development Application DA2018/0005. The new dwellings are located on lots 1 (126B Elimatta Road) and 4 (126E Elimatta Road). It is noted that a separate application has been lodged for the construction of two new dwelling houses on lots 2 and 3.

Key components of the proposal are as follows:

Lot 1

- Construction of a new part 2-3 storey dwelling house comprising of:
 - Basement garage.
 - Ground floor: kitchen, living and dining; study; laundry; media room; sun room; and terrace.
 - First floor: 2x bedrooms with ensuites; 2x additional bedrooms; a bathroom; and a second living room.
- Landscaping works.
- Internal driveway to provide access to the garage from the right of carriageway.

Lot 4

- Construction of a new part 2-3 storey dwelling comprising of:
 - Basement workshop.
 - Ground floor: Integrated double garage; kitchen, living and dining; study; powder room; media room; sun room; and terrace.
 - First Floor: 2x bedrooms with ensuites; additional bedroom; and additional 2 bedrooms.
- Landscaping works.
- Internal driveway to provide access to the basement garage from the right of carriageway.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living
 Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils
 Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
 Pittwater Local Environmental Plan 2014 - 7.10 Essential services
 Pittwater 21 Development Control Plan - A4.9 Mona Vale Locality
 Pittwater 21 Development Control Plan - B8.1 Construction and Demolition - Excavation and Landfill
 Pittwater 21 Development Control Plan - B8.6 Construction and Demolition - Traffic Management Plan
 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 - D9.3 Building colours and materials
 Pittwater 21 Development Control Plan - D9.9 Building envelope
 Pittwater 21 Development Control Plan - D9.12 Fences - General

SITE DESCRIPTION

Property Description:	Lot 4 DP 1274062 , 126 C Elimatta Road MONA VALE NSW 2103 Lot 1 DP 1274062 , 126 B Elimatta Road MONA VALE NSW 2103
Detailed Site Description:	The subject site consists of two (2) allotments located on the south-western side of Ellimatta Road, Mona Vale. The allotments are accessed via a right of carriageway that is approximately 30m in length. The subject site is currently vacant and predominately landscaped. No substantial landscape features are located on Lot 1, whereas lot Lot 4 contains two large canopy trees approximately 16m in height. The land is zoned C4 Environmental Living. The site is located atop of a ridge line and slopes from the centre approximately 4m to the north-east and approximately 6m to the south-west. The surrounding built environment is characterised by detached low density residential development (i.e. dwelling houses) within landscaped settings. The scale of surrounding development is generally 1-2 storeys in height, although there are some examples of three storey dwellings.

Map:



SITE HISTORY

The subject site, in addition to the two properties directly adjoining the site to the north-west (126D and 126E Elimatta Road), have been recently subdivided into 4 allotments from one larger allotment. A search of Council's records has revealed the following relevant history:

- **Development Application DA2018/0005** for Torrens Title subdivision of one 1 lot into four 4, demolition of existing structures and alterations to existing driveway approved by Council on 31 August 2018.
- **Subdivision Certificate SC2021/0033** was issued by Council's Engineering Department for the Torrens Title subdivision consent referenced above on 8 June 2022.
- **Pre-lodgement Meeting PLM2020/0197** was held between Council and the applicant to discuss development pertaining to the construction of 4 dwelling houses on 4 vacant allotments. The PLM advice concluded as follows:

"The proposal is not acceptable and requires re-design prior to submission. The required changes apply to each individual dwelling and involve:

- *Reducing the extent of excavation proposed for Lots 1, 3 and 4 to be consistent with the revised plans of Lot 2, and*
- *Reducing the building footprints on each lot to provide compliance with the 60% landscaped area control.*
- *Ensuring compliance with the 8.5m height of buildings control".*

The plans submitted with this application are consistent with the PLM advice above.

APPLICATION HISTORY

A site inspection was carried out at the subject site on 7 November 2021.

Following the preliminary assessment of the application, which included the aforementioned site inspection, Council wrote to the applicant raising the following concerns:

- No RL's on the plans to enable an accurate assessment of building height. Council stated that no variations to the 8.5m building height development standard would be supported.
- The shadow diagrams submitted with the application were not certified by a suitable qualified professional.
- Privacy impacts from elevated terrace on the dwelling house for Lot 4.
- Non-compliant landscaped area for Lot 4.
- Inadequate Landscape Plans to satisfy the requirements and outcomes of Clause C.1 - Landscaping of P21DCP.

The applicant subsequently submitted revised plans and documentation:

- RLs on the roofline of the dwellings to enable an assessment of building height, which has demonstrated compliance.
- Reduced size of the elevated south-east facing terrace on Lot 4.
- Provide additional landscaping for Lot 4.
- Modified Landscape Plans.
- Certified shadow diagrams.

The amended plans constitute a reduced impact, by virtue in the reduction in the elevated terrace for Lot 4, and therefore, the application was not required to be re-notified, in accordance with the Northern Beaches CPP.

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)	Part 4, Division 2 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. Clauses 36 and 94 of the EP&A Regulation 2021 allow

Section 4.15 Matters for Consideration	Comments
	Council to request additional information. Additional information was requested in relation to amended architectural plans, amended landscape plans and shadow diagrams. This information was subsequently received. <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 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	There are no matters that would warrant refusal in the public interest as the development accords with the aims and outcomes of relevant Environmental Planning Instruments and Development Control Plans.

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 05/09/2022 to 19/09/2022 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 1 submission/s from:

Name:	Address:
Mr Mark Colin Clementson	122 Elimatta Road MONA VALE NSW 2103

One (1) submission was received following the public exhibition period. The following issues were raised in the submissions:

- **Inadequate Survey**

The submission raised concerns that Survey Plan submitted with the application did not accurately represent the levels of the site. In addition, the submission raised concern that the Survey Plan was not a Boundary Identification Survey.

Comment:

The Survey Plan (prepared by Gebern Survey, dated 19 July 2022) has been prepared following the conclusion of the driveway and civil works for the subdivision consent and accurately reflects the topographical conditions of the site. It is noted that the Survey Plan is not a Boundary Identification Survey and therefore, in suitable condition is recommended that requires a Boundary Identification Survey to be prepared prior to the issue of a Construction Certificate.

- **Excavation/Geotechnical Assessment**

The submission raised concerns that the level of excavation requires is excessive and should require a geotechnical assessment report.

Comment:

It is noted that the excavation is largely confined to the building footprint, with the levels around the building envelope being largely retained. Hence, the level of excavation to provide the basement elements will not adversely impact upon the character of the land and is found to be acceptable. It is noted that Geotechnical Reports have not been submitted with this application. As the level of excavation is approximately 2.5m in depth, which triggers the requirement for geotechnical assessment, a deferred commencement condition is recommended requiring Geotechnical Reports and Forms 1 and 1A to be prepared by a suitably qualified Geotechnical Engineer and submitted to Council for approval prior to the activation of the consent.

- **Solar Access**

The submission raised concerns that the proposal will result in overshadowing of bedroom windows and the central courtyard within the adjacent dwelling house at 122 Elimatta Road (south-eastern adjacent site).

Comment:

A detailed assessment is provided within the section of this report relating to Clause C1.4 'Solar Access' of the P21DCP. In summary, the proposal complies with the requirements of the P21DCP solar access provision.

- **Engineering Plans**

The submission raised concerns that detailed engineering plans for the retaining walls and structural components have not been submitted with the Development Application.

Comment:

This is not a requirement for the Development Application and is to be submitted to the Certifying Authority with the Construction Certificate application.

- **Privacy**

The submission raised concerns that the proposal will result in unreasonable privacy impacts.

Comment:

A detailed discussion has been provided within the section of this report relating to Clause C1.5 'Visual Privacy' of the P21DCP. In summary, the privacy impacts associated with the development are found to be reasonable within this low density residential area, noting that the main private open space and living room windows at 122 Elimatta Road will not be overlooked by the development.

- **Noise**

The submissions raised concerns that the proposed air conditioning units will have adverse acoustical privacy impacts.

Comment:

A suitable condition is recommended to limit the noise of any servicing units to 5dBA above background noise when measured from the nearest property boundary.

- **View Loss**

The submission raised concerns that the proposed development will result in view loss from 122 Elimatta Road.

Comment:

This matter is discussed in detail within the section of this report relating to Clause C1.3 'View Loss' of the P21DCP. In summary, the view impact is negligible and therefore, Council is satisfied that the development achieves consistency with the objectives of the control and the planning principles outlined within the NSW Land and Environment Court Case of *Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140*.

- **Landscape Scheme**

The submission raised concerns that the proposed landscape scheme does not accord with the P21DCP landscaping requirements.

Comment:

The amended plans and landscape scheme now satisfy the planting and quantum of landscaping requirements within the P21DCP.

- **Inaccurate Information in the Arborist Report**

The submission raised concerns that there are incorrect references to tree numbers within the Arborist Report.

Comment:

There is sufficient information within the documentation submitted with this application, with respect to the identification of trees, to enable an accurate assessment.

- **Sediment and Erosion Control**

The submission expressed that they would like sediment and erosion control measures to be conditioned during construction works.

Comment:

Sediment and erosion control measures have been included as recommended conditions of consent.

Conclusion

The issues raised within the submissions have been addressed above and resolved through conditions where appropriate. The concerns do not warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<i>Supported - subject to recommended conditions</i> Council's Landscape Referral is assessed against the Pittwater Local Environment Plan (PLEP) clause C4 zone Environmental Living, and the following Pittwater 21 Development Control Plan (PDCP) controls (but not limited to): • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D9 Mona Vale Locality The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone. The proposed development includes construction of a new dwelling upon two separate lots known as Lot 1 and Lot 4 under this application. Lot 1 supports no prescribed trees and Lot 4 contains one native Bloodwood (tree 18) that is the subject of retention under the subdivision consent DA2018/0005. Further Amended Landscape Plans are submitted nominating native tree canopy planting appropriately located in response to the previous Landscape Referral comments, and no concerns with the plans are raised by Landscape Referral, subject to conditions for both Lot 1 and

Internal Referral Body	Comments
	lot 4 as indicated below- Lot 1: - the nominated <i>Elaeocarpus reticulatus</i> shall be relocated to the open space area between Lot 1 and Lot 4 dwellings, to reduce the built form. Lot 4: - one small native tree shall be located to the open space area along the east boundary, to reduce the built form. - tree 18 - Bloodwood shall be retained and a Project Arborist shall be engaged to supervise any below ground or aerial works near the tree.
NECC (Development Engineering)	<i>Supported - subject to recommended conditions</i> The proposed dwellings are to be constructed upon the existing vacant lots created by the recent subdivision of 126 Elimatta Road. The subdivision works included the provision of on-site stormwater detention (OSD) for the future dwellings and the driveway access. The submitted stormwater management plan is acceptable. The proposed driveway grades from the right of way into the garages is acceptable. Development Engineering support the proposal, subject to conditions as recommended.
External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<i>Supported - subject to recommended conditions</i> 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.

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

Two (2) BASIX Certificates have been submitted for the dwelling houses on Lots 1 and 4. The BASIX

Certificates stipulate that each dwelling meets the relevant energy and sustainability targets. However, the BASIX Certificates are out of date as they were prepared more than 3 months prior to lodgement of the Development Application. Therefore, a deferred commencement condition is recommended that requires updated BASIX Certificates to be prepared and submitted to Council for approval prior to the release of the Development Consent.

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 provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

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	% Variation	Complies

Height of Buildings:	8.5m	Lot 1: 7.85m Lot 4: 8.45m	-	Yes
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Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone C4 Environmental Living

The subject site is zoned C4 Environmental Living pursuant to the Pittwater LEP 2014. It is noted that dwelling houses are permissible land uses with Council consent within the C4 zone. An assessment against the zone objectives is provided below as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

Comment:

The proposal provides for low-impact residential development as the proposed dwelling houses are situated below the 8.5m height limit and well below the established tree canopy. Furthermore, proposed dwelling houses comply with the 60% landscaped area requirement prescribed within the P21DCP and incorporate native vegetation around the curtilage of the building to soften the built form. The excavation works are also confined to the building footprint, thereby encouraging a development that integrates well within the natural landform and landscape. The proposal also does not necessitate the removal of riparian or foreshore vegetation, noting that the site is not located in close proximity to riparian or foreshore areas. Furthermore, the development will not adversely impact upon wildlife corridors. For these reasons, the proposal is considered to meet the objectives of the C4 zone.

7.1 Acid sulfate soils

Clause 7.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

The site is located in an area identified as Acid Sulfate Soil Class 5, as indicated on Council's Acid Sulfate Soils Planning Map.

Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land is required to be assessed to determine if any impact will occur.

7.2 Earthworks

The objective of Clause 7.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

Comment:

The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

(b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment:

The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment:

The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(f) the likelihood of disturbing relics

Comment:

The site is not mapped as being a potential location of Aboriginal or other relics.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

Comment:

The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment:

Conditions are included in the recommendation of this report that will minimise the impacts of the development.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment:

The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Conclusion

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of Clause 7.2 of the Pittwater LEP 2014.

7.10 Essential services

Under this clause, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

Comment:

The proposed dwelling houses on Lots 1 and 4 will have access to the aforementioned essential services. Therefore, the proposal complies with Clause 7.10 of the Pittwater LEP 2014.

Pittwater 21 Development Control Plan

Built Form Controls

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Lot 1: Built Form Control: 651.4sqm (excl. access handle)	Requirement	Proposed	% Variation*	Complies
Rear building line	6.5m (NE)	14.22m	-	Yes
Side building line	2.5m (SW)	7m	-	Yes
	1m (NW)	2.81m	-	Yes
	1m (SE)	3m	-	Yes
Building envelope	3.5m x 45 degrees (SW)	Within Envelope	-	Yes
	3.5m x 45 degrees (SE)	Within Envelope	-	Yes
Landscaped area	60% (390.84sqm)	64.66% (421.2sqm)	-	Yes

Lot 4: Built Form Control: 628.3sqm (excl. access handle)	Requirement	Proposed	% Variation*	Complies
Rear building line	6.5m (SW)	9.32m	-	Yes
Side building line	2.5m (SE)	2.96m	-	Yes
	1m (NE)	1.38m	-	Yes
	1m (NW)	3m	-	Yes
Building envelope	3.5m x 45 degrees (NW)	Outside Envelope	27.08%	No
	3.5m x 45 degrees (SE)	Within Envelope	-	Yes
Landscaped area	58.44% (376.98sqm)	60% (377sqm)	-	Yes

Notes:

1. As the sites are battle-axe allotments there are no applicable front boundaries.
2. The access handles have been excluded from site area for the purpose of calculating landscaped area.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	No	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	No	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	No	Yes
D9.7 Side and rear building line	Yes	Yes
D9.9 Building envelope	No	Yes
D9.11 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D9.12 Fences - General	Yes	Yes

Detailed Assessment

A4.9 Mona Vale Locality

Clause A4.9 of the Pittwater 21 DCP provides guidance on the form and scale of development anticipated for the Mona Vale Locality. The locality statement notes as follows:

- *Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities.*
- *Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.*

- *A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.*

Comment:

The proposed dwelling houses on Lots 1 and 4 result in part 2-3 storey dwelling houses, which exceeds the desired two storey built form for low density residential areas. Despite this, the proposed dwelling houses are considered to achieve the overall intention of the Mona Vale Desired Future Character Statement for the following reasons:

- The proposed dwellings remain under the 8.5m statutory height limit, sit within the prescribed setback requirements and incorporate facade articulation, thereby demonstrating an acceptable level of building bulk and scale.
- The proposed dwellings comply with the P21DCP 60% landscaped area provision, are situated well below the established tree canopy and incorporate native vegetation around the curtilage of the building to soften the built form.
- The proposed dwelling houses are located approximately 35m from Elimatta Road due to the battle-axe arrangement and visually separated by existing development fronting Elimatta Road, in turn ensuring the development will not be discernible from the streetscape.
- The earthworks proposed are largely confined to the building footprint to ensure the development integrates well with the natural landform and landscape.
- There are some examples of three storey dwellings within the locality and therefore, the height of the dwellings will not be entirely inconsistent with the character of the area.

B8.1 Construction and Demolition - Excavation and Landfill

The DCP provision states that a Geotechnical Report (prepared by a suitably qualified person) and certified forms 1 and 1A must accompany an application that involves excavation greater than 1.5m in depth. The dwelling houses on Lots 1 and 4 involve excavation greater than 1.5m, being to a depth of approximately 2.5m below the existing ground level, and the application has not been accompanied by a Geotechnical Report and certified forms 1 and 1A.

Accordingly, a deferred commencement condition is recommended that requires a Geotechnical Report and certified forms 1 and 1A to be prepared by a suitably qualified Geotechnical Engineer and submitting to Council for approval prior to the activation of the Development Consent. The report is to demonstrate that the proposed development does not result in unacceptable levels of geotechnical risk.

Subject to compliance with this recommended condition, the proposed development will satisfy the requirements and outcomes of this control.

B8.6 Construction and Demolition - Traffic Management Plan

The control states that for all development where either excavated materials to be transported from the site or the importation of fill material to the site is 100m³ or greater, a Construction Traffic Management Plan indicating truck movements, and truck routes is to be provided and approved by Council prior to the commencement of works.

As the proposal involves approximately 160m³ of excavation for both dwelling houses, a suitable condition is recommended requiring a Construction Traffic Management Plan to be prepared and submitted to Council prior to the commencement of works.

C1.3 View Sharing

Merit consideration

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

- *A reasonable sharing of views amongst dwellings.*

Comment:

The residents of the south-eastern dwelling house at 122 Elimatta Road have provided a written submission to Council raising concern of potential view impacts from their residence. Subsequently, a site inspection was carried out at the adjoining property to enable an accurate view impact analysis. It is important to note that height poles/certified photo montages were not requested to assist in a view loss assessment as the extent of the impact could be determined without further information.

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 affected view corridor from the adjoining property is located in a north-western direction and comprises district views of the Mona Vale locality, including a distant view that includes glimpses of the Pittwater waterway and western foreshore area. This water view is heavily obstructed by existing vegetation located upon an escarpment within Mona Vale. This view corridor is considered to hold moderate value in accordance with this planning principle. Figure 1 below depicts the view in question.

Figure 1: NW view obtained from 1st floor front balcony - standing position



It is noted that the affected view in question is not the primary view from the adjoining residence. The primary view is obtained in a north-eastern direction and comprises a partially obstructed view towards the Pacific Ocean. The partial obstruction comprises a flag pole and vegetation on 122 Elimatta Road. This view corridor is considered to hold high value in accordance with this planning principle. Figure 2 below depicts the view in question. It is noted that this view corridor is not impacted by the proposed development.

Figure 2: NE view obtained from 1st floor front balcony - 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 two view corridors described above are obtained from standing positions from an elevated balcony adjoining a master bedroom on the first floor of the adjacent dwelling house at 122 Elimatta Road. The affected corridor to the north-west (i.e. district views and distant Pittwater view) is obtained over the north-western side boundary of 122 Elimatta Road, whereas the unaffected corridor to the north-east (i.e. Pacific Ocean view) is obtained over the front boundary of this property.

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:

The proposed dwelling house on Lot 1 will obstruct a portion of the natural escarpment within the Mona Vale district. However, the distant view of the Pittwater waterway, in conjunction with the north-eastern ocean views, will remain completely unaffected by the proposed development. Given the complete retention of the more highly valued water views, the qualitative extent of the view impact from 122 Elimatta Road is considered to be negligible.

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 view impact is created by the proposed dwelling house on Lot 1. It is noted that the proposed dwelling house on Lot 1 complies with all applicable built form controls and therefore, the view impact is considered to be reasonable, given the negligible nature of the view loss. A 'more skilful design' for the dwelling house on Lot 1 is not warranted in this case for the purposes of retaining additional view corridors.

- *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 proposal does not unreasonably impact upon public domain views.

- *Canopy trees take priority over views.*

Comment:

Whilst the proposal does necessitate the removal of canopy trees, this has not been undertaken to create additional view corridors.

Conclusion

The proposed development demonstrates consistency with the objectives of this control and the planning principles outlined within the NSW Land and Environment Court Case of *Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140*.

C1.4 Solar Access

The P21DCP solar access provision requires as follows:

- *The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.*

- *Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).*
- *Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.*
- *Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.*

Due to the north-east/south-west aspect to the allotments on the south-western side of Elimatta Road the overshadowing created by the proposed dwelling houses will be confined to both the subject properties (i.e. Lots 1 and 4) and 122 Elimatta Road, which adjoins the site to the south-east.

A review of the certified shadow diagrams submitted with this application has revealed that the landscaped yards (i.e. private open space) and living room windows to each dwelling house on Lots 1 and 4 will receive the required amount of sunlight on June 21, consistent with the above requirements within the P21DCP solar access provision.

In regards to the impacts upon the dwelling house at 122 Elimatta Road, It is noted that the main private open space on this dwelling is located adjacent to the living room on the ground floor on the south-eastern elevation of the dwelling house. The main private open space comes in the form of a verandah. It is noted that the proposed dwelling houses on Lots 1 and 4 only create partial overshadowing of this portion of the building after approximately 2pm on June 21. Hence, this area will remain unaffected prior to 2pm by the proposal. In addition, this area will not be self-overshadowed by the existing dwelling house on 122 Elimatta Road before approximately 12pm on June 21 and therefore, maintains compliant solar access on June 21.

It is further noted that the ground floor living room at 122 Elimatta Road, which contains north-east and south-east facing windows, will receive more than 3 hours of direct sunlight on June 21, which complies with the P21DCP solar access requirement. The proposal also does not result in overshadowing of any solar panels on adjacent sites.

In conclusion, the proposed development complies with the P21DCP solar access provision.

C1.5 Visual Privacy

The P21DCP visual privacy control requires as follows:

- *Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).*
- *Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.*
- *Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.*

The proposed development meets two of the prescribed requirements outlined above, as the dwelling houses on Lots 1 and 4 do not provide for direct overlooking into private open space (i.e. south-east facing verandah at 122 Elimatta Road and landscaped yards for the surrounding 4 allotments that have recently been subdivided) or living room areas on adjoining properties.

However, the proposed dwelling house on Lot 4 includes a 1m wide elevated deck that is orientated towards the south-eastern side boundary. This is a technical non-compliance to the control, given the decking is orientated towards a side boundary.

Merit consideration

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

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

Comment:

The size of the proposed decking orientated towards the south-east is only 1m in width and not conducive for large gatherings, given the minimal size of the area. As such, the area will not result in adverse acoustical privacy impacts. As discussed above, this deck does not provide for direct sight lines towards adjacent private open space, but rather would only provide potential opportunities for overlooking into the tennis court area within the rear south-western corner of 122 Elimatta Road. However, as the tennis court is infrequently used, the privacy impacts are considered to be reasonable. It is noted that living room windows on adjoining properties, including at 122 Elimatta Road, will be preserved from direct overlooking by the 1m wide decking on Lot 4 that is orientated to the south-east. Overall, the proposal meets this outcome.

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

Comment:

Given the acceptable design of the proposal with respect to privacy, a sense of territory and safety will be provided for the residents of the development site and adjacent properties.

Conclusion

Having regard to the above assessment, it is concluded that the outcomes of the control have been achieved. Therefore, the application is supported on merit in this particular circumstance.

D9.3 Building colours and materials

A Schedule of External Colours and Finishes has not been provided with this application. Therefore, a suitable condition is recommended requiring the external colours and finishes of the dwelling houses on Lots 1 and 4 to comprise dark and earthy tones, which is consistent with the colour pallet required by the P21DCP.

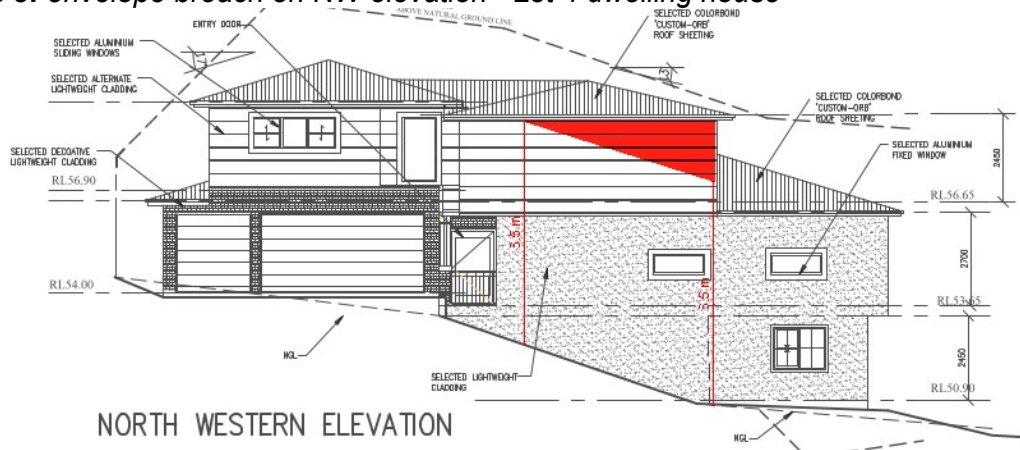
D9.9 Building envelope

Description of non-compliance

The control requires buildings to remain within a prescribed side building envelope that is determined by projecting planes at 45 degrees from a height of 3.5m above the existing ground level at side boundaries.

The proposed dwelling house on Lot 4 protrudes outside of the prescribed side envelope requirement on the north-western elevation, representing a 27.08% variation to the numeric requirement. Figure 3 below depicts the extent of the non-compliance.

Figure 3: envelope breach on NW elevation - Lot 4 dwelling house



Merit consideration

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

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

Comment:

As detailed within the section of this report relating to Clause A4.9 of the P21DCP, the proposed development achieves the overall intention of the Mona Vale Desired Future Character Statement.

- *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 overall height of the proposal sits well below the established tree canopy and the proposed landscaped scheme, which includes planting around the curtilage of the building, will soften the built form.

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

Comment:

The overall height and massing of the built form on Lot 4 steps down in height with the slope of the land, in turn responding to the characteristics of the existing natural environment.

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

Comment:

The proposed dwelling house on Lot 4 remains under the 8.5m statutory height limit, sit within the prescribed setback requirements and incorporate facade articulation, thereby demonstrating an acceptable level of building bulk and scale. It is noted that the envelope breach is driven by the sloping topography.

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

Comment:

As discussed within the section of this report relating to Clause C1.3 of the P21DCP, the proposed development does not result in unreasonable view loss from private and public places.

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

Comment:

Adjoining properties will maintain the required amount of solar access on June 21, which accords with the solar access requirements within Clause C1.4 of the P21DCP. Furthermore, the size of the proposed decking (which precludes large gatherings) and proposed window placement will ensure that adequate visual and acoustical privacy is maintained for adjoining residents. The proposal does not offend this outcome.

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

Comment:

As discussed above, the proposed landscape scheme will adequately soften the built form.

Conclusion

Having regard to the above assessment, it is concluded that the outcomes of the control have been achieved. Therefore, the application is supported on merit in this particular circumstance.

D9.12 Fences - General

The proposed boundary fencing on Lots 1 and 4 reaches a height of 1.8m above the existing ground level. As there are no applicable 'front boundaries' to these properties, due to the battle-axe arrangement, the height of the fencing is compliant with the requirements for side and rear boundary fencing. The fencing will provide for adequate screening of the private open space areas within each allotment. Casual observance of the entrances to each allotment will be afforded over the open driveway areas from the entry porches and foyers of each dwelling house. Hence, the proposal is considered to meet the requirements of this control.

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 \$18,980 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,898,000.

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

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within Clause 76 of the Environmental Planning and Assessment Regulation 2021 to DA2022/1333 for Construction of two dwelling houses (one dwelling on Lot 1 and one dwelling on Lot 4) on land at Lot 4 DP 1274062, 126 C Elimatta Road, MONA VALE, Lot 1 DP 1274062, 126 B Elimatta Road, MONA VALE, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

DEFERRED COMMENCEMENT CONDITIONS

1. **Deferred Commencement - Geotechnical Reports and BASIX Certificates**

a) The applicant is to engage a suitably qualified Geotechnical Engineer to prepared Geotechnical Reports for the dwelling houses on Lots 1 and 4. The Geotechnical Reports are to demonstrate that the dwelling houses on Lots 1 and 4 achieve an acceptable level of geotechnical risk. The Geotechnical Reports must also be accompanied by Forms 1 and 1A of the Geotechnical Risk Management Policy for Pittwater.

b) The applicant is required to prepare updated BASIX Certificates to reflect the current plans for Lots 1 and 4 referenced in Condition 2.

Evidence required to satisfy these conditions must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with the Environmental Planning and Assessment Regulation. Applicants must complete two essential steps to request their consent become operational:

1. Submit a completed 'Deferred Commencement Document Review Form' (available on Council's website), include the relevant evidence and the application fee as per Council's Fees and Charges.
2. Submit a request for operational consent to Council via the NSW Planning Portal. This can be completed through accessing the relevant portal application ID and navigating to 'Request for Operational Consent' in the Actions dropdown menu.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Clause 76 of the Environmental Planning and Assessment Regulation 2021. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. **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
Project No. 2021365, Drawing 1 of 10 - Site Details	28 November 2022	Eco Dimensions
Project No. 2021365, Drawing 3 of 10 - Lower Floor Plan	28 November 2022	Eco Dimensions
Project No. 2021365, Drawing 4 of 10 - Mid Floor Plan	28 November 2022	Eco Dimensions
Project No. 2021365, Drawing 5 of 10 - Upper Floor Plan	28 November 2022	Eco Dimensions
Project No. 2021365, Drawing 6 of 10 - Elevation 1	28 November 2022	Eco Dimensions
Project No. 2021365, Drawing 7 of 10 - Elevation 2	28 November 2022	Eco Dimensions
Project No. 2021365, Drawing 8 of 10 - Elevation 3	28 November 2022	Eco Dimensions
Project No. 2021365, Drawing 9 of 10 - Elevation 1	28 November 2022	Eco Dimensions
Project No. 2021365, Drawing EXTRA - Section	28 November 2022	Eco Dimensions
Project No. 2021395, Drawing 1 of 8 - Site Plan	13 January 2023	Eco Dimensions
Project No. 2021395, Drawing 3 of 8 - Lower Floor Plan	13 January 2023	Eco Dimensions
Project No. 2021395, Drawing 4 of 8 - Mid Floor Plan	13 January 2023	Eco Dimensions
Project No. 2021395, Drawing 5 of 8 - Upper Floor Plan	13 January 2023	Eco Dimensions
Project No. 2021395, Drawing 6 of 8 - Elevations	13 January 2023	Eco Dimensions
Project No. 2021395, Drawing 7 of 8 - Elevations	13 January 2023	Eco Dimensions
Project No. 2021395, Drawing EXTRA - Section	13 January 2023	Eco Dimensions

Engineering Plans		
Drawing No.	Dated	Prepared By
SW01 - Lot 1 Storm Water Drainage Plan	2 November 2021	Hyten Engineering
SW04 - Lot 4 Storm Water Drainage Plan	2 November 2021	Hyten Engineering
SW06 - Sections and Details	2 November 2021	Hyten Engineering

Reports / Documentation – All recommendations and requirements contained within:		

Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Assessment Report	21 October 2022	Blues Bros Architecture
Arboricultural Impact Assessment Report Addendum - Lots 1 & 4	24 June 2022	Blues Bros Architecture
Arboricultural Assessment of Tree 18	2 December 2022	The Ents Tree Consultancy

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
L/01B - Proposed Landscape Plan (Lot 1)	16 January 2023	Discount Landscape Plans
L/02B - Landscape Details (Lot 1)	26 August 2022	Discount Landscape Plans
L/01B - Proposed Landscape Plan (Lot 4)	16 January 2023	Discount Landscape Plans
L/02B - Landscape Details (Lot 4)	26 August 2022	Discount Landscape Plans

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan - Lots 1 & 4	29 April 2022	Urbanesque Planning Pty Ltd

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.

3. 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	N/A

(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.

4. **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.

5. 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.

6. **No Consent for Secondary Dwelling**

No approval is granted or implied under this Development Consent for the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area.

Reason: To ensure compliance with the terms of this consent.

FEES / CHARGES / CONTRIBUTIONS

7. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$18,980.00 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 \$1,898,000.00.

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.

8. **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

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 the inter-allotment drainage line benefiting the site.

Details demonstrating compliance are to be submitted to the Principal 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 Reports referenced in Condition 1 of this consent 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 Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

11. Boundary Identification Survey

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

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

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

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

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 Principal Certifier prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

13. Compliance with Standards

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

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

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

14. External Finishes to Roof and External Walls

The external finish to the roof and external walls of the dwelling houses on Lots 1 and 4 shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties and harmonise with the natural environment. 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.

15. 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.

16. Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular parking, site access areas, with no access across public parks or reserves being allowed without Council approval.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practicing Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic

Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

17. Project Arborist

A Project Arborist shall be in attendance and supervise all works within five metres of the existing tree 18 - Bloodwood, located within Lot 4, including:

- i) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.
- ii) no existing ground excavation shall occur without written approval and/or supervision from the Project Arborist.
- iii) any tree canopy pruning shall be in accordance with conditions of consent.
- iv) ground and trunk protection shall be provided as directed and authorised by the Project Arborist.
- v) tree protection fencing shall be installed as directed by the Project Arborist prior to the commencement of any works.

The Project Arborist shall provide certification to the Certifier that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

18. 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, and trees nominated for retention on the approved Landscape Plans.
- 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) 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, and should additional pruning be required an application to Council's Tree Services shall be submitted for approval or otherwise.

The Principal Certifier must ensure that:

c) 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.

Note: All street trees within the road verge and trees within private property 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.

Reason: Tree and vegetation protection.

19. **Road Reserve**

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

Reason: Public safety.

20. **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.

21. 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.

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

22. Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plans, and inclusive of the following conditions:

- i) Lot 1 - the nominated *Elaeocarpus reticulatus* shall be relocated to the southern open space area of the property,
- ii) Lot 4 - one native tree shall be planted within the open space area along the south-eastern boundary, as selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward, or Council's Tree Guide, to achieve at least 6.0 metres in height at maturity,
- iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, 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 or more, at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn.

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.

23. 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.

24. 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.

25. **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.

26. **House / Building Number**

House/building number is to be affixed to the buildings 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.

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

27. **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 Plans and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent.

Reason: To maintain local environmental amenity.

28. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Reports referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

29. **Noise**

All plant equipment must be installed and operated at times so as not to cause 'offensive noise'. It must be demonstrated that the noise level will not exceed 5dBA above background noise when measured from the nearest property boundary, as defined by the Protection of the Environments Operation Act 1997.

Reason: To ensure compliance with legislation and to protect the acoustic amenity of neighbouring properties.

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

Signed



Thomas Burns, Planner

The application is determined on 19/01/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments