
C9.5 Community Survey 2014 Report

Meeting: Connecting Communities Committee

Date: 3 November 2014

STRATEGY: Corporate Management

ACTION: Develop, undertake and report on the community survey

PURPOSE OF REPORT

To inform Council about the results of the community survey conducted with Pittwater residents.

1.0 BACKGROUND

- 1.1 In 2010 Pittwater conducted its first Community Satisfaction Survey. The purpose of this survey was to gain feedback from residents regarding satisfaction with Council's services and performance.
- 1.2 In 2012 another Community Survey was undertaken, however the focus of this survey was to gain feedback on the Community Strategic Plan (Pittwater 2020) indicators and to help inform the development of the new Community Strategic Plan (Pittwater 2025).
- 1.3 In July 2014 we undertook another Community Survey. The focus of this survey was both community satisfaction with Council services and the other Community Strategic Plan indicators. As such we separated out these elements and conducted two separate surveys.
- 1.4 Micromex Research was engaged to undertake the two telephone surveys. We sampled 400 residents, over the age of 18, for each survey (total of 800 residents surveyed). The consultant ensured that the survey participant sample was reflective of the demographics of Pittwater. The sample size of 400 participants for each survey ensured that there is a sampling error of +/-4.9 at 95% confidence. This confidence level is considered statistically valid and represents sampling best practice.

2.0 KEY ISSUES

- 2.1 The Final Community Survey Report submitted to Pittwater Council by Micromex Research is tabled. Highlights of the results have also been included in the 2013-14 Annual Report.
- 2.2 The key findings of the two surveys are as follows:
 - 2.2.1 Overall 91% of residents surveyed were satisfied with Council's overall performance. This is slightly higher than in 2010 and above all the NSW LGA benchmarks. The main drivers of satisfaction are responsiveness to complaints/requests, provision of information to the community and community involvement in decision making.
 - 2.2.2 Overall 77% of residents surveyed thought that Council's image within the local community was 'good' to 'excellent'.

- 2.2.3 The top two key priority areas residents surveyed believe Pittwater should focus on over the next 5 years are controlled development/ over development and upgrading/ improving roads and footpaths.
- 2.2.4 Compared with 2010 research there was a significant increase in resident's level of importance with the following four services: cleanliness of beaches and waterways; managing and protecting creeks and waterways; support to local business; level of access to health services.
- 2.2.5 In relation to satisfaction of Council services, Pittwater scored above the LGA benchmark for the following: providing and operating libraries; overall satisfaction with the way contact was handled; overall satisfaction with council; environmental and sustainability initiatives; council provision of information to the community; support to local business; community involvement in decision making.
- 2.2.6 Overall 85% of residents surveyed were satisfied with performance of Council in dealing with their enquiry. The main ways in which Council can improve in this area are quicker response times, taking action on the enquired matter and staff to be more knowledgeable/ polite & courteous.
- 2.2.7 The survey measured the gap between importance and satisfaction. Performance gap analysis assists Council in considering areas where further investigation of the issues concerned with that service are important to tease out. It should also be noted that performance gaps are to be expected when importance measures are rated higher than 4.0. The top ten gaps in service delivery performance (comparing importance of a service to the level of satisfaction of a service) include: road network infrastructure; public transport (state government responsibility); managing development; providing and maintaining footpaths; responsiveness to complaints/ requests; level of access to health services (state government responsibility); community involvement in decision making; quality of development; internet access; and providing adequate drainage.
- 2.2.8 The majority of residents surveyed felt that the best methods for consultation were community surveys, talking with others and contacting Councillors. In addition the best methods for communication were e-newsletter, print media and personalised mail.
- 2.3 The results relating to the Community Strategic Plan indicators will be utilised in Councils End of Term Report (which will be produced in 2016) to track performance of Pittwater 2025 over a four year period.
- 2.4 The community survey results will be used as part of suite of tools and research data that will guide future planning. Council will communicate the results to reference groups and inform the broader community through our website and publications.

3.0 SUSTAINABILITY ASSESSMENT

Not required.

4.0 EXECUTIVE SUMMARY

- 4.1 Council conducted two community surveys in July 2014 with 800 residents in total via the telephone. These surveys provide vital information to Council regarding residents' satisfaction levels with our services & facilities as well as helping us to track the progress of the Community Strategic Plan (Pittwater 2025) indicators. Council utilises the results to improve our services and facilities and to better meet the expectations of the community.

RECOMMENDATION

That the information provided in the Community Survey Report (**as tabled**) be noted.

Report prepared by
Simonne Johnston - Corporate Planner

Jane Mulroney
MANAGER COMMUNITY ENGAGEMENT & CORPORATE STRATEGY

Natural Environment Committee

10.0 Natural Environment Committee Business

C10.1	N0095/14 - 121 George Street Avalon Beach - Alterations to the existing dwelling, the addition of a home office, secondary dwelling and new carport
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Meeting: Natural Environment Committee

Date: 3 November 2014

STRATEGY: Development Unit

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0095/14 at 121 George Street, Avalon Beach NSW 2107 for alterations to the existing dwelling, the addition of a home office, secondary dwelling and new carport.

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 28 August 2014 considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0095/14 at 121 George Street, Avalon Beach NSW 2107 for alterations to the existing dwelling, the addition of a home office, secondary dwelling and new carport.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 It is a policy requirement of the NSW Department of Planning that applications involving a State Environmental Planning Policy No. 1 (SEPP 1) objection supporting a variation to a development standard of more than 10% be referred to the elected Council for determination.
- 2.2 The actual variation has been determined to be 32.9%.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 The Development Unit at its meeting held on the 28 August 2014 resolved to endorse the Assessing Officer's recommendation and refer to Council recommending the granting of consent for application N0095/14 at 121 George Street, Avalon Beach NSW 2107 for alterations to the existing dwelling, the addition of a home office, secondary dwelling and new carport subject to the conditions contained in the Draft Determination and the following amended conditions of consent:

B7 The expansion of the existing, uncovered hardstand space (on the site's eastern side) further **east** is to be deleted from the proposal. The existing hardstand space may not be further expanded, however this consent does not permit for a small retaining wall within the space, and back-fill of this area with soil, so that the area constitutes soft landscaping.

C3 Prior to the issue of a Construction Certificate, architectural drawings are to be amended to reflect:

- the reduced western side decking
- the deleted concrete path & steps and paved area and their replacement with soft landscaping

- the deleted steps and paved pathway and their replacement with soft landscaping, and
- the deleted expansion of the existing, uncovered hardstand space (on the site's eastern side) further **east**, and the replacement of part of this space (but no further) with a small retaining wall and soft landscaping.

4.0 ISSUES

B3.7 – Estuarine Hazard – Residential Development: Dwelling House, Secondary Dwelling and Dual Occupancy.

5.0 SUSTAINABILITY ASSESSMENT

- 5.1 The relevant Environmental, Social and Economic issues have been addressed within the attached report.

6.0 EXECUTIVE SUMMARY

- 6.1 The Development Unit, at its meeting held on Thursday, 28 August 2014 considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0095/14 at 121 George Street, Avalon Beach NSW 2107 for alterations to the existing dwelling, the addition of a home office, secondary dwelling and new carport.

RECOMMENDATION

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0095/14 at 121 George Street, Avalon Beach NSW 2107 for alterations to the existing dwelling, the addition of a home office, secondary dwelling and new carport subject to the conditions contained in the Draft Determination and the following amended conditions of consent:

- B7** The expansion of the existing, uncovered hardstand space (on the site's eastern side) further **east** is to be deleted from the proposal. The existing hardstand space may not be further expanded, however this consent does not permit for a small retaining wall within the space, and back-fill of this area with soil, so that the area constitutes soft landscaping.
- C3** Prior to the issue of a Construction Certificate, architectural drawings are to be amended to reflect:
- the reduced western side decking
 - the deleted concrete path & steps and paved area and their replacement with soft landscaping
 - the deleted steps and paved pathway and their replacement with soft landscaping, and
 - the deleted expansion of the existing, uncovered hardstand space (on the site's eastern side) further **east**, and the replacement of part of this space (but no further) with a small retaining wall and soft landscaping.

Report prepared by
Nicholas Mamouzelos - Principal Officer Administration & Risk

Warwick Lawrence
MANAGER – ADMINISTRATION & GOVERNANCE

SUBJECT: N0095/14 - 121 George Street, Avalon Beach NSW 2107 - Alterations to the existing dwelling, the addition of a home office, secondary dwelling and new carport

Meeting: Development Unit

Date: 28 August 2014

SUMMARY OF RECOMMENDATION

Consent with Conditions

REPORT PREPARED BY: Michael Doyle

APPLICATION SUBMITTED ON: 09/04/2014

APPLICATION SUBMITTED BY: DEBORAH ROSE SHILKIN

OWNER(S): RODERICK J SHILKIN & DEBORAH R SHILKIN

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0095/14 for Alterations to the existing dwelling, the addition of a home office, secondary dwelling and new carport at 121 George Street, Avalon Beach NSW 2107 subject to the draft conditions of consent attached.

Report prepared by

Michael Doyle
PLANNER

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT

SUBJECT: N0095/14 - 121 GEORGE STREET, AVALON BEACH NSW 2107 Alterations to the existing dwelling, the addition of a home office, secondary dwelling and new carport

Determination Level:

Development Unit

SUMMARY OF RECOMMENDATION:

CONSENT WITH CONDITIONS.

REPORT PREPARED BY:

Michael Doyle

APPLICATION SUBMITTED ON:

9 April 2014

APPLICATION SUBMITTED BY:

Deborah Shilkin
121 George Street, Avalon Beach
NSW 2107

OWNER(S):

MRS DEBORAH ROSE SHILKIN
MR RODERICK JOHN SHILKIN

1.0 SITE DETAILS

Development Application N0095/14 is 121 George Street, Avalon which is Lot 1 in Deposited Plan 14882. The site is a right-angled, scalene triangle and has a total site area of 641m². The site is on the southern side of George St and rises above street level in line with unformed Queens Rd on the site's eastern side. Between the front property line and the point where the two side property lines meet at the rear, there is an approximate fall of 17.1m, equating to a 34.5% slope. The site is occupied by a two-storey dwelling, detached carport and paved and decked areas. Residential dwellings neighbour the property aside from Careel Bay Wharf which lies opposite on George St.

2.0 PROPOSAL IN DETAIL

The applicant seeks consent for alterations and additions to the existing dwelling and a secondary dwelling involving:

- demolition of the existing single carport and construction of a new single carport with studio above and associated stairs;
- demolition of the existing, uncovered single hardstand space and construction of a new, uncovered single hardstand space;
- approval of the existing dwelling's lower floor as a secondary dwelling;
- construction of stairs and decking around the lower floor's northern and western sides;
- extension of the existing dwelling's upper floor northern deck;
- demolition of existing retaining walls and construction of new retaining walls; and,
- window revisions.

3.0 STATUTORY AND POLICY CONSIDERATIONS

The following local and state policies apply to this site:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy No 1 - Development Standards
- State Environmental Planning Policy No 71 - Coastal Protection
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Pittwater Local Environmental Plan 1993 (applicable LEP)
- Pittwater Local Environmental Plan 2014 (in force on 27 June 2014)
- Pittwater 21 Development Control Plan (amendment 10 & 12)
 - Avalon Locality

Under the provisions of Pittwater Local Environmental Plan 1993 (applicable LEP), the site is zoned 2(a) / Residential A and the proposed development as alterations and additions to an existing dwelling and secondary dwelling is permissible with consent. Pittwater Local Environmental Plan 2014 (in force on 27 June 2014) zones the site E4 / Environmental Living. Dwelling houses and secondary dwellings are permissible with consent.

The land is either in, identified as or may be subject to:

- Landslip prone
- Wave action and tidal inundation
- All properties which include land within 40 metres of a river or stream or foreshore
- Land containing or adjoining Pittwater Spotted Gum Forest
- Land containing areas of Saltmarsh Endangered Ecological Community and other foreshore vegetation other than mangroves
- A foreshore scenic protection area

State Environmental Planning Policy No. 1 - Development Standards (SEPP No. 1)

Development standard to be varied:

Pittwater Local Environmental Plan 1993 Division 3C - Secondary Dwellings - 21R. Secondary dwellings in Zone No 2 (a), 2 (b), 2 (e) or 2 (f)
(3) The total floor area of the secondary dwelling (excluding any area used for parking) must not exceed whichever of the following is greater:
(a) 60 square metres,
(b) 20% of the total floor area of both the selfcontained dwelling and the principal dwelling.

Extent of variation:

The total floor area of both the selfcontained dwelling and the principal dwelling is 216.2m². 20% of this area is 43.2m², making PLEP 21R (3) (a) the applicable control (60m²).

The proposed secondary dwelling is 79.8m², representing a variation to the 60m² standard in the clause.

Applicant's justification of variation:

To support variation to PLEP 21R (3), the applicant's SEPP 1 Statement described how:

- The apartment (being the secondary dwelling) forms part of the existing and original design and use of the house;
- The apartment's external walls provide structural support for the remainder of the house;

- The apartment has a separate and dedicated parking area;
- The apartment satisfies PLEP 21P aims (i.e. it provides greater housing choice, has minimal environmental impact, and improves utilisation of building stock and infrastructure); and
- The apartment satisfies PLEP 21R (4) (i.e. it has no adverse impact on the natural environment, scenic qualities of the area or Aboriginal sites).

Consideration of SEPP 1 objection:

PLEP 21P states:

'The aims of this Division are:

- (a) to encourage a greater diversity of housing types and wider housing choice in appropriate locations with adequate physical and social infrastructure, and
- (b) to provide additional opportunities for more compact and affordable forms of housing with minimal environmental impact, and
- (c) to improve utilisation of building stock and infrastructure.'

The proposed secondary dwelling satisfies these objectives in that:

- (a) Secondary dwellings inherently offer an additional dwelling form at low density. The subject site is also in a residential area and connected with existing water, sewerage, electrical and communication services; and,
- (b) + (c) the dwelling, as contained in the existing footprint of the building, utilises the existing building, utilises site infrastructure and does not further impact the environment. The proposed works are also subject to two arborist reports. The Complete Aborcure, 25 May 2014, arborist report assessed three trees within close proximity to the proposed works and,
- in conjunction with Complete Aborcure, 12 August 2014, arborist tree root mapping report, and
- through modifying the development application so that it no longer proposes to extend the existing, uncovered hardstand space (on the eastern side of the site) further southeast but, instead, replace part of the hardstand space with a small retaining wall and fill with soil, the works can have no repercussions for existing native flora.

SEPP 1 Clause 3 Aims states:

'This Policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act.'

Environmental Planning and Assessment Act 1979, through section 5 (a), encourages:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment; and
- (ii) the promotion and co-ordination of the orderly and economic use and development of land.'

Compliance with PLEP 21R (3) is considered to be unreasonable in this instance because the dwelling is contained wholly within the footprint of the existing house and has no further environmental impacts through its construction or use. Further, although the proposed secondary dwelling exceeds 60m² by some margin and some internal secondary works may already be necessary to ensure it complies with the Building Code of Australia (with regards to fire-separation), the secondary dwelling:

- mostly exceeds 60m² due to a corridor providing access from the living area behind the bedroom to the bathroom;
- cannot be reduced without wasting the corridor space;
- overall cannot be reasonably reduced;

- only contains a single bedroom; and,
- therefore does not represent a dwelling type that would be inconsistent with the requirements for secondary dwellings.

Should the application be approved, a condition of consent shall also be applied ensuring that any further works to secondary dwelling over its life shall not result in the secondary dwelling comprising more than one bedroom and one bathroom. The objection is well-founded and consistent with PLEP, SEPP 1 and the Act.

4.0 BACKGROUND

The application was lodged on 09.04.14. The application was referred to Council's Development Engineer and Natural Resources Officer for comment.

The application was notified in accordance with Council's notification policy between 14.04.14 and 28.04.14. Council received one submission.

The site was inspected on 01.05.14.

On 05.05.14, the applicant was requested to provide additional information to form part of the development application. The applicant was required to amend the design of the studio to address the neighbour's submission and concerns. The applicant was also required to make a SEPP 1 objection/statement to justify the size of the secondary dwelling. The applicant provided this additional information on 15.05.14.

Council's Natural Resources Officer identified that there were three neighbouring gum trees within close proximity to the works. On 15.05.14, the applicant was requested to provide an arborist report. On 10.06.14, the applicant provided Complete Aborcare, 25 May 2014, arborist report.

The application was considered at Development Unit Meeting 10 July 2014. The panel deferred consideration of the application for the applicant

- to have the geotechnical engineering consultant certify that the proposed development in the amended drawings would have acceptable risks to life and property, and
- as recommended in Complete Aborcare, 25 May 2014, arborist report, to complete tree root mapping of a neighbouring gum tree so as to ensure the tree could be safely retained without later unauthorised design change.

Subsequently, the applicant's geotechnical engineering consultant certified that the proposed development in the amended drawings would have acceptable risks to life and property on 10.07.14.

The applicant submitted Complete Aborcare, 12 August 2014, arborist tree root mapping report on 18.08.14. This report found that extending the existing, uncovered hardstand space (on the site's eastern side) further southeast would be detrimental to the neighbouring gum tree, however the report recognised that the applicant no intended to modify the proposal so as to exclude this hardstand space expansion.

The application is subject to consideration at Development Unit Meeting 28 August 2014.

5.0 NOTIFICATION

Council notified six adjoining property owners including the NSW Department of Lands for the commercial premises opposite the site on George St.

A notification sign was displayed at the property for 14 days during the nominated notification period. The application was otherwise advertised in accordance with Council's Notification Policy.

Council received a submission from the western side neighbour. This submission objected to the proposed studio's side setback. This issue was resolved through modified drawings demonstrating an amended design complying with required side setback. Re-notification was unnecessary because the neighbour was contacted as a part of the assessment of the application and informed and there were no other objections.

6.0 ISSUES

- B3.7 Estuarine Hazard - Residential Development: Dwelling House, Secondary Dwelling and Dual Occupancy

7.0 COMPLIANCE TABLE

- T - Can the proposal satisfy the technical requirements of the control?
- O - Can the proposal achieve the control outcomes?
- N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
Pittwater Local Environmental Plan 1993					
9. ZONE No. 2(a) (RESIDENTIAL "A")			Y	Y	Y
21R Secondary Dwellings in Zone No 2(a), 2(b), 2(e) or 2(f)	PLEP 21R (3) The total floor area of the secondary dwelling (excluding any area used for parking) must not exceed... (a) 60 square metres.	The proposed secondary dwelling is 79.8m ² , representing a variation to PLEP 21R (3) of 32.9%, however the application included a SEPP 1 objection which is well-founded and shows the proposal to be consistent with PLEP, SEPP 1 and the Act. For further comment, see SEPP 1 Variation	N	Y	Y
33. Preservation of trees or vegetation		For comment, see B4.7	Y	Y	Y
39. Suspension of covenants, etc.			-	-	-
46. Provision of adequate water and sewerage services			Y	Y	Y
5 Consideration of certain applications	Foreshore scenic protection area or within view of any waterway: probable aesthetic appearance of the proposed building or work	The existing dwelling has a skillion roof, whereas the proposed studio has a flat roof. Due to the studio's scale and position, this is not considered to detract from the local area.	Y	Y	Y

Control	Standard	Proposal	T	O	N
Pittwater 21 Development Control Plan					
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects		The SEE did not address all relevant Pittwater 21 DCP clauses.	N	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings	Schedule of Finishes.	The application did not include a Schedule of Finishes. For further comment, see D1.5	N	Y	Y
3.4 Notification	Notification - 14 days Variation Minor amendments to in progress applications may not require re-notification	Council received a submission from the western side neighbour. This submission objected to the proposed studio's side setback. This issue was resolved through modified drawings demonstrating an amended design complying with required side setback. Re-notification was unnecessary because the neighbour was contacted as a part of the assessment of the application and informed and there were no other objections. Variation is applied.	Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
3.6 State Environment Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)	<ul style="list-style-type: none"> State Environmental Planning Policy No 1 - Development Standards State Environmental Planning Policy No 71 - Coastal Protection State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 		Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development - Roads			-	-	-

Control	Standard	Proposal	T	O	N
4.8 Integrated Development - Rivers, Streams and Foreshores	The application must be referred to the NSW Office of Water if the development is a controlled activity to be undertaken on waterfront land (excluding the coastal foreshore). Exemptions may apply under the Water Management (General) Regulation 2011 including minor residential developments	The proposed development, as alterations and additions to an existing dwelling and a secondary dwelling, constitutes residential development and is exempt.	Y	Y	Y
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted		In the assessment of this application, consideration has been given to Pittwater LEP 1993 (applicable LEP), Pittwater LEP 2014 (commencing 27 June 2014), desired character for the locality and applicable development controls.	Y	Y	Y
A4.1 Avalon Beach Locality			Y	Y	Y
B1.4 Aboriginal Heritage Significance		Council's Natural Resources & Landscape Officer commented: <i>No apparent issues.</i>	Y	Y	Y
B3.1 Landslip Hazard		Council's Development Engineer made no comment.	Y	Y	Y
B3.5 Acid Sulphate Soils		Council's Natural Resources & Landscape Officer commented: <i>No issues. Acid Sulphate Region 5 only.</i>	Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			-	-	-
B3.7 Estuarine Hazard - Residential Development: Dwelling House, Secondary Dwelling and Dual Occupancy		For Council's Development Engineer's comments, see 8.0 Discussion of Issues B3.7.	Y	Y	Y

Control	Standard	Proposal	T	O	N
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community		<p>Council's Natural Resources & Landscape Officer commented: 07.05.14</p> <p><i>The property contains a modified landscape typical of a suburban garden with several native canopy trees of species that are commonly found in the Pittwater Spotted Gum Forest. The proposed works include a new carport, alterations to the front and side of the existing dwelling, rebuild of an existing retaining wall and a new driveway including enlarged parking space. One large Spotted Gum (on the neighbouring property) is within close proximity to the proposed driveway works. This tree has a number of hollows which make this an important habitat tree. As the works are demolition and expansion of the existing retaining wall and parking space at the top of the driveway with 2 metres of this tree (and at least two other smaller Spotted Gums in the front yard) an arborist report is required to be submitted which determines the health, condition and Safe Useful Life Expectancy of the trees, and provides justified retention/removal recommendations as well as specify tree protection measures for each tree where applicable.</i></p> <p>01.07.14</p> <p><i>An arborist report has been submitted (Complete Arborcare, 25 May 2014) which assesses three (3) trees within close proximity to the proposed works. Tree 1, a large Spotted Gum on the neighbouring Council land, has had tree root mapping of the construction area with the tree protection zone recommended to determine if a redesign of the driveway construction will be required. This must be carried out before further construction can take place as this tree is considered to have a high habitat value and landscape significance for the surrounding area.</i></p>	Y	Y	Y

Control	Standard	Proposal	T	O	N
		<p><u>19.08.14</u></p> <p><i>Tree Root Mapping has been undertaken and a report submitted (Complete Arborcare, 12 August 2014). The mapping found that the proposed works would detrimentally impact on Tree 1 and therefore the proposed plans to extend the parking space have been deleted from the development application. The report states a small retaining wall is to be built on the existing concrete driveway and the area exposed with the tree root mapping will be filled. This is acceptable. An arborist must be present during works to ensure that Tree 1 is protected.</i></p> <p><i>The two (2) other Spotted Gums identified can be safely retained provided appropriate tree protection is installed prior to commencement of construction as recommended by the arborist report.</i></p> <p><i>There are no further natural resource issues.</i></p>			
B5.2 Wastewater Disposal		No wastewater reuse proposed.	Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System		Council's Development Engineer made no comment.	Y	Y	Y
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy		Council's Development Engineer made no comment.	Y	Y	Y
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy		Council's Development Engineer made no comment.	Y	Y	Y

Control	Standard	Proposal	T	O	N
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy	<p>Pittwater 21 DCP B6.5 Car spaces measure at least 5.5m long. AS 2890.1:2004 Car spaces measure at least 5.4m long.</p> <p>The maximum crossfall in any direction for an open car parking space is 1:20 (V:H).</p> <p>Variation: Car Parking for Secondary Dwelling A reduction in the car parking requirements for a Secondary Dwelling development to a minimum of 2 spaces per allotment may be considered on merit.</p>	<p>Council's Development Engineer made no comment. Council's Development Engineer was satisfied with the provision of two spaces.</p> <p>The proposed principal dwelling consists of a single bedroom and, ancillary to the dwelling, a detached studio. For the purposes of calculating bedrooms, the studio constitutes a bedroom.</p> <p>The dwelling and studio require two spaces. There are two existing car parking spaces. These spaces are proposed to be upgraded, however a secondary dwelling is proposed without a dedicated third space on the site.</p> <p>The site, through the length of its driveway and under an informal, tandem parking arrangement, would accommodate more than two parked cars. This parking would be within the front setback but obscured from the street through existing vegetation in the road reserve. This parking would not be level but is considered acceptable for providing a third space for a dwelling and studio and secondary dwelling that, all together, only create three bedrooms. Variation is applied.</p> <p>Should the development be approved, a condition shall be set that two spaces are provided over its life.</p>	Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill		Council's Development Engineer made no comment.	Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management		Council's Development Engineer made no comment.	Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain		Council's Development Engineer made no comment.	Y	Y	Y
C1.1 Landscaping		Council's Natural Resources & Landscape Officer commented: <i>For comment see B4.7</i>	N	N	Y
C1.2 Safety and Security			Y	Y	Y

Control	Standard	Proposal	T	O	N
C1.3 View Sharing			Y	Y	Y
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy		The western side neighbour, 158 Cabarita Rd, George St, primarily addresses George St. Although the proposed development is within 9m of 158 Cabarita Rd's northern outdoor recreation area, this is not considered to form its private open space, nor does the proposed studio directly face this neighbour and space.	Y	Y	Y
C1.6 Acoustic Privacy	Bedrooms must be located away from noise sources such as parking areas.	The proposed studio, which sits above the carport, may be used but does not primarily constitute a bedroom.	Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
C1.11 Secondary Dwelling			Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control		No conditions are considered necessary to apply. No plant, equipment or activity likely leading to pollution is proposed.	Y	Y	Y
C1.14 Separately Accessible Structures	<p>Control A separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that:</p> <ol style="list-style-type: none"> 1. it is ancillary to a dwelling; 2. it is not designed for separate habitation and does not contain any cooking facilities. <p>Variation Where the purpose of the structure or its distance from the nearest bathroom facility dictates, bathroom/toilet facilities may be allowed.</p>	The proposed studio includes a bathroom. However, the proposed use of the dwelling's lower ground floor as a secondary dwelling makes the studio only ancillary to the dwelling's upper floor. The distance between the studio and the upper floor allows variation to be applied. Should the development be approved, a condition of consent will require the studio not to contain any cooking facilities.	Y	Y	Y
C1.23 Eaves			Y	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over-Run			-	-	-

Control	Standard	Proposal	T	O	N
D1.1 Character as viewed from a public place	<p>Control Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building.</p> <p>Variation Council may permit parking spaces in front of building line where site constraints limit location.</p>	The existing and proposed carport and hardstand space lie within the front setback, however the parking spaces meet the established front building line and, notwithstanding this, the site is steep with a 34.5% slope thus allowing variation to be applied.	Y	Y	Y
D1.5 Building colours and materials		The application did not include a Schedule of Finishes. Should the application be approved, consent conditions will require colours to be dark and earthy.	Y	Y	Y
D1.6 Height - General	<p>Controls The maximum height of a building or structure shall be 8.5 metres.</p> <p>Variation - Steep Site Council will only consider a variation in height up to a maximum of 10m for minor parts of the building provided:</p> <ul style="list-style-type: none"> the outcomes of this control are achieved, the building footprint is situated on a slope in excess of 16.7 degrees (i.e. 30%), the visual bulk of the development is minimised, particularly when viewed from down slope, buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs which allow the building to step down the slope. 	<p>The dwelling's upper floor northern deck's proposed floor and roof extension exceeds 8.5m high. The roof would be 9.3m above ground level.</p> <p>Across the site, there is a 34.5% slope. The deck and its roof would be obscured by existing vegetation in the road reserve. The proposed development meets this clause's outcomes and variation may be applied.</p>	Y	Y	Y

Control	Standard	Proposal	T	O	N
D1.8 Front building line	<p>Outcomes To achieve the desired future character of the Locality. (S) The amenity of residential development adjoining a main road is maintained. (S) Vegetation is retained and enhanced to visually reduce the built form. (En) Vehicle manoeuvring in a forward direction is facilitated. (S) To encourage attractive street frontages and improve pedestrian amenity. To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment</p> <p>Control Front setback - 6.5m, or established building line, whichever is the greater</p> <p>Variation On steeply sloping or constrained sites, reduced or nil setbacks for carparking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable.</p>	<p>The existing and proposed parking spaces, studio, stairs and deck meet the established front building line yet lie within the front setback. Variation cannot be applied.</p> <p>The site is steep with a 34.5% slope. Proposed parking does not provide turnaround space for cars and, therefore, does not facilitate vehicle maneuvering in a forward direction, however this outcome is considered not applicable to a site on a local road with good sight-lines and a low speed limit. The proposed parking spaces, studio, stairs and deck meet all other outcomes.</p> <p>The site has a secondary frontage to unformed Queens Rd. Proposed hardstand space, deck and window revisions lie within 6.5m of this boundary, however these structures impose no bulk and scale. This setback is considered technically non-compliant but to meet all relevant outcomes.</p>	N	Y	Y
D1.9 Side and rear building line	<p>Outcome To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)</p> <p>Control Side setback 1 - 2.5m Side setback 2 - 1m</p>	<p>Council received a submission from the western side neighbour. This submission objected to the proposed studio lying within 900mm of the western, side boundary. This issue was resolved through modified drawings demonstrating an amended design for the studio complying with the required 1 metre side setback. The neighbour was contacted as a part of the assessment of the application and informed. This objection is considered to have been satisfied.</p> <p>The proposed carport includes a nil setback to the western side boundary, however the proposed carport within 1 metre of the western, side boundary has received no objection and is not considered to reduce any privacy or amenity.</p>	N	Y	N
D1.11 Building envelope			Y	Y	Y

Control	Standard	Proposal	T	O	N
D1.14 Site coverage - Environmentally Sensitive Land	<p>Control Environmentally sensitive areas Site cvg. 40%</p> <p>Variations Provided the outcomes of this control are achieved, the following may be permitted in addition to the maximum site coverage:</p> <ol style="list-style-type: none"> 1. impervious areas less than 1 metre in width (e.g. pathways and the like); 2. for single dwellings on residential zoned land only, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved recreation areas, patios, pathways and uncovered decks no higher than 1m above natural ground level) 	<p>Existing site cvg. - 342.8m², or 53.5%</p> <p>On 12.06.14, the applicant expressed that the western side concrete path, steps and paved area would be removed as a part of works. Should the application be approved, a condition of consent shall be imposed requiring that this area being returned to soft landscaping until covered by the proposed deck. Proposed site cvg. has excluded this area.</p> <p>Proposed site cvg. - 364.7m², or 56.9%</p> <p>Variations 1 and 2 may be applied Variation 1 - 23.3m², or 3.6% Variation 2 - 40.9m², or 6.4% of site area is eligible, however this variation is limited to 6% of site area. Therefore, variation 2 is 38.5m², or 6%</p> <p>Together, proposed site cvg. becomes considered to be 302.9m², or 47.3%</p> <p>Permitted site coverage continues to exceed permitted coverage by 46.8m², or 7.3%.</p> <p>However, site coverage could be further reduced through:</p> <ol style="list-style-type: none"> 1. reduction of the proposed secondary dwelling western side deck so that it becomes no more than 1m wide. This would exclude 15.7m², or 2.5%, of this deck from variation 2, however the remaining deck of no more than 1m wide would become exempt from site coverage under variation 1. Further, 2.8m², or 4.3%, of the former deck which was over 1m above ground level was previously excluded from variation 2 but, if reduced as a part of the remaining deck no more than 1m wide, would also become exempt from site coverage under variation 1; 2. extending works so as to involve 	N	Y	Y

Control	Standard	Proposal	T	O	N
		<p>the removal of existing southern steps and paved pathway behind and their return to soft landscaping, reducing site coverage a further 6.9m², or 1.1%; and</p> <p>3. in line with Complete Aborcure, 12 August 2014, arborist tree root mapping report, excluding extending the existing, uncovered hardstand space (on the site's eastern side) further southeast and replacing this area with small retaining wall and soil. This is estimated to reduce site coverage by a further 4m², or 0.6%.</p> <p>These design modifications would lead to proposed site coverage becoming considered to be 278.0m², or 43.4%, and, therefore, within 10.0% of this clause.</p> <p>Should the development be approved, design modifications 1, 2 and 3 shall become conditions of consent.</p>			
D1.16 Fences - Flora and Fauna Conservation Areas			-	-	-
D1.17 Construction, Retaining walls, terracing and undercroft areas	Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.	The proposed retaining walls are sufficiently screened from the street, negating preference for sandstone or sandstone-like materials.	Y	Y	Y
D1.20 Scenic Protection Category One Areas			Y	Y	Y
D1.21 Masterplan - Careel Bay		The application is not inconsistent with the Careel Bay Masterplan.	Y	Y	Y
D15.22 Masterplan - Careel Bay			Y	Y	Y
Relevant State Controls					

Control	Standard	Proposal	T	O	N
(Building Sustainability Index: BASIX) 2004		BASIX Certificate A183337, dated 11 March 2014, prepared by Inside Out Design.	Y	Y	Y

8.0 DISCUSSION OF ISSUES

- B3.7 Estuarine Hazard - Residential Development: Dwelling House, Secondary Dwelling and Dual Occupancy**

Site is identified as being at risk from inundation from the Pittwater estuary, however the existing development on the site is above reduced level of 6m AHD and therefore is at no risk from the estuary.

9.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 1993, Pittwater 21 DCP and the draft Pittwater Local Environmental Plan and other relevant Council policies.

The proposal is consistent with the relevant statutory and policy controls and outcomes. The impacts of the alterations and additions to the existing dwelling and secondary dwelling to the natural environment, local area, public domain, neighbouring properties and the property itself, including given the secondary dwelling's size, are acceptable subject to the recommended conditions. The application is recommended for approval.

RECOMMENDATION OF DEVELOPMENT OFFICER/PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0095/14 for the alterations and additions to the existing dwelling and secondary dwelling at 121 George St, Avalon subject to the conditions of consent.

Report prepared by

Michael Doyle
PLANNER

Date: 27 October 2014

CONSENT NO: N0095/14
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:
Deborah Shilkin
121 George Street, Avalon Beach
NSW 2107

Being the applicant in respect of Development Application No N0095/14

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0095/14** for:

Alterations to the existing dwelling, the addition of a home office, secondary dwelling and new carport

At: **121 GEORGE STREET, AVALON BEACH NSW 2107 (Lot 1 DP 14882)**

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

- **Architectural drawings: Sheets 33, 38, 39, 40, 41, 42 & 43, Job description Rod & Deb Shilkin 121 George Street Avalon 2107, Dated 15 May 2014, Prepared by Inside Out Design.**
- **Geotechnical Risk Management Policy for Pittwater report: Reference no. MP29313, Dated 17 March 2014, Prepared by Jack Hodgson Consultants Pty Limited.**
- **Geotechnical Risk Management Policy for Pittwater letter: Reference no. MP29313A, Dated 10 July 2014, Prepared by Jack Hodgson Consultants Pty Limited.**
- **Arborist report: Complete Aborcure, for 121 George St, Avalon, Dated 25 June 2014, Prepared by Arboriculture.**
- **Arborist tree root mapping report: Results of Root Mapping Assessment - Complete Aborcure, for 121 George St, Avalon, Dated 12 August 2014, Prepared by Arboriculture.**
- **BASIX certificate: Certificate no. A183337, Dated 11 March 2014, Prepared by Inside Out Design.**

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent _____

Mark Ferguson
GENERAL MANAGER
Per:

Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. 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:
 - a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b) 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
 - c) 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.

5. 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:
 - a) in the case of work for which a principal contractor is required to be appointed:
 - i) The name and licence number of the principal contractor, and
 - ii) The name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be done by an owner-builder:
 - i) The name of the owner-builder, and
 - ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) 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.
7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

Note: This condition does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the States building laws.

B. Matters to be incorporated into the development and maintained over the life of the development:

1. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
2. No kitchen facilities are to be installed in the outbuilding identified in this application as a studio, nor is the studio ever to be inhabited separately to the principal dwelling.
3. The lower ground floor of the main building forms the secondary dwelling. All decking that is to the western side of the secondary dwelling, but
 - excluding the decking that extends forward of the secondary dwelling's northern external wall, and
 - excluding other structures such as the studio, stairs, carport or retaining walls
 shall be reduced in size so that it is not more than 1m wide.
4. The concrete path & steps and paved area to the west of the secondary dwelling deck shall be removed and returned to soft landscaping.
5. The secondary dwelling shall never comprise more than one bedroom and one bathroom.
6. To the south of the principal dwelling and the paved patio, the steps and paved pathway are to be removed and returned to soft landscaping.
7. The expansion of the existing, uncovered hardstand space (on the site's eastern side) further southeast is to be deleted from the proposal. The existing hardstand space may not be further expanded, however this consent does permit for a small retaining wall within the space, and back-fill of this area with soil, so that the area constitutes soft landscaping.
8. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
9. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for noxious/environmental weed lists.
10. No environmental weeds are to be planted on the site. Refer to Pittwater Council website www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.

11. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
12. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
 - a) Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)
 - b) Species listed from the Endangered Ecological Community
 - c) Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Pittwater Council website http://www.pittwater.nsw.gov.au/environment/species_lists
13. No building materials or other materials are to be placed on Bushland vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.
14. The internal driveway finish is:
 - a) to be a stable surface for all weather conditions
 - b) to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.
15. To satisfy the off-street parking requirements for development, the minimum number of 2 vehicle space requirements shall be provided.

These spaces are to be provided and retained over the life of the development.
16. In accordance with Pittwater Council's DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
17. Roofs to all structures are to be of dark or mid grey, brown and/or green tones only. No white or light coloured roofs are permitted.
18. Timber log retaining walls are not permitted and are not to be included in the proposed development.
19. The proposed studio is to maintain a 1 metre building line to the western, side boundary measured parallel to this allotment boundary, as demonstrated on drawing no. 38, dated 15 May 2014, prepared by Inside Out Design.

C. Matters to be satisfied prior to the issue of the Construction Certificate:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.

2. A Certificate from a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, certifying the adequacy of the existing structure to support the additional loading is to be submitted to the Accredited Certifier or Council.

 3. Prior to the issue of a Construction Certificate, architectural drawings are to be amended to reflect
 - the reduced western side decking,
 - the deleted concrete path & steps and paved area and their replacement with soft landscaping,
 - the deleted steps and paved pathway and their replacement with soft landscaping, and
 - the deleted expansion of the existing, uncovered hardstand space (on the site's eastern side) further southeast, and the replacement of part of this space (but no further) with a small retaining wall and soft landscaping.

 4. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.

 5. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).
- Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.
6. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.

 7. The finished surface materials, including colours and texture of any building, shall blend with the surrounding and/or natural materials. The finished surface materials shall be non-glare and of low reflectivity. A specification which achieves this shall be submitted to the Accredited Certifier or Council with the Construction Certificate application in the form of a *Schedule of Finishes*.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 *The Demolition of Structures*.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

- a) Protection of site workers and the general public.
- b) Erection of hoardings where appropriate.
- c) Asbestos handling and disposal where applicable.
- d) Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

- 2. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
- 3. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 4. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 5. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
- 6. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
- 7. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.
- 8. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
- 9. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
- 10. No skip bins or materials are to be stored on Council's Road Reserve.
- 11. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - a) The builder's name, builder's telephone contact number both during work hours and after hours.
 - b) That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - c) That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.

- d) That no skip bins or materials are to be stored on Council's Road Reserve.
 - e) That the contact number for Pittwater Council for permits is 9970 1111.
12. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Complete Arborcare, dated 25 May 2014 and tree root mapping report (Complete Arborcare, 12 August 2014) are required to be complied with before and throughout the development period, particularly with regard to the following:
- a) Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
 - b) Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
 - c) All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
 - d) Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.
 - e) Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.
13. No storage of building materials or building waste, excavated fill or topsoil storage is to occur within the dripline of trees shown on the approved landscape working drawing(s) as being retained or within protective fenced areas.
- Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.
14. All works within 5 metres of the existing trees to be retained including pruning, demolition, excavation, civil works, fencing and the like must be carried out by hand under the supervision of an experienced and qualified Arborist. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to the Principal Certifying Authority prior to works recommencing. If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.

E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
2. Certification from a suitably qualified person is to be given prior to the issue of an Occupation Certificate that the secondary dwelling complies with the Building Code of Australia.
3. All existing and /or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
4. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
5. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer, with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.
6. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).