

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/1209
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<b>Responsible Officer:</b>	Penny Wood
<b>Land to be developed (Address):</b>	Lot 1 DP 550328, 7 Mona Street MONA VALE NSW 2103
<b>Proposed Development:</b>	Alterations and additions to a dwelling house
<b>Zoning:</b>	R2 Low Density Residential
<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>	David Adam Blackburn Roseanna Ellen Blackburn
<b>Applicant:</b>	Centric Architects

<b>Application Lodged:</b>	30/10/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	12/11/2019 to 26/11/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 60,520.00
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### PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for a two (2) vehicle carport and front fence.

### 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 - C1.1 Landscaping  
 Pittwater 21 Development Control Plan - D9.6 Front building line  
 Pittwater 21 Development Control Plan - D9.7 Side and rear building line  
 Pittwater 21 Development Control Plan - D9.10 Landscaped Area - General  
 Pittwater 21 Development Control Plan - D9.12 Fences - General

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 550328 , 7 Mona Street MONA VALE NSW 2103
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the eastern side of Mona Street.</p> <p>The site is irregular in shape with a frontage of 16.895m along Mona Street and a rear boundary length of 18.67m. The site measures 38.1m along the north eastern boundary and 45.72m along the south western boundary. The site has a surveyed area 713m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a single storey dwelling and detached secondary dwelling at the rear of the site.</p> <p>The site is relatively flat and has small to medium high vegetation along the perimeter of the site with the frontyard and backyard predominantly turfed. Large canopy trees located on adjoining properties and within the road reserve provide visual continuity of vegetation.</p> <p>Adjoining and surrounding development is characterised by single and storey two (2) dwellings.</p> <p>A site visit was conducted on 5 December 2019.</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:

- N0338/05 - Alterations and Additions to the existing dwelling. Approved 2 August 2005.
- N0439/07 - Construction of Inground Swimming Pool. Approved 11 September 2007.
- DA2019/0446 - Alterations and Additions, Dwelling House. Withdrawn 1 July 2019

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 4.15 Matters for Consideration'	Comments
	<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 allow Council to request additional information. No additional information was requested in this case.</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 clause is not relevant to this application.</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 on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> 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> The proposed development will not have a detrimental economic impact on the locality considering the nature</p>

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

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## 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.

## REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	No conditions recommended for Acid Sulphate Soils.
NECC (Coast and Catchments)	<p>The subject land has been included on the 'Coastal Use Area' maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 14 and 15 of the CM SEPP apply for this DA.</p> <p>As assessed in the submitted Statement of Environmental Effects (SEE) report, the DA satisfies the requirements under clauses 14 and 15 of the CM SEPP. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018 and is supported without condition.</p>
NECC (Development Engineering)	The proposed development does not require OSD and connection of stormwater to the existing kerb connection is satisfactory. The existing driveway crossing is to remain which is satisfactory. No objection to approval, subject to conditions as recommended.
NECC (Stormwater and Floodplain Engineering – Flood risk)	The subject property is identified as being located in the medium flood risk precinct. The 1% AEP flood event is not predicted to impact the subject property and therefore the proposed works are not considered to increase flood risk for the occupants or neighbouring properties.



Internal Referral Body	Comments
	No flood related development controls applied.

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 55 - Remediation of Land

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

### SEPP (Infrastructure) 2007

#### Ausgrid

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

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

#### Comment:

The proposal was referred to Ausgrid. 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.

## Pittwater Local Environmental Plan 2014

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

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	3.95m	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.10 Essential services	Yes

## Pittwater 21 Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	0m	100%	No
Side building line	2.5m	10.46m	N/A	Yes
	1m	120mm	88%	No
Building envelope	3.5m	Within envelope	N/A	Yes
	3.5m	Within envelope	N/A	Yes
Landscaped area	50% (355.5sqm)	38.2% (272sqm)	23.5%	No

**\*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

Clause	Compliance with Requirements	Consistency Aims/Objectives
A4.9 Mona Vale Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)	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
C1.1 Landscaping	No	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	No	Yes
D9.7 Side and rear building line	No	Yes
D9.9 Building envelope	Yes	Yes
D9.10 Landscaped Area - General	No	Yes
D9.12 Fences - General	No	Yes

#### Detailed Assessment

#### **C1.1 Landscaping**

See detailed assessment in Part D9.10 Landscaped Area - General

#### **D9.6 Front building line**

This control requires all development to be setback 6.5m from the front boundary line. The proposed development achieves a nil setback. This represents a variation of 100%.

#### Merit Consideration



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

*Achieve the desired future character of the Locality.*

Comment:

Under A4.9 of P21 DCP, the proposal is consistent with the objectives of the desired future character of Mona Vale. The proposal will achieve a height that is well below the existing tree canopy. Furthermore, no native vegetation is proposed to be removed as a result of the development. The bulk and scale of the development is minor in nature and is unlikely to impact upon the amenity of adjoining properties.

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

Comment:

Any existing views or vistas are unlikely to be obstructed as a result of the proposed development. The subject site and adjoining properties will still be able to conduct casual and unobstructed surveillance of the street from within the dwellings.

*The amenity of residential development adjoining a main road is maintained.*

Comment:

The subject site is located on a relatively busy road given the location of the site adjacent to Pittwater High School. The site currently provides off-street car parking with the construction of the carport, thereby not altering the existing car parking arrangement for the site.

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

Comment:

No significant vegetation is proposed to be removed as a result of the proposed development.

*Vehicle manoeuvring in a forward direction is facilitated.*

Comment:

The proposed carport will be located over an existing hardstand area that is currently utilised for off-street parking. The site does not currently facilitate vehicle manoeuvring in a forward direction and the erection of the proposed carport will not alter the existing arrangement. This is considered acceptable, given the minor nature of the proposal and the site constraints.

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

Comment:

The proposed development will enhance the existing streetscape through the development of a fixed structure, as opposed to the current shade cloth to protect the vehicles from undesirable weather events. Furthermore, the proposed design of the carport is in keeping with the design of the existing principle dwelling. The bulk and scale of the proposed built form will remain consistent with surrounding development and it will achieve a height that is well below the permissible 8.5m maximum height for development in the area.

*To encourage attractive street frontages and improve pedestrian amenity.*

Comment:

As discussed above, the proposed development will result in an attractive street frontage. Additionally,

access to the site for pedestrians will not be impacted as a result of this development.

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

Comment:

The proposed development responds to, reinforces and sensitively relates to the spatial characteristics of the urban environment by way of locating the proposed carport in the same area as the existing hardstand vehicle parking space. The proposed development is unlikely to require excess excavation as the site, primarily within the front setback area is already substantially excavated, therefore resulting in minimal interruption to the natural land and vegetation.

While the proposed front setback is numerically non-compliant, it is considered to be consistent with the objectives of the control and appropriate within the locality. It is therefore determined the variation is applicable based on merit.

### **D9.7 Side and rear building line**

This control requires side setbacks to be 2.5m on one side and 1.0m on the other side. The proposed development results in a 120mm side setback to the south western boundary, which is numerically non-compliant with the 1.0m control. This represents a variation of 88% to the control.

Merit Consideration

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

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

Comment:

Under A4.9 of P21 DCP, the proposal is consistent with the objectives of the desired future character of Mona Vale. The proposal will achieve a height that is well below the existing tree canopy. Furthermore, no native vegetation is proposed to be removed as a result of the development. The bulk and scale of the development is minor in nature and is unlikely to impact upon the amenity of adjoining properties.

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

Comment:

The proposed development is of minimal bulk and scale. The location of the proposed carport will be located over an existing hardstand surface used for vehicle parking. Planting is proposed along the front of the proposed front boundary fence with the carport maintaining an open at the rear which will reduce the bulk and scale of the structure when viewed from Mona Street.

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

Comment:

Any views and vistas that are currently enjoyed by the subject site and adjoining properties are unlikely to be impacted as result of the proposed development.

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

Comment:

As discussed above, any views obtained from the subject site or adjoining properties are unlikely to be impacted as a result of the proposed development.

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

Comment:

Due to the nature of the proposed development, there is unlikely to be any unreasonable impact upon the amenity of the adjoining property. Furthermore, due to the orientation of the site, the carport is unlikely to cause significant overshadowing to the adjoining property.

*Substantial landscaping, a mature tree canopy and an attractive streetscape.*

Comment:

While no large canopy trees are located within the subject site, the site does enjoy the mature tree canopy from adjoining neighbours and directly in front of the site on the road reserve. The subject site proposes planting in front of the proposed front boundary fence which contributes to the landscaping of the site and enhances the streetscape.

*Flexibility in the siting of buildings and access.*

Comment:

No amenity impacts will arise as a result of the proposed development.

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

Comment:

As discussed elsewhere in this report, no significant vegetation is proposed to be removed as a result of this development.

*To ensure a landscaped buffer between commercial and residential zones is established.*

Comment:

The subject site is located within and is surrounded by residential zoning, therefore this clause is not applicable.

While the proposed side setback is numerically non-compliant, it is considered to be consistent with the objectives of the control and appropriate within the locality. It is therefore determined the variation is applicable based on merit.

## **D9.10 Landscaped Area - General**

The subject site is located within Area 3 of the Landscaped Area Map. Therefore, the site requires a minimum of 50% landscaped area. The proposed development results in a numerically non-compliant landscaped area of 83.5sqm. This represents a variation of 23.5%. Provided the outcomes of the control can be achieved, a variation may be permitted which allows pathways (and the like) of 1m width or less, and 6% of the total site to be included in the overall landscaped proportion of the site. With the variations applied, the proposed landscaped area is increased to 48.9%, thus remaining numerically non-compliant. The proposal does not alter the existing landscaped area for the site.

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

*Achieve the desired future character of the Locality.*

Comment:

Under A4.9 of P21 DCP, the proposal is consistent with the objectives of the desired future character of Mona Vale. The proposal will achieve a height that is well below the existing tree canopy. Furthermore, no native vegetation is proposed to be removed as a result of the development. The bulk and scale of the development is minor in nature and is unlikely to impact upon the amenity of adjoining properties.

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

Comment:

The proposed development is of minimal bulk and scale. The location of the proposed carport will be located over an existing hardstand surface used for vehicle parking. The existing timber planter box located along the front boundary is proposed to be retained, thus visually reducing the bulk of the built form when viewed from the street.

*A reasonable level of amenity and solar access is provided and maintained.*

Comment:

Due to the nature of the proposed development, there is unlikely to be any unreasonable impact upon the amenity of the adjoining property. The south western side of the proposed carport is located adjacent to an existing driveway which provides access for 5 Mona Street and therefore is not located within close proximity to any buildings. Due to the orientation of the site, the carport is unlikely to cause significant overshadowing to the adjoining property.

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

Comment:

No significant or native vegetation is proposed to be removed.

*Conservation of natural vegetation and biodiversity.*

Comment:

As discussed above, no native vegetation is proposed to be removed as a result of the proposed development.

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

Comment:

The proposed development is located over an existing hardstand surface. Therefore, the proposed carport will not lessen the soft surface of the site. The existing management of stormwater runoff and infiltration of water into the water table is unlikely to be impacted as a result of the proposed development.

*To preserve and enhance the rural and bushland character of the area.*

Comment:

As discussed above, no significant vegetation is proposed to be removed as a result of the development, thus maintaining the rural and bushland character of the area.

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

Comment:

As discussed above, the development is unlikely to impact upon the soft surface of the site as the proposed garage is to be located over an existing hardstand surface. Therefore, stormwater management and water infiltration to the water table will be achieved.

While the proposal is numerically non-compliant, it is considered to be consistent with the underlying objectives of the control, and is therefore supported on merit.

## **D9.12 Fences - General**

### Description of non-compliance

The proposal seeks consent for a front boundary fence measuring 1.4m to the top of the wooden slat component and 1.6m to the top of the masonry pillars. The control requires the height of front fences to be a maximum of 1.0m.

### Merit consideration

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

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

#### Comment

Under A4.9 of the DCP, the proposal is consistent with the objectives of the desired future character of Mona Vale.

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

#### Comment

The proposed fence is considered to complement and conserve the visual character of Mona Street and the surrounding neighbourhood by way of constructing a generously transparent structure that will ensure the fence does not dominate the streetscape. Planting is proposed in front of the fence to help soften the solid component of the fence. The front fence will also measure approximately two thirds of the front boundary with the proposed carport structure maintaining an open component along the front boundary.

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

#### Comment

The proposed fence will provide definition to the site's boundaries, while maintaining a design that is compatible with the streetscape and providing a sense of openness as to not dominate the appearance of the development.

*To contribute positively to the public domain.*

#### Comment

The proposed fence provides a sympathetic design which allows for adequate surveillance of the street through the transparent character of the fence. The fence will be in keeping with fences of a similar height and design along Mona Street and will contribute positively to the streetscape.

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

Comment

The proposed fence provides adequate transparency to two thirds of the fence creating adequate surveillance of Mona Street.

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

Comment

The proposal is a well designed fence with timber slats, rendered and painted base with rendered pillars, accompanied with vegetation, to minimise the visual impact the development has when viewed from the street. This design is compatible with the surrounding streetscape, while creating visual interest in the public domain.

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

Comment

The proposal will maintain safe site distances and clear view of the street as the proposed fence provides a generous level of transparency. The fence will provide privacy towards the front yard and the dwelling while maintaining a generous open portion where the proposed carport is located.

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

Comment

The proposed boundary fence provides a pedestrian gate along the front boundary which will provide access for pedestrians.

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

Comment

N/A

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

Comment

N/A

## **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**

### **Northern Beaches Section 7.12 Contributions Plan 2019**

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of 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:

- Inconsistent 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 DA2019/1209 for Alterations and additions to a dwelling house on land at Lot 1 DP 550328, 7 Mona Street, MONA VALE, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 1. **Approved Plans and Supporting Documentation**

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

##### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
0327 - 2000 Issue F	30 October 2019	Centric Architects Pty Ltd

0327 - 2300 Issue B	30 October 2019	Centric Architects Pty Ltd
0327 - 3000 Issue E	30 October 2019	Centric Architects Pty Ltd
0327 - 4000 Issue F	30 October 2019	Centric Architects Pty Ltd
0327 - 4001 Issue A	30 October 2019	Centric Architects Pty Ltd
0327 - 5000 Issue A	30 October 2019	Centric Architects Pty Ltd
0327 - 5001 Issue A	30 October 2019	Centric Architects Pty Ltd
0327 - 6000 Issue A	30 October 2019	Centric Architects Pty Ltd
0327 - 7000 Issue A	30 October 2019	Centric Architects Pty Ltd

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:

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Northern Beaches Waste Management Plan	9 April 2019	Centric Architects 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. **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.

### 3. **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.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
  - (ii) Swimming Pools Amendment Act 2009
  - (iii) Swimming Pools Regulation 2008
  - (iv) Australian Standard AS1926 Swimming Pool Safety
  - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
  - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## FEES / CHARGES / CONTRIBUTIONS

### 4. **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

5. **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.

6. **Boundary Survey**

A boundary survey, prepared by a Registered Surveyor, shall be provided as evidence that all buildings/works are within the appropriate property, easement boundaries and rights of carriageway.

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

Reason: To ensure the accurate location of buildings in relation to boundaries, easements and rights of way.

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

7. **Road Reserve**

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

Reason: Public safety.

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

8. **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.

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

**Signed**





**Penny Wood, Planner**

The application is determined on 09/12/2019, under the delegated authority of:



**Claire Ryan, Acting Development Assessment Manager**