

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                            |             |
|----------------------------|-------------|
| <b>Application Number:</b> | DA2018/1680 |
|----------------------------|-------------|

|                                           |                                                                   |
|-------------------------------------------|-------------------------------------------------------------------|
| <b>Responsible Officer:</b>               | Ashley Warnest                                                    |
| <b>Land to be developed (Address):</b>    | Lot 13 DP 12979, 106 Iluka Road PALM BEACH NSW 2108               |
| <b>Proposed Development:</b>              | Demolition Works and construction of a detached garage and studio |
| <b>Zoning:</b>                            | E4 Environmental Living                                           |
| <b>Development Permissible:</b>           | Yes                                                               |
| <b>Existing Use Rights:</b>               | No                                                                |
| <b>Consent Authority:</b>                 | Northern Beaches Council                                          |
| <b>Land and Environment Court Action:</b> | No                                                                |
| <b>Owner:</b>                             | John Arthur Charles McNiven                                       |
| <b>Applicant:</b>                         | John Arthur Charles McNiven                                       |

|                                  |                                         |
|----------------------------------|-----------------------------------------|
| <b>Application lodged:</b>       | 12/10/2018                              |
| <b>Integrated Development:</b>   | No                                      |
| <b>Designated Development:</b>   | No                                      |
| <b>State Reporting Category:</b> | Residential - Alterations and additions |
| <b>Notified:</b>                 | 19/10/2018 to 05/11/2018                |
| <b>Advertised:</b>               | Not Advertised                          |
| <b>Submissions Received:</b>     | 0                                       |
| <b>Recommendation:</b>           | Approval                                |

|                                 |               |
|---------------------------------|---------------|
| <b>Estimated Cost of Works:</b> | \$ 352,055.00 |
|---------------------------------|---------------|

### ASSESSMENT INTRODUCTION

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

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

determination);

- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - C1.14 Separately Accessible Structures

Pittwater 21 Development Control Plan - C1.23 Eaves

Pittwater 21 Development Control Plan - D12.1 Character as viewed from a public place

Pittwater 21 Development Control Plan - D12.5 Front building line

Pittwater 21 Development Control Plan - D12.6 Side and rear building line

Pittwater 21 Development Control Plan - D12.8 Building envelope

Pittwater 21 Development Control Plan - D12.10 Landscaped Area - Environmentally Sensitive Land

Pittwater 21 Development Control Plan - D12.11 Fences - General

## SITE DESCRIPTION

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Property Description:</b>      | Lot 13 DP 12979 , 106 Iluka Road PALM BEACH NSW 2108                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Detailed Site Description:</b> | <p>The subject site consists of one (1) allotment located on the western side of Iluka Road.</p> <p>The site is irregular in shape with a frontage of 13.7m along Iluka Road and a depth of 50.7m. The site has a surveyed area of 617.5m<sup>2</sup>.</p> <p>The site is located within the E4 Environmental Living zone and accommodates dwelling houses.</p> <p>The site contains an existing two to three storey brick dwelling house.</p> <p>The site contains several 7m-10m tall trees and palms within the front of the site. One 18m tall tree is located with the rear of the site.</p> <p><u>Detailed Description of Adjoining/Surrounding Development</u></p> <p>Adjoining and surrounding development is characterised by similar one and two storey dwelling houses.</p> |

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:

- Development Application No. DA2018/0841 for Alterations and additions to a dwelling house was approved on 13/09/2018

## PROPOSED DEVELOPMENT IN DETAIL

The proposed works are as follows:

- Demolition of the existing garage and covered entryway
- Removal of trees and vegetation located within the front yard
- Construction of double garage with pergola
- Construction of studio located above the double garage

## 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) –                                                    | None applicable.                                                       |

| Section 4.15 Matters for Consideration'                                                                                   | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| Provisions of any draft environmental planning instrument                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 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)(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) | <p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;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.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;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.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;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.</p> <p><u>Clause 98</u> of the EP&amp;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.</p> <p><u>Clause 143A</u> of the EP&amp;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.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts                             | <p><b>(i) Environmental Impact</b></p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Section 4.15 Matters for Consideration'                                                | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| on the natural and built environment and social and economic impacts in the locality   | <p>Development Control Plan section in this report. In summary, the proposed development is found to be consistent with the desired future character of the Palm Beach Locality and relevant locality specific controls. The proposed works are respectful to the site and the adjoining neighbours.</p> <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b><br/>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| Section 4.15 (1) (c) – the suitability of the site for the development                 | The site is considered suitable for the proposed development as the key characteristics of the site including the location, orientation, aspect, character, size, and topography. The proposal is consistent with the zoning of the land and predominantly complying with the DCP controls that are applicable to the subject site.                                                                                                                                                                                                                                                                                                                                    |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | No submissions were received in relation to this application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 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. The public interest is best served by the orderly and economic use of land for purposes which are permissible and which, in their design and operation satisfy the intent of the relevant controls.                                                                                                                                                                                                                                                                                                                                                |

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition of the application Council received no submissions.

## MEDIATION

No requests for mediation have been made in relation to this application.

## REFERRALS

| Internal Referral Body           | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| Landscape Officer                | No landscape objections are raised for the proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| NECC (Bushland and Biodiversity) | Council's Bushland & Biodiversity division has assessed the proposal against Pittwater LEP 2014 Control 7.6 Biodiversity Protection & Pittwater 21 DCP 2014 Control B1.4 Aboriginal Heritage Significance and believes there are no Bushland & Biodiversity issues.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| NECC (Coast and Catchments)      | <p><b>Estuarine Risk Management</b></p> <p>The property at 106 Iluka Road, Palm Beach, has been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. The Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.</p> <p>Based upon the survey plan prepared by CMS Surveyors Pty Limited (6/05/2015) lodged in support of the DA, the foreshore edge treatment type appears to be a grassed or sandy slope with a crest height at about RL 2.0m AHD. As such, in accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), <b>a base estuarine planning level (EPL) of RL 2.81m AHD</b> has been adopted by Council for the subject site. A reduction factor (RF) based upon the distance from the foreshore edge of the proposed development may also apply at a rate of 0.08m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m. No further reduction is applicable, however, below the local (still) water level (2050 sea level rise scenario) + 0.3m freeboard i.e. 2.2m AHD.</p> <p>As the proposed finished floor level of the ground floor of the new garage and studio is set at RL 3.30m AHD i.e. above the base EPL, the development proposal is able to satisfy the requirements of the Estuarine Risk Management Policy and related B3.7 controls without conditions.</p> <p><b>State Environmental Planning Policy (Coastal Management) 2018.</b></p> <p><b>12 Development on land within the coastal vulnerability area</b></p> <p><i>Development consent must not be granted to development on land that is within the area identified as "coastal vulnerability area" on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:</i></p> <ul style="list-style-type: none"> <li>(a) <i>if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</i></li> <li>(b) <i>the proposed development:</i> <ul style="list-style-type: none"> <li>(i) <i>is not likely to alter coastal processes to the detriment of the natural environment or other land, and</i></li> </ul> </li> </ul> |

| Internal Referral Body              | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     | <p>(ii) <i>is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and</i></p> <p>(iii) <i>incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</i></p> <p>(c) <i>measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</i></p> <p><u>Comment:</u><br/>The subject land has not been included on the Coastal Vulnerability Area Map under <i>State Environmental Planning Policy (Coastal Management) 2018</i> (CM SEPP) and in regard to clause 15 of the CM SEPP the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land.<br/>As such, it is considered that the application complies with the requirements of <i>State Environmental Planning Policy (Coastal Management) 2018</i> as they relate to development on land identified as a coastal vulnerability area or land that may be affected by coastal hazards.</p> |
| NECC (Development Engineering)      | <p>Comments for Development Engineers:</p> <ol style="list-style-type: none"> <li>1. No flood concern.</li> <li>2. The site is not located within Geotechnical Hazard Area.</li> <li>3. No OSD is required as the site drains to the Ocean.</li> <li>4. The existing crossing to retain seems to be satisfactory. Internal driveway gradients seem to be satisfactory.</li> </ol> <p>No objection to approval, subject to conditions as recommended.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| NECC (Riparian Lands and Creeks)    | <p>This application is recommended for approval.<br/>The plan to reuse roofwater internally in the dwelling is not mentioned in the Statement of Environmental Effects, however a stormwater drainage plan prepared by ACOR Consultants was provided, which shows an intention to use roofwater for internal plumbing. Therefore the applicant is conditioned to have the system approved by an appropriately qualified engineer prior to Occupation Certificate.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Parks, reserves, beaches, foreshore | Approval subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Parks, reserves, beaches, foreshore |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| External Referral Body              | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Ausgrid: (SEPP Infra.)              | The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### **SEPP (Building Sustainability Index: BASIX) 2004**

A BASIX certificate has been submitted with the application (see Certificate No. 965713S, Dated 10/10/2018). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 0003215431-03, Dated 09/10/2018).

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

| <b>Commitment</b>      | <b>Required Target</b> | <b>Proposed</b> |
|------------------------|------------------------|-----------------|
| <b>Water</b>           | 40                     | 41              |
| <b>Thermal Comfort</b> | Pass                   | Pass            |
| <b>Energy</b>          | 50                     | 54              |

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

### **SEPP (Coastal Management) 2018**

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

### **13 Development on land within the coastal environment area**

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

- disability,*
- (f) Aboriginal cultural heritage, practices and places,*
  - (g) the use of the surf zone.*

Comment:

The proposed works are not likely to cause an adverse impact upon the matters identified in this clause. The proposed alterations and additions do not discourage public access or amenity along the foreshore area nor impact on natural foreshore processes.

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

Comment:

Council is satisfied the proposed works are designed and can be managed to avoid adverse impacts upon the matters identified in this clause.

#### **14 Development on land within the coastal use area**

- (1)*
  - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
    - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
    - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
    - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
    - (iv) Aboriginal cultural heritage, practices and places,*
    - (v) cultural and built environment heritage, and*
  - (b) is satisfied that:*
    - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
    - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
    - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
  - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment:

The proposal does not impact upon the existing and safe access to and along the foreshore. The visual amenity from private and public space is not adversely effected and the surrounding area consists of examples of similar developments. The subject site and adjacent foreshore area is mapped as having a high likelihood of containing Aboriginal heritage sites. The foreshore area is heavily modified and no sites have been identified within the vicinity of the proposed development. The proposed works are not likely to cause an adverse impact upon the matters identified in this clause. A condition of consent has

been placed to stop works if any Aboriginal Engravings or Relics are unearthed.

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

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

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

Comment:

Council is satisfied that the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land.

### Pittwater Local Environmental Plan 2014

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

### Principal Development Standards

| Standard             | Requirement | Proposed | Complies |
|----------------------|-------------|----------|----------|
| Height of Buildings: | 8.5m        | 5.9m     | Yes      |

### Compliance Assessment

| Clause                                                   | Compliance with Requirements |
|----------------------------------------------------------|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes                          |
| 2.7 Demolition requires development consent              | Yes                          |
| 4.3 Height of buildings                                  | Yes                          |
| 5.10 Heritage conservation                               | Yes                          |
| 7.1 Acid sulfate soils                                   | Yes                          |
| 7.2 Earthworks                                           | Yes                          |
| 7.8 Limited development on foreshore area                | Yes                          |
| 7.10 Essential services                                  | Yes                          |

### Pittwater 21 Development Control Plan

### Built Form Controls

| Built Form Control  | Requirement | Proposed     | % Variation* | Complies |
|---------------------|-------------|--------------|--------------|----------|
| Front building line | 3m          | 2.3m to 6.9m | 23.3%        | No       |
| Rear building line  | 6.5m        | N/A          | N/A          | N/A      |

|                    |              |                  |       |           |
|--------------------|--------------|------------------|-------|-----------|
| Side building line | 2.5m (north) | 1.7m             | 32%   | <b>No</b> |
|                    | 1m (south)   | 1m               | N/A   | Yes       |
| Building envelope  | 3.5m (north) | Outside envelope | 13.5% | <b>No</b> |
|                    | 3.5m (south) | Outside envelope | 28.9% | <b>No</b> |
| Landscaped area    | 60%          | 32.7%            | 54.5% | <b>No</b> |

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

#### Compliance Assessment

| Clause                                                             | Compliance with Requirements | Consistency Aims/Objectives |
|--------------------------------------------------------------------|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted                      | Yes                          | Yes                         |
| A4.12 Palm Beach Locality                                          | Yes                          | Yes                         |
| A5.1 Exhibition, Advertisement and Notification of Applications    | Yes                          | Yes                         |
| B1.3 Heritage Conservation - General                               | Yes                          | Yes                         |
| B1.4 Aboriginal Heritage Significance                              | Yes                          | Yes                         |
| B3.6 Contaminated Land and Potentially Contaminated Land           | Yes                          | Yes                         |
| B3.7 Estuarine Hazard - Low density residential                    | Yes                          | Yes                         |
| B4.15 Saltmarsh Endangered Ecological Community                    | Yes                          | Yes                         |
| B4.16 Seagrass Conservation                                        | Yes                          | Yes                         |
| B4.19 Estuarine Habitat                                            | Yes                          | Yes                         |
| B4.20 Protection of Estuarine Water Quality                        | Yes                          | Yes                         |
| B5.1 Water Management Plan                                         | Yes                          | Yes                         |
| B5.10 Stormwater Discharge into Public Drainage System             | Yes                          | Yes                         |
| B5.11 Stormwater Discharge into Waterways and Coastal Areas        | Yes                          | Yes                         |
| B5.12 Stormwater Drainage Systems and Natural Watercourses         | Yes                          | Yes                         |
| B5.13 Development on Waterfront Land                               | Yes                          | Yes                         |
| B6.1 Access driveways and Works on the Public Road Reserve         | Yes                          | Yes                         |
| B6.2 Internal Driveways                                            | Yes                          | Yes                         |
| B6.3 Off-Street Vehicle Parking Requirements                       | Yes                          | Yes                         |
| B8.1 Construction and Demolition - Excavation and Landfill         | Yes                          | Yes                         |
| B8.2 Construction and Demolition - Erosion and Sediment Management | Yes                          | Yes                         |
| B8.3 Construction and Demolition - Waste Minimisation              | Yes                          | Yes                         |
| B8.4 Construction and Demolition - Site Fencing and Security       | Yes                          | Yes                         |
| B8.5 Construction and Demolition - Works in the Public Domain      | Yes                          | Yes                         |
| C1.1 Landscaping                                                   | Yes                          | Yes                         |
| C1.2 Safety and Security                                           | Yes                          | Yes                         |
| C1.3 View Sharing                                                  | Yes                          | Yes                         |
|                                                                    |                              |                             |

| Clause                                                     | Compliance with Requirements | Consistency Aims/Objectives |
|------------------------------------------------------------|------------------------------|-----------------------------|
| C1.4 Solar Access                                          | Yes                          | Yes                         |
| C1.5 Visual Privacy                                        | Yes                          | Yes                         |
| C1.6 Acoustic Privacy                                      | Yes                          | Yes                         |
| C1.7 Private Open Space                                    | Yes                          | Yes                         |
| C1.12 Waste and Recycling Facilities                       | Yes                          | Yes                         |
| C1.13 Pollution Control                                    | Yes                          | Yes                         |
| C1.14 Separately Accessible Structures                     | Yes                          | Yes                         |
| C1.23 Eaves                                                | No                           | Yes                         |
| C1.24 Public Road Reserve - Landscaping and Infrastructure | Yes                          | Yes                         |
| D12.1 Character as viewed from a public place              | No                           | Yes                         |
| D12.3 Building colours and materials                       | Yes                          | Yes                         |
| D12.5 Front building line                                  | No                           | Yes                         |
| D12.6 Side and rear building line                          | No                           | Yes                         |
| D12.8 Building envelope                                    | No                           | Yes                         |
| D12.10 Landscaped Area - Environmentally Sensitive Land    | No                           | Yes                         |
| D12.11 Fences - General                                    | No                           | Yes                         |
| D12.14 Scenic Protection Category One Areas                | Yes                          | Yes                         |

### Detailed Assessment

#### **C1.5 Visual Privacy**

The two large windows proposed along the northern and southern elevations present privacy concerns with regards to the extent and the proximity of the windows to the adjoining properties.

The window proposed along the southern elevation is located at groundlevel. The retention of the existing fence situated between 104 and 106 Iluka Road will provide sufficient screening to ensure privacy is maintained to the residents.

The window proposed along the northern elevation is located on Level One. The plans provided indicate privacy louvers are to be fixed to the glazed area. The provision of the fixed privacy louvers is sufficient in maintaining the privacy to the residents at 108 Iluka Road whilst maximizing solar access to the studio.

With regards to the above a reasonable level of privacy is maintained.

#### **C1.14 Separately Accessible Structures**

The incorporation of bathroom facilities is considered reasonable as the studio is a detached structure located forward of the dwelling.

To ensure the studio is not utilised for the purposes of separate habitation the wet bar and bench located within the studio is to be deleted. In addition, a condition of consent will be imposed to ensure the studio is not used for the purposes of separate habitation.

### **C1.23 Eaves**

No eaves are proposed for the garage and studio structure and therefore does not comply with the requirements of the clause. The proposed development is of a more contemporary nature that is consistent with other development in the vicinity.

The variation to the requirements of the control is considered to be reasonable and satisfactory in addressing this control.

### **D12.1 Character as viewed from a public place**

The garage is located forward of the front building line which does not comply with the requirement to be located behind the front building line. The site is considered to be constrained due to the location of the existing dwelling therefore limiting the potential of the garage to be located behind the front building line. In addition, the garage and entryway extend for a length greater than 8.0m which does not comply with the requirements of the clause.

However, Council may permit a variation to the control where the outcomes of the clause are achieved. The outcomes of the control are achieved in the following ways:

- A safe and convenient parking arrangement is proposed.
- The proposed building scale and density is consistent with similar forms of development in the area. Examples can be found at 98 Iluka Road and 110 Iluka Road, both sites contain a detached two storey structure situated close to the boundary.
- The recessed open style front and rear garage doors minimise the streetscape impact of the building. The incorporation of the awning at the front of the garage additionally breaks up the bulk of the building. The textural elements minimise the visual impact of the garage and entryway doors.
- Landscaping is consistent with the development at a similar setback. The setback of the garage from the front boundary presents opportunities for additional planting.
- The garage and studio presents as a two storey structure and is consistent with the desired future character of such structures in the Palm Beach Locality.
- The proposed garage and studio will not result in any unreasonable impacts upon views currently enjoyed from public or private places.

With consideration of the above the variation to the requirement is considered satisfactory in addressing this control.

### **D12.5 Front building line**

The south-east corner of the proposed garage, including the studio above does not comply with the 3.0m setback requirement. The extent of the breach is considered minor and can be attributed to the shape of the property and the orientation of the proposed garage. A variation may be considered on merit where the outcomes of the clause are achieved. The outcomes are achieved in the following ways:

- The desired future character of the Palm Beach Locality is maintained.
- The proposed garage and studio will not result in any unreasonable impacts upon views currently enjoyed from public or private places.
- A reasonable level of privacy and solar access to the adjoining properties is maintained and therefore does not adversely impact amenity currently enjoyed.
- Landscaping is consistent with the development at a similar setback. The setback of the garage

from the front boundary presents opportunities for additional planting.

- Pedestrian amenity will not adversely be affected by the proposed works.
- The proposal presents an attractive street frontage through the use of colours and materials consistent with surrounding developments. The recessed open style front and rear garage doors minimise the visual prominence of the design. The incorporation of the awning at the front of the garage additionally breaks up the bulk of the design.
- Development along Iluka Road has a varied setback. The minimum requirements for enclosed parking are not exceeded and is consistent with surrounding development.

The proposed garage and driveway does not permit vehicles to manoeuvre in a forward direction which is not consistent with the outcomes of the control, however, the proposal will provide for safe and convenient access for the residents of 106 Iluka Road without adversely impacting on pedestrian safety. The inability for strict adherence to the control is considered reasonable.

With consideration of the above the variation to the front building line requirement is considered satisfactory in addressing this control.

#### **D12.6 Side and rear building line**

The proposed 1.7m side setback from the northern boundary does not comply with the 2.5m setback requirement. The 800mm variation may be considered on merit where the outcomes of the clause are achieved. The outcomes are achieved in the following ways:

- The desired future character of the Palm Beach Locality is maintained
- The bulk and scale of the proposal is softened through utilising various textual elements for the garage and entry door and the incorporation of various windows for the above studio. The recessed open style front and rear garage doors minimise the visual prominence of the design. The incorporation of the awning at the front of the garage additionally breaks up the bulk of the design.
- The proposed garage and studio will not result in any unreasonable impacts upon views currently enjoyed from public or private places.
- The proposal maintains a reasonable level of privacy, amenity and solar access to the adjoining properties.
- Landscaping is consistent with the development at a similar setback. The setback of the garage from the front boundary presents opportunities for planting.
- The studio is situated and designed to minimise site disturbance and maximise landscaped area.

It is also noted that the proposed garage is situated with greater side setbacks than the existing arrangement. With consideration of the above the variation to the side setback requirements is considered satisfactory in addressing this control.

#### **D12.8 Building envelope**

A portion of the studio above the garage along the northern and southern elevations do not comply with the building envelope requirements. A variation to the building envelope requirement is permitted where the outcomes of the clause are achieved. The outcomes are achieved in the following ways:

- The desired future character of the Palm Beach Locality is maintained
- The proposed building scale and density is consistent with similar forms of development in the area. Examples can be found at 98 Iluka Road and 110 Iluka Road, both sites contain a

detached two storey structure situated close to the boundary.

- The studio is situated and designed to minimise site disturbance.
- The bulk and scale of the proposal is softened through utilising various textual elements for the garage and entry door and the incorporation of various windows for the above studio.
- The proposed garage and studio will not result in any unreasonable impacts upon views currently enjoyed from public or private places.
- A reasonable level of privacy, amenity and solar access is maintained to the adjoining properties.
- Landscaping is consistent with the development at a similar setback. The setback of the garage from the front boundary presents opportunities for planting.

With consideration of the above the variation to the building envelope requirements is considered satisfactory in addressing this control.

#### **D12.10 Landscaped Area - Environmentally Sensitive Land**

##### Proposed

202m<sup>2</sup> or 32.7%

##### Requirement

370.5m<sup>2</sup> or 60%

There is a significant shortfall in landscaped area of 168.5m<sup>2</sup>. The shortfall in landscaped area is considered reasonable as the proposal does not seek to increase upon the existing hardsurfaced area. In addition, the proposal is seen to achieve the outcomes of the clause in the following ways:

- The proposal is consistent with the desired future character of the Palm Beach Locality
- The bulk and scale of the proposal is softened through utilising various textual elements for the garage and entry door and the incorporation of various windows for the above studio.
- Landscaping is consistent with the with development at a similar setback. The setback of the garage from the front boundary presents opportunities for planting.
- A reasonable level of privacy, amenity and solar access is maintained by the residents of the subject site and the adjoining dwellings

With consideration of the above the variation to the landscaped area requirement is considered reasonable and satisfactory in addressing this control.

#### **D12.11 Fences - General**

The southern portion of the front fence is located 2.3m from the front boundary which does not comply with the requirement of a 3.0m setback. The 400mm variation to the front setback of the fence can be attributed the shape of the block and the orientation of the proposed garage. A variation may be considered on merit where the outcomes of the clause are achieved. The outcomes are achieved in the following ways:

- The desired future character of the Palm Beach Locality is maintained
- To ensure the proposed fence is consistent with similar styles of development in the area a condition of consent will be imposed to ensure the fence has a maximum height of 1.6m.
- The proposed fence is open hatched material that will allow casual surveillance of the street whilst providing a defined boundary between public and private space.
- The fence will not obstruct clear views of the street or adversely affect pedestrian or

- motorist safety.
- No views of the waterway will be impeded by the fence.

With consideration of the above the variation to the front fencing requirement is considered satisfactory in addressing this control.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Pittwater Section 94 Development Contributions Plan**

S94 Contributions are not applicable to this application.

## **CONCLUSION**

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

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

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1680 for Demolition Works and construction of a detached garage and studio on land at Lot 13 DP 12979, 106 Iluka Road, PALM BEACH, 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.1.001, DA.1.102, DA.1.103, and DA.1.104 - All Rev. C | 11/10/2018 | Redgen Mathieson |
| DA.2.101 and DA.2.102 - All Rev. B                      | 10/10/2018 | Redgen Mathieson |

| Engineering Plans                          |            |                            |
|--------------------------------------------|------------|----------------------------|
| Drawing No.                                | Dated      | Prepared By                |
| GO170635 - C1, C2, C3, and C4 - All Rev. F | 05/10/2018 | ACOR Consultants Pty. Ltd. |

| Reports / Documentation – All recommendations and requirements contained within: |            |                       |
|----------------------------------------------------------------------------------|------------|-----------------------|
| Report No. / Page No. / Section No.                                              | Dated      | Prepared By           |
| Arborist Report                                                                  | 29/09/2018 | Jacksons Nature Works |

##### 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:

| Waste Management Plan |            |                                                 |
|-----------------------|------------|-------------------------------------------------|
| Drawing No/Title.     | Dated      | Prepared By                                     |
| Waste Management      | 10/10/2018 | Vaughan Milligan Development Consulting 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.

#### 2. Amendments to the approved plans

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

- a) The front fence is to have a maximum height of 1.6m.
- b) The wet bar and bench located within the studio is to be deleted.
- c) A highlight window is to be located on the southern external wall. The window is to be located within the bathroom and have a minimum sill height of 1.8m and extend for a length of 2.5m.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

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

### 3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal 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

#### 4. **General Requirements**

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and

construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

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

#### 5. **Studio not to be used for the purpose of separate habitation**

The approved studio is not to be used for the purposes of separate habitation (e.g. a secondary dwelling or dual occupancy).

Reason: Ensure consistency with P21 DCP requirements.

## FEES / CHARGES / CONTRIBUTIONS

#### 6. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition

work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

### **7. Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site. (DACHPCPCC1)

### **8. 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.

### **9. External Finishes**

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

Details demonstrating compliance are to be submitted to the 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.

### **10. Sydney Water "Tap In"**

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

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

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

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

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 11. Maintenance of Road Reserve

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

Reason: Public Safety.

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

### 12. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

### 13. Certification for the Installation of Stormwater Reuse System

A certificate from a Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) shall be submitted to the Certifying Authority prior to the release of the Occupation Certificate, stating that the stormwater reuse management system has been installed in accordance with the plans prepared by ACOR Consultants.

The certificate shall be submitted to the Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment (DACNEFPOC1)

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

**Signed**



**Ashley Warnest, Planner**

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



**Steven Findlay, Manager Development Assessments**