

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0363
Responsible Officer:	Kelsey Wilkes
Land to be developed (Address):	Lot 67 DP 703692, 7 Tallarook Close MONA VALE NSW 2103
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Peter Robert Iles Leanne Kim Chandler
Applicant:	Leanne Kim Chandler
Application Lodged:	17/04/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	28/04/2020 to 12/05/2020
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 7,535.00

PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for alterations and additions including:

- Construction of a 1.2 meter high driveway gate over existing driveway on the front boundary between two existing existing hedges
- Construction of a 1.8 meter high side boundary privacy screen, 300mm inside the north eastern side boundary
- Construction of a 1.8 meter high privacy screen within the front setback area, located adjacent to the driveway between the existing front boundary hedge and existing garage.

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 - 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

Property Description:	Lot 67 DP 703692 , 7 Tallarook Close MONA VALE NSW 2103
Detailed Site Description:	<p>The subject site consists of one (1) allotment legally identified as Lot 67 within DP 703692 and is located at the north western end of the cul-de-sac which ends Tallarook Close, Mona Vale.</p> <p>The site is irregular in shape with an arced frontage of 16m along Tallarook Close and north eastern and southern side boundary depths of 25.585m and 39.945m respectively. The site has a surveyed area of 802.2m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates an existing one and two storey dwelling, detached double garage and swimming pool.</p> <p>The site falls gradually from the northern corner of the site's front boundary to the rear south western corner.</p> <p>Landscaping on site is characterised by hedging, lawn and small to medium shrubs at the front of the site an native and</p>

non-native vegetation and lawn at the rear of the property.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one and two storey residential dwelling's of predominantly similar ages and architectural styles.

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.

Section 4.15 Matters for Consideration'	Comments
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)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&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&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&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</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) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p>

Section 4.15 Matters for Consideration'	Comments
	(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited 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 process council is in receipt of 1 submission/s from:

Name:	Address:
Mrs Deborah Marie Ambrosius	8 Tallarook Close MONA VALE NSW 2103

The following issues were raised in the submissions and each have been addressed below:

- Clarification regarding setback of privacy screen
- Clarification on the design of the privacy screen
- Existing fencing
- Colour of proposed screen
- Concern that the existing hedge will not survive the works
- Concern regarding maintenance of hedge and appearance of screen when viewed from objectors property
- Security Risk

The matters raised within the submissions are addressed as follows:

- Clarification regarding setback of privacy screen from north eastern boundary

The objector seeks clarification regarding the setback of privacy screen from north eastern boundary

Comment:

As indicated within stamped architectural plan DA03, the proposed privacy screen will be set back 300mm from the north eastern side boundary.

- Clarification regarding the design of the privacy screen

The objector seeks clarification as to the design of the privacy screen at the north eastern elevation.

Comment:

The appearance of the privacy screen at the north eastern elevation will be as per drawing DA06. The purpose of this drawing is to show the design of the structure without vegetation. The intention is however, to incorporate the hedging into the overall works as demonstrated in drawing DA08.

The applicant has provided confirmation that there will be a gap of approximately 10mm between each slat however a condition has been placed on this consent that requires the privacy screens to comprise of a maximum 25% openings to ensure the screen facilitates a sufficient level of privacy. The applicant has also confirmed that the design may include posts on either one side or both sides however Council raises no concerns to this as the screen is set within the subject property and the colours and materials comply with part D9.3 of the P21DCP.

- Existing fencing

The objector raises the concern that no plans show how the existing fence will be raised.

Comment:

The existing boundary fence will remain unchanged. The new boundary screen will be set in from the existing boundary fence and partially overlap it as indicated in drawing DA03.

- Colour of proposed screen

Objection is raised at the dark grey colour of the proposed privacy screen.

Comment:

The proposed colour of the fence complies with part D9.3 of the P21DCP which requires external colours and materials to be of dark and earthy tones in order to be of low reflectivity and compatible with the natural environment. Furthermore, the screen will be screened by existing vegetation and is located at a right angle to the front boundary, resulting in minimal visual impact.

- Concern that the existing hedge will not survive the works

The objector raises concern that the existing north eastern elevation hedge will not survive as a result of siting the privacy screen.

Comment:

The intention is to retain this hedge as part of the works as indicated within the architectural plans. However, as the hedge is not a significant or protected species under the P21DCP, the owner of the land upon which the hedge is located is entitled to remove it without consent if they wish to do so. Council is satisfied that the proposed privacy screen has been designed in a way which would not have an adverse or unreasonable impact on the existing streetscape or adjoining properties if the hedge did not survive the works. Furthermore, Council is satisfied that the sufficient vegetation and landscaped open space exists on site in accordance with Part D9.10 of the P21DCP and no concern is raised to the removal of this hedge within the subject site if required.

- Concern regarding maintenance of hedge and appearance of screen when viewed from objectors property and streetscape.

Comment:

The proposed screen has been set inside the north eastern side boundary of the subject site by 300mm to allow for hedging between the screen and boundary to screen the structure. It is the owners responsibility to maintain vegetation on their side of the property. The appearance and location of the screen is considered acceptable in this particular circumstance as discussed under part D9.12 of this report. Furthermore, the angle of the screen which does not directly front the street and the proposed colours will minimise any impact on the existing streetscape. In accordance with Part D9.10 of the P21DCP, sufficient landscaping exists on site to also assist with minimising visual impact when viewed from the streetscape.

- Security Risk

The objector raises the concern that the proposed screens will create a security risk and create opportunity for undesirable behaviour within the street.

Comment:

Council is satisfied that a sufficient level of passive surveillance will be maintained within the street as the screens do not front the street, are located behind or adjacent to existing vegetation screening and are of a partially open design.

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	No Development Engineering objection with no conditions.

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

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

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

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

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

SEPP 55 - Remediation of Land

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

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

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line D9.12 a. <i>Front fences (within the front building setback) shall not exceed a maximum height of 1 meter above existing ground level</i>	6.5m	1.2m and at 1.2m high	N/A	No
Rear building line	6.5m	15.6m	N/A	Yes
Side building line D9.12 a. <i>Front fences (within the front building setback) shall not exceed a maximum height of 1 meter above existing ground level</i>	2.5m (South)	9.9m at 1.8m high within front setback area	N/A	Yes
	1m (North East)	300mm at 1.8m high within front setback area	N/A	No

Landscaped area	50%	43.7%	N/A	No (Existing and unchanged)
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***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	No	Yes
D9.7 Side and rear building line	No	Yes
D9.10 Landscaped Area - General	No	Yes
D9.12 Fences - General	No	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

D9.6 Front building line

Refer to Part D9.12 of this report for a detailed assessment regarding the proposed privacy screens and driveway gate.

D9.7 Side and rear building line

Refer to Part D9.12 of this report for a detailed assessment regarding the proposed privacy screens and driveway gate.

D9.10 Landscaped Area - General

In accordance with this clause, the subject site is required to contain 50% of site area as landscaped open space. The proposed landscaped open space on site is calculated as 43.7% and therefore fails to comply however this is an existing non-compliance. As the proposed works include a driveway gate over an existing hard surface and privacy screens, there will be no reduction of the current landscaped calculation on site. As the non-compliance is existing and the calculation remains unchanged by the proposal, Council raises no concern in this particular circumstance.

D9.12 Fences - General

Description of non-compliance

As the proposed privacy screens replicate the appearance of a fence, this clause will be used for the purpose of this assessment.

Part D9.6 *Front Building Line* and Part D9.7 *Side and Rear Building Line* permits fence structures within the front and side setback areas.

Part a of this control states that front fences and side fences within the front building setback shall not exceed a maximum height of 1 meter above existing ground level. The proposed driveway gate measures 1.2 meters in height and the proposed privacy screens measure 1.8 meters in height where located within the front setback area. While permitted within these setback areas, the height of these structures therefore fails to comply with the requirement under this clause.

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:

The proposed driveway gate and privacy screens have been designed to be partially transparent and of recessive colour in order to blend in with the natural environment and reduce visual bulk and scale. While non-compliant, the proposed structures are not considered to dominate the streetscape as the proposed gate extends for the width of the driveway only and existing hedging will contribute to screening the privacy screens within the front setback area. The structures are also set back a minimum of 1.2 meters from the front boundary which assists in reducing the appearance of built form. Furthermore, the proposed structures are common features of residential development and are not considered to be out of character with the existing locality or contrary to the desired future character of the locality.

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

Comment:

Notwithstanding the non-compliant height of the proposed privacy screens within the front setback area, it is considered that existing plant screening will function to sufficiently screen the built form and therefore ensure that the visual character of the street and neighbourhood is conserved. As the proposed driveway gate only extends for the width of the driveway, it is not considered that its height at 1.2 meters will visually detract from the existing streetscape. As a whole, it is considered that the visual character of the streetscape will remain largely unaltered as landscaping fronting the street will be retained and the proposed privacy screens have the visual appearance of a fence which is a common feature of residential sites within the locality.

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

Comment:

The proposed driveway gate and privacy screens have been located to define boundaries between public and private land and also neighbouring properties. It is therefore considered that this objective has been achieved.

To contribute positively to the public domain.

Comment:

The proposed structures will provide an improved level of privacy, safety and definition of boundaries for the subject occupants while contributing positively to the public domain through a design which blends in with the natural environment, is well screened and of minimal scale. For these reasons, it is not considered that the non-compliance will result in an adverse or unreasonable impact to the public domain.

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

Comments:

The proposed structures have been designed to be partly transparent to allow for casual surveillance of the street. The proposed driveway gate is not of a height which would obstruct views of the street when standing within the property boundaries. The majority of the proposal has also been integrated into existing hedging and aside from the driveway gate, is located at a right angle to the front boundary to allow for clear views of the street and minimise bulk and scale. Due to the existing hedging on site, the level of casual surveillance will remain largely unchanged and is considered acceptable.

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

Comment:

Where provided, the proposed privacy screens have been located behind or incorporated adjacent to existing hedging in order to minimise their visual appearance. The proposed driveway gate is located between two existing hedges, adjacent to the front boundary however given its location over a hardstand surface and design which allows for casual surveillance, Council does not consider it necessary that this be screened from view of a public place.

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

Comment:

The transparent design and height of the proposed driveway gate will allow for a safe sight distance and clear view of the street for motorists and pedestrians. It is not considered that the minor non-compliance will adversely or unreasonably impact this.

Unhindered travel for native animals and pedestrians. (S)

Comment:

The proposed structures are transparent and open at the bottom to allow for unhindered travel for native animals. The structures include access gates to allow for pedestrians to move through the site.

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

Comment:

There are no heritage items or heritage conservation areas located in the vicinity of the proposal.

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

Comment:

There are no waterway views available from the subject site or adjoining sites.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs

- Consistent with the objects of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0363 for Alterations and additions to a dwelling house on land at Lot 67 DP 703692, 7 Tallarook Close, 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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA00 Cover Page - Schedule of colours and materials	7 April 2020	Archisoul Architects
DA01 - Existing Site & Analysis Plan	7 April 2020	Archisoul Architects
DA03 - Proposed Site & Landscape Plan	7 April 2020	Archisoul Architects
DA04 - Existing & Proposed Section A-A	7 April 2020	Archisoul Architects
DA05 - Existing & Proposed Street Elevations	7 April 2020	Archisoul Architects
DA06 - Existing & Proposed Boundary Elevation	7 April 2020	Archisoul Architects
DA09 - Waste Management Plan	7 April 2020	Archisoul Architects

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

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	7 May 2020

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

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

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the

footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 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 sewerred areas or managed on-site in unsewerred 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

5. Security Bond

A bond (determined from cost of works) of \$1,000 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).

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

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

6. Amendments to the approved plans

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

- The proposed privacy screens are to comprise of a maximum 25% openings.

Details demonstrating compliance shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate and shall be maintained for the life of the development.

Reason: To ensure the screen facilitates a sufficient level of privacy.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the

issue of the construction certificate.

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

7. **Boundary Identification Survey**

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

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

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

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

8. **Compliance with Standards**

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

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

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

9. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

11. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

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

Signed



Kelsey Wilkes, Planner

The application is determined on 01/07/2020, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments