

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/2270
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Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 49 DP 11449, 55 Kangaroo Road COLLAROY PLATEAU NSW 2097
Proposed Development:	Demolition works and construction of a dwelling house including a secondary dwelling
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Shane David Charles Smith Suzie Smith
Applicant:	Suzie Smith

Application Lodged:	25/11/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	02/12/2021 to 16/12/2021
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 738,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the following works:

- Demolition of the existing dwelling house and garage;
- Construction of a two-storey dwelling house with carport; and
- Construction of a secondary dwelling.

On 10 February 2022, in response to concerns raised by Council, the Applicant submitted amended plans demonstrating reduced excavation, a lower building height, a lesser building envelope non-

compliance. As the amended plans demonstrate a lesser environmental impact, re-notification of the plans was not required, in accordance with the Northern Beaches Community Participation Plan.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land
 Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

SITE DESCRIPTION

Property Description:	Lot 49 DP 11449 , 55 Kangaroo Road COLLAROY PLATEAU NSW 2097
Detailed Site Description:	The subject site consists of one allotment located on the eastern side of Kangaroo Road, Collaroy. The site is irregular in shape with splayed frontages of 13.705 to Kangaroo Road and 38.54 to Hall Avenue. The site has a surveyed area of 507.7m². The site is located within the R2 Low Density Residential zone and accommodates a single storey dwelling house and detached garage. The site slopes approximately 1.5m from north to south, and contains some landscaping and mature vegetation. Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by low density residential dwelling houses.

Map:



SITE HISTORY

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

- Pre-lodgement Meeting PLM2021/0148 was held on 13 July 2021 for Construction of a dwelling house and secondary dwelling.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.

Section 4.15 Matters for Consideration	Comments
	State Environmental Planning Policy (Housing) 2021 (Housing SEPP) was in draft at the time this application was lodged (2 November 2021) and came into effect on 26 November 2021. Schedule 7 of the Housing SEPP provides that the former provisions of a repealed instrument continue to apply to a development application made, but not yet determined, on or before the commencement date. The development application was lodged on 25 November 2021. The Housing SEPP repeals State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH). As such, consideration of the SEPP ARH is given in this assessment report.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to building envelope, tree protection and driveway safety. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 02/12/2021 to 16/12/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

Name:	Address:
Ms Kelly Mcfadyen	7 Hall Avenue COLLAROY PLATEAU NSW 2097

The following issues were raised in the submission:

- The plans do not adequately show the design of proposed fencing. It is unclear if the wall between the subject site and 7 Hall Avenue is intended to be demolished and rebuilt.
- A setback of 3.5m is not consistent with the prevailing building line along Hall Avenue.

- Querying the level of overshadowing with reference to the relevant controls.
- Querying the level of vibration and noise with reference to the relevant controls and requesting that noisy works be restricted to 9:00am to 5:00pm on weekdays.
- Dust and debris mitigation measures are unclear on plans.
- Plans are unclear as to which species of planting is proposed and where.

The matters raised within the submission are addressed as follows:

Fencing

Comment:

The proposed front fence is 900mm in height, as shown on plans. Consent for demolition or construction of boundary walls and/or fencing along common boundaries is not granted under this application, as this is a civil matter for negotiation between the relevant landowners under the Dividing Fences Act 1991.

Front Setback

Comment:

The proposed front setback to Hall Avenue is compliant with the requirements of Clause B7 Front Boundary Setbacks of the WDCP 2011, which allows for 3.5m to secondary street frontages.

Overshadowing

Comment:

The proposed development is compliant with the requirements of Clause D6 Access to Sunlight of the WDCP 2011.

Construction: Noise, Vibration, Dust & Debris

Comment:

Construction must occur so as not to create offensive noise, vibration, dust or debris in accordance with the Protection of the Environment Operations Act 1997. Demolition and excavation works are limited to 8:00am to 5:00pm on weekdays.

Planting

Comment:

The submitted landscape plan demonstrates the location and types of planting proposed for the development.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no concerns with the application. <i>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</i>

Internal Referral Body	Comments
Landscape Officer	<u>Updated Comments:</u> The requested Amended Landscape Plan has not been submitted and rather the previous Landscape Plan referred to the previous comments is updated and remains without adequate details to appreciate the landscape design. To satisfy Warringah DCP D1, Landscape Referral shall impose conditions for an Amended Landscape Plan, including design layout, location and selection of species, container sizes and quantities. This is to ensure the landscape outcome achieves the requirements under Warringah DCP control D1, through landscape softening of the built form, including tree and boundary planting. There is no indication of the landscape design to the roof garden including soil depth nor planting, and conditions of consent shall be imposed. No issues are raised with the updated Arboricultural Impact Assessment. All existing trees upon the property which consist of native species are impacted by the proposed development works, and should Planning approve the development application, seven (7) native trees are required for removal, with six (6) within the property, and one (1) within the road reserve verge. Four (4) new native trees are proposed within the property and these shall replace the Scribbly Gum species proposed for removal, and additionally new street tree planting shall be a condition of consent, including one (1) each within Kangaroo Road as a replacement for the street tree removed and Hall Avenue as as replacement for the existing tree canopy nett loss due to the development. <u>Original Comments:</u> The development application is for the demolition of the existing dwelling and construction of a new dwelling, secondary dwelling on the property, and associated works including landscape works. The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 and the following Warringah Development Control Plan 2011 controls (but not limited to): • D1 Landscaped Open Space and Bushland Setting • E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed Vegetation A Landscape Plan is submitted and is inadequate for assessment as the plan does not provide an indication of a landscape scheme to satisfy the intent of Warringah DCP control D1, and in accordance with the documentation information of Council's DA Lodgement Requirements. The submitted Landscape Plan graphically represents landscape planting without an indication of type of planting to assess how the proposed development will be integrated by landscape treatment and how the built form will be softened. The Architectural Plans indicates a roof garden over the second dwelling and planters to the main dwelling at the roof level, yet no information is provided in the Landscape Plan.

Internal Referral Body	Comments
	An Amended Landscape Plan prepared by a qualified Landscape Architect or Landscape Designer shall be submitted that provides the following information: • proposed surface treatments and materials, including but not limited to structures, features, walling, fences, pavements, gardens, lawns, ground stabilisation, drainage, irrigation etc., • existing and proposed ground levels, • location, height and materiality of proposed retaining walls and fences, • existing street trees or trees on neighbouring properties that may be impacted by the proposed development, • existing trees and other vegetation to be retained or removed. All trees are to be located, identified and numbered, and shall coincide with the arborists report, • proposed planting scheme consisting of a mix of trees, shrubs, groundcovers and accents, including: species selection, location, quantities, mature heights and pot sizes. Tree planting is required to be nominated to replace existing native trees removed from the property as impacted by the development works, and at least two (2) shall be Scribbly Gum (<i>Eucalyptus haemastoma</i>), and consideration of one (1) Bangalay (<i>Eucalyptus botryoides</i>) shall be investigated based on available soil volume, and no tree planting is permitted within 3 metres of existing and proposed buildings, • location of any underground services such as stormwater line and pits, • soil depth of planter boxes on-slab, that shall be a minimum 300mm for groundcovers and accents, and minimum 600mm for shrub planting, • any irrigation systems, The Landscape Plan includes a list for Pittwater Council native trees, and rather trees shall be selected from Northern Beaches Council's Native Plant Species Guide - Narrabeen Ward, or Council's Tree Guide. A Arboricultural Impact Assessment is submitted. All existing trees upon the property which consist of native species are impacted by the proposed development works, and should Planning approve the development application, seven (7) such trees as identified require removal. Three (3) existing native trees within the road reserve are proposed for retention and are assessed as suitable for protection and shall be subject to imposed conditions. No concerns are raised with the recommendations of the Arboricultural Impact Assessment, as the removal of existing trees as listed is required should the application be approved.
NECC (Development Engineering)	<u>Updated Comments:</u> A new set of the plan has been submitted. The previous concerns have been addressed. However, the stormwater plan has not been updated.

Internal Referral Body	Comments
	The proposed above ground basin and the pump shall be amended in the plan. A condition has been placed to address the issues. As such, Development Engineering has no objection to the application subject to conditions of consent. <u>Original Comments:</u> The applicant proposed a new 3 metres wide driveway crossing on Kangaroo Street to accommodate the proposed basement. However, the proposed driveway cannot be support as below: 1) In accordance with the submitted arborist report, the proposed driveway is located within the tree protection zone of Tree 1 on road reserve. The arborist report recommended the new driveway must be at least 3.5 metres away from the base of the tree at ground level. However, the architecture plan does not consistent with the recommendation. The proposed driveway may harm the tree 1. 2) The proposed driveway is also located less than 6 metres from the tangent point of the intersection which does not comply with the safety requirement of the current Australian Standard 2890.1. With a limited street frontage on Kangaroo Street, the applicant shall concern to relocate the driveway crossing on Hall Avenue. 3) The proposed basement is between 1 to 1.3 m lower than the existing road reserve at boundary. It may result the gradients of the internal driveway exceed the maximum allowable 1 H in 4 V in slope in accordance with Australian Standard 2890.1. The detailed engineering cross -sections of the driveway shall be provided for assessment. As the above, Development Engineering cannot support the application due to the C2 of Council Warringah DCP 2011.

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

Division 2: Secondary dwellings

Clause 19: Definition

Development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

Note: The standard instrument defines secondary dwelling as follows:

"secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling."

Comment:

The proposed use is defined under WLEP 2011 as a secondary dwelling.

Clause 20: Land to which this Division applies:

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but <i>only if</i> development for the purposes of a dwelling house is permissible on the land:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or (d) Zone R4 High Density Residential, or (e) Zone R5 Large Lot Residential.	Consistent. The site is located within the R2 Low Density Residential zone and, as such, the proposed use is permissible with consent under WLEP 2011.

Clause 21: Development to which this Division applies

Requirement	Comment
This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.	Consistent. The development involves the construction of a secondary dwelling, as defined by the Standard Instrument. Therefore, this Division applies.

Clause 22: Development may be carried out with consent

Development to which this Division applies may be carried out with consent.

Requirement	Comment
(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	The proposed development would result in there being a principal dwelling and a secondary dwelling on the subject site.
(3) A consent authority must not consent to development to which this Division applies unless: (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and (b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.	(a) No maximum floor area exists for the site. (b) The proposed secondary dwelling has a total floor space of 58.8sqm.
(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds: (a) site area if: (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or (ii) the site area is at least 450 square metres. (b) parking if no additional parking is to be provided on the site.	(a)(i) The secondary dwelling is not located within or attached to the principal dwelling. (a)(ii) The site area is 507.7sqm. (b) No additional parking is provided. The application is not recommended for refusal in relation to these matters.

Note: A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

Clause 24: No subdivision

Requirement	Comment
A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	Consistent. This application does not propose any subdivision of the existing allotment.

Conclusion

The proposed development is consistent with the requirements of the SEPP ARH.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1259174M dated 18 November 2021). The BASIX Certificate indicates that the development will achieve the following:

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

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

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Dwelling House: 7.3m	-	Yes
		Secondary Dwelling: 3.7m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

6.4 Development on sloping land

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and

Comment:

The Applicant has submitted a Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective and therefore, Council is satisfied that the development has been assessed for the risk associated with landslides in relation to both property and life.

(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and

Comment:

The Applicant has submitted a Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not cause significant detrimental impacts because of stormwater discharge from the development site.

(c) the development will not impact on or affect the existing subsurface flow conditions.

Comment:

The Applicant has submitted a Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not result in adverse impacts or effects on the existing subsurface flow conditions.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	6.4m	-	Yes
B3 Side Boundary Envelope	E: 5m	Secondary Dwelling: Within Envelope	-	Yes
	S: 5m	Dwelling: 1m Outside Envelope	16.95%	No
		Secondary Dwelling: Within Envelope	-	Yes
B5 Side Boundary Setbacks	E: 900mm	Secondary Dwelling: 900mm	-	Yes
	S: 900mm	Dwelling: 900mm	-	Yes
		Secondary Dwelling: 900mm	-	Yes
B7 Front Boundary Setbacks	W: 6.5m (Primary)	Carport: 1m	84.61%	No
		Dwelling: 6.5m	-	Yes
	N: 3.25m (Secondary)	Dwelling: 3.5m	-	Yes
		Secondary Dwelling: 3.5m	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (203.08sqm)	34.8% (176.6sqm)	13.04%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

The proposed development exceeds the side boundary envelope to the southern elevation by a maximum of 1m for the length of the proposed dwelling house. The remainder of the dwelling house and the secondary dwelling are compliant with this control. With regard to the consideration for a variation, the development is considered against the underlying objectives of the control as follows:

To ensure that development does not become visually dominant by virtue of its height and bulk.

Comment:

The proposed development demonstrates acceptable bulk, being a two storey detached dwelling house. While this control does not apply to the two street frontages of this site, the elevations visible from the street do not present a breach to the intention of this control. Further, the breach to the building envelope does not result in any unreasonable amenity impacts.

To ensure adequate light, solar access and privacy by providing spatial separation between buildings.

Comment:

The proposed development is compliant with the side setback control of the WDCP 2011, thereby demonstrating that adequate separation between buildings is provided. The proposal is also compliant with the relevant solar access and privacy controls of the WDCP 2011.

To ensure that development responds to the topography of the site.

Comment:

The proposed development suitable responds to the topography of the site in that it is a maximum of two storeys, with minimal excavation, and is compliant with the applicable height of buildings development standard of the WLEP 2011.

B7 Front Boundary Setbacks

The proposed dwelling house and secondary dwelling are compliant with the applicable front boundary setback controls for primary and secondary street frontages. However, the proposed carport is set 1m from the primary street frontage, where 6.5m is required. With regard to the consideration for a

variation, the development is considered against the underlying objectives of the control as follows:

To create a sense of openness.

Comment:

The proposed carport replaces the originally proposed basement car parking. In this way, the entire dwelling house is lowered to be level with the existing ground, rather than raised to allow the basement under. This reduces the overall building bulk on the site to assist with openness. The proposed carport itself is open in its construction, and allows visibility through the structure to the dwelling house and across the site.

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

Comment:

Generally along Kangaroo Road and surrounds, car parking structures are set back from the relevant street frontage. The exceptions to this are at 2 Blandford Street, 29 Kangaroo Road, and 1 Emu Street, where the carports/garages are immediately on the front boundary, and 24 Kangaroo Road, where the garage is set approximately 1m from the front boundary. The common element between these sites (other than 29 Kangaroo Road, which was approved in 1993 under historic planning controls) and the subject site is that they are corner lots, where parking is inherently more constrained with reference to built form controls. As such, the subject site provides visual continuity with similar sites in relation to the pattern of buildings and landscaping.

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

Comment:

The proposed development is of a high design quality and provides an update to the appearance of the subject site. As such, the proposed development assists in protecting and enhancing the visual quality of the streetscape.

To achieve reasonable view sharing.

Comment:

The proposed carport does not obstruct important views to or from public or private land.

D1 Landscaped Open Space and Bushland Setting

The proposed development provides 34.8% of the site (176.6sqm) as calculable landscaped open space, where 40% (203.08sqm) is required. It should be noted that additional space on site for planting is provided on site along the southern side boundary, and within the green roof and roof planter boxes. However, these elements cannot be included in landscaped area calculations in accordance with Clause D1 Landscaped Open Space, as they do not achieve the minimum dimensions and/or are located above ground. With regard to the consideration for a variation, the development is considered against the underlying objectives of the control as follows:

To enable planting to maintain and enhance the streetscape.

Comment:

The proposed development orientates all of its significant areas of landscaped open space and planting to the two street frontages. In this way, the proposed development employs planting to maintain and enhance the streetscape.

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

Comment:

No significant indigenous vegetation, topographical features or habitats for wildlife are known to exist on site. However, the proposed development includes ample space along the Hall Avenue and Kangaroo Road frontages and in the green roof for such vegetation and wildlife habitat.

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

Comment:

The landscaped open space areas on site are of generous dimensions. The proposed development will allow for a variety of planting types and sizes on the site, as demonstrated by the submitted landscape plan. The proposed landscaped areas, green roof and planter boxes assist in softening the height, bulk and scale of the proposed dwelling house and secondary dwelling.

To enhance privacy between buildings.

Comment:

Planting is provided to assist with enhancing privacy between the subject site and adjacent sites. The proposed development itself is also suitably designed in relation to privacy.

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

Comment:

The proposed development demonstrates areas of ample dimensions for outdoor recreation to meet the needs of the occupants of the dwelling house and secondary dwelling.

To provide space for service functions, including clothes drying.

Comment:

The proposed development demonstrates areas of ample dimensions for service functions, including clothes drying.

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

Comment:

The proposed development includes areas of ample dimensions to assist with infiltration of water, and is supported by acceptable stormwater management measures, as demonstrated by the submitted stormwater plans.

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 2021

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$7,380 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$738,000.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/2270 for Demolition works and construction of a dwelling house including a secondary dwelling on land at Lot 49 DP 11449, 55 Kangaroo Road, COLLAROY PLATEAU, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-0201 Site Analysis Plan Revision C	10 February 2022	Noble Architecture
DA-0203 Proposed Ground Floor Plan Revision B	10 February 2022	Noble Architecture
DA-0204 proposed First Floor Plan Revision A	8 February 2022	Noble Architecture
DA-0205 Proposed Roof Plan Revision A	8 February 2022	Noble Architecture
DA-0206 Proposed South Elevation	10 February 2022	Noble Architecture

Revision A		
DA-0207 Proposed North Elevation Revision A	10 February 2022	Noble Architecture
DA-0208 Proposed East Elevation Revision A	10 February 2022	Noble Architecture
DA-0209 Proposed West Elevation Revision B	10 February 2022	Noble Architecture
DA-0210 Proposed Courtyard Elevations Revision A	8 February 2022	Noble Architecture
DA-0211 Proposed Section A-A Revision A	10 February 2022	Noble Architecture

Engineering Plans		
Drawing No.	Dated	Prepared By
SW3 Stormwater Management Plan	3 October 2021	Waterdesign Civil Engineers
SW4 Sections and Details	3 October 2021	Waterdesign Civil Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1259174M	18 November 2021	Certified Energy
NatHERS Certificate No. 6796775	17 November 2021	Certified Energy
Geotechnical Assessment	13 April 2021	Ascent Geotechnical Consulting

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
DA-0230 Proposed Landscape + Private Open Space Plan Revision A	10 February 2022	Noble Architecture

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	15 November 2021	Applicant

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	16 December 2021

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

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

3. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house and secondary dwelling within the Warringah Local Environmental Plan 2011, as follows:

A dwelling house is defined as:

Dwelling house means a building containing only one dwelling.

A secondary dwelling is defined as:

Secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling.*

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

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

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 Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a

safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$7,380.00 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 2021. The monetary contribution is based on a development cost of \$738,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate

where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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

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

7. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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 Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

8. **Amended Landscape Plan**

An Amended Landscape Plan prepared by a qualified Landscape Architect or Landscape Designer shall be submitted that provides the following information:

1.0 General information

- proposed surface treatments and materials, including but not limited to structures, features, walling, fences, pavements, gardens, lawns, ground stabilisation, drainage, irrigation etc.,
- existing and proposed ground levels,
- location, height and materiality of proposed retaining walls and fences,
- existing trees and other vegetation to be retained or removed. All trees are to be located,

identified and numbered, and shall coincide with the arborists report,
 • location of any underground services such as stormwater line and pits.

2.0 Specific landscape design information

- one (1) street tree shall be planted within the Kangaroo Road road verge, at least 2 metres from the edge of the proposed driveway, and one (1) street tree shall be planted within the Hall Avenue road verge between existing tree T7 and T5; and all shall be centralised between the property boundary and the kerb with consideration to any subsurface utilities; and all shall be installed at a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees; and shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, including a four post and top and mid rail timber tree guard, and watered until established,
- street tree planting shall be Scribbly Gum (*Eucalyptus haemastoma*),
- design details for the on slab planter roof garden and other planters shall be provided including: soil depth of planter boxes on-slab, that shall be a minimum 300mm for groundcovers and accents, and minimum 600mm for shrub planting; waterproofing and drainage, planting layout, selections, container sizes and quantities, and any irrigation details,
- design certification shall be submitted that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting),
- the native tree planting to the Hall Avenue front setback shall include the nominated four replacement trees and these shall all be Scribbly Gum (*Eucalyptus haemastoma*), and nominated at a 75 litre container size, and located at least 3 metres from any building or other trees, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,
- boundary boundaries shall be inclusive of mass planted garden beds including shrubs to achieve at least 2 metres in height, accents and groundcover planting, and documentation shall be provided including planting layout, selections, container sizes and quantities,

Reason: To maintain environmental amenity.

9. Boundary Fencing

No consent is granted for proposed boundary fencing works to the common boundaries between the subject site and adjoining sites, as this is a civil matter under the Dividing Fences Act 1991. Fencing along common boundaries is to be deleted from plans. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure consistency with this consent.

10. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT FOR DEVELOPMENT POLICY and generally in accordance with the concept drainage plans prepared by WaterDesign Civil Engineers, job number 2021-081, drawing Number SW1 - SW2, dated 03/10/2021. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer.

The drainage plans must address the following:

- i. the removal of the pump system
- ii. an additional 20% of the OSD storage volume shall be provided to compensate for loss of volume due to vegetation growth in accordance with the above policy. Alternative, the landscape design on the basin shall be amended.

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

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

11. Structural Adequacy and Excavation Work

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

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

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

Reason: To provide public and private safety.

12. Vehicle Crossings Application

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

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

Reason: To facilitate suitable vehicular access to private property.

13. Compliance with Standards

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

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

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

14. External Finishes to Roof

The external finish to the roofs of the dwelling, secondary dwelling and carport shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. Tree Removal Within the Property

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

- i) tree number 2 - *Lophostemon confertus* (Brushbox); tree numbers 3, 4, 8 and 10 - *Eucalyptus haemastoma* (Scribbly Gum); tree number 6 - *Acacia baileyana* (Wattle); tree number 9 - *Eucalyptus botryoides* (Bangalay),
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised building works.

16. Tree Removal Within the Road Reserve

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

tree number 1 - *Eucalyptus botryoides* located with Kangaroo Road, and subject to street tree replacement.

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

Reason: Public liability.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

17. Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site shall be protected by tree protection fencing in accordance with the recommendations of the Arboricultural Impact Assessment - section 9.9. Program for Tree Protection, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

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

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

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

Reason: Street tree protection.

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, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,

- iii) all road reserve trees and vegetation,
- iv) any exempt species tree(s) to be removed as referred above in item i) shall be replaced at a ratio of 1:1 with a locally native tree species,

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 Certifying Authority,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment.

The Certifying Authority must ensure that:

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

Reason: Tree and vegetation protection.

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 Certifying Authority.

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

21. Vehicle Crossings

The Applicant is to construct one vehicle crossing 4.5 metres wide at kerb and 5.5 metres wide at boundary in accordance with Northern Beaches Council Drawing No A4-3330/1 N and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

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 Amended Landscape Plan.

Prior to the issue of any Occupation Certificate details (from a landscape architect or landscape designer) shall be submitted to the Principal Certifying Authority 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 Certifying Authority, 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. Reinstatement of Kerb

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces.

25. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

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

26. Landscape Maintenance

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

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

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

Reason: To maintain local environmental amenity.

27. Geotechnical Recommendations

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report 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.

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

Signed



Claire Ryan, Principal Planner

The application is determined on 03/03/2022, under the delegated authority of:



Phil Lane, Acting Development Assessment Manager