

DEVELOPMENT APPLICATION ASSESSMENT REPORT

| | |
|----------------------------|-------------|
| Application Number: | DA2018/1712 |
|----------------------------|-------------|

| | |
|---|--|
| Responsible Officer: | Adam Urbancic |
| Land to be developed (Address): | Lot 46 DP 18415, 12 Ross Street NEWPORT NSW 2106 |
| 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: | Timothy John Flaherty |
| Applicant: | Timothy John Flaherty |

| | |
|----------------------------------|---|
| Application lodged: | 19/10/2018 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Residential - Alterations and additions |
| Notified: | 25/10/2018 to 12/11/2018 |
| Advertised: | Not Advertised |
| Submissions Received: | 0 |
| Recommendation: | Approval |

| | |
|---------------------------------|---------------|
| Estimated Cost of Works: | \$ 398,745.00 |
|---------------------------------|---------------|

ASSESSMENT INTRODUCTION

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

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings
 Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
 Pittwater 21 Development Control Plan - C1.5 Visual Privacy
 Pittwater 21 Development Control Plan - D10.4 Building colours and materials
 Pittwater 21 Development Control Plan - D10.14 Fences - General

SITE DESCRIPTION

| | |
|-----------------------------------|--|
| Property Description: | Lot 46 DP 18415 , 12 Ross Street NEWPORT NSW 2106 |
| Detailed Site Description: | <p>The subject site consists of one (1) allotment located on the northern side of Ross Street.</p> <p>The site is irregular in shape with a frontage of 17.68m along Ross Street and an average depth of 50.45m. The site has a surveyed area of 807.4m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a single storey weatherboard cottage with a tile roof located centrally on the site and a detached weatherboard garage with a tile roof located near the north-eastern corner of the site.</p> <p>The site is relatively flat with no dominant slope.</p> <p>The site contains one (1) tree within the front yard with a cottage style garden along the perimeters of the dwelling house and north-eastern boundary. The rear yard contains a number of trees, mainly non-native species, generally along the north-western and south-western boundaries.</p> <p>The site is classified as flood prone land, being located within the high risk flood precinct and within the H3 and H5 Risk to Life Flood categories.</p> <p>A site inspection was conducted on 22 November 2018.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by one (1) and two (2) storey dwelling houses of varying architectural styles to the east, south and west of the site, with a large service station located to the north of the site.</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:

17 September 2018

Tree Permit TA2018/0112 for the removal of a Willow Myrtle (*Agonis flexuosa*) in the rear yard was granted consent.

APPLICATION HISTORY

14 January 2019

Request for Withdrawal of Development Application letter sent outlining areas of non-compliance and insufficient information, specifically related to a non-compliance with the proposed carport and Council's flood controls, insufficient information to assess the suitability of the development and potential impacts to trees located within close proximity to the proposed carport within the rear yard and the lichgate and pathway within the front yard, insufficient information to assess the potential impacts to Council's stormwater drainage system, and non-compliant side and rear setbacks for the proposed carport, which could not be supported.

21 January 2019

Email received from the applicant confirming that the proposed carport within the rear yard, and the pathway and lichgate within the front yard, are to be removed from the current development application.

PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for alterations and additions to the existing dwelling house, specifically the following works:

General

- demolition of the existing weatherboard garage;
- construction of a new double carport in the north-eastern corner of the rear yard, including extending and widening the existing driveway;
- construction of a new 1450mm front fence with associated lychgate and vehicle gates; and
- construction of a new pathway leading to new entry stairs to the ground floor verandah, including the removal of a Willow Myrtle (*Agonis flexuosa*) within the front yard.

Ground Floor

- replacement of the existing balustrade to the verandah with new timber posts;
- modification of the existing opening for the front door and installation of a new front door (W1) on the south-eastern elevation of the dwelling house;
- installation of a new door and window (W2) on the north-eastern elevation of the dwelling house;
- removal of the existing window on the south-western elevation and infill with matching materials; and
- minor internal reconfiguration to the existing floor plan.

First Floor (New Addition)

- construction of a new first floor addition comprising three (3) bedrooms, including a master bedroom with walk-in robe and ensuite, and a new bathroom, study and sunroom; and
- construction of a new balcony on the south-eastern elevation of the dwelling house with access from the master bedroom and sunroom.

As a result of insufficient information, the proposed double carport and associated driveway works in the rear yard, the proposed 1450mm front fence and associated lychgate and vehicle gates, and the new pathway have been removed from this development application and will not form part of this consent. Similarly, the demolition of the existing weatherboard garage will not form part of this consent and the garage is to be retained as existing. Furthermore, the Willow Myrtle (*Agonis flexuosa*) proposed for removal is to be retained. This is detailed further within this report.

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 |

| Section 4.15 Matters for Consideration' | Comments |
|---|---|
| | <p>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, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&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&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&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> |
| <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> | <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> <p>(iii) Economic Impact</p> |

| Section 4.15 Matters for Consideration' | Comments |
|--|--|
| | 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 of the application Council received no submissions.

MEDIATION

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

REFERRALS

| Internal Referral Body | Comments |
|------------------------|--|
| Landscape Officer | <p><u>Landscape Officer Comment</u></p> <p>I am unable to support this DA at this stage as insufficient information is provided.</p> <p>There is no Arborist report to support removal of the existing Willow Myrtle within the front yard. The proposal is for a Lichgate and path in line with the existing tree. A more considered design may relocate the Lichgate and path to retain the existing Willow Myrtle.</p> <p>Additionally, the existing trees in the rear yard near the proposed carport should be included in the Arborist report.</p> <p>An Aboricultural Impact Assessment, to document the impact upon</p> |

| Internal Referral Body | Comments |
|--------------------------------|---|
| | <p>the existing trees from the proposed development, from excavation and construction activities, shall be provided. To satisfy B4.22, an Arboricultural Impact Assessment is required to provide clarification on which trees are to be retained or proposed for removal.</p> <p>The report shall be prepared by a qualified Arborist (Minimum AQF Level 5) and shall cover assessment of excavation and construction impacts upon the SRZ and TPZ, tree protection requirements, and recommendations. Recommendations shall include the setback distance from each tree where no construction impact is to occur to ensure the long term retention of the tree.</p> <p><u>Planner Comment</u></p> <p>The applicant has agreed to remove the proposed ichtgate, pathway and carport from this development application, therefore eliminating the need for the removal of the Willow Myrtle (<i>Agonis flexuosa</i>) and for additional information (Arborist Report) to assess the impacts on the trees within the rear of the site. A condition of consent will be included to ensure that the Willow Myrtle (<i>Agonis flexuosa</i>) within the front yard is retained. As the extent of development has been reduced to the first floor addition within the existing building footprint, it is no longer considered necessary to include the Landscape Concept Plan (prepared by J.D. Evans and Company, dated 16/08/2018) as part of this consent.</p> |
| NECC (Development Engineering) | <p><u>Development Engineer Comments</u></p> <ol style="list-style-type: none"> 1. Council's records indicate that the subject property is burdened by a Council stormwater pipeline which may be impacted by the proposed development. Applicant has not located the pipe in accordance with clause B5.12 Pittwater 21 DCP 2014. in this regards Council's drainage system must be accurately located, confirming dimensions and plotting Council's stormwater pipelines and associated infrastructure to scale on the DA plans which show the proposed works. This should be carried out by a service locating contractor and registered surveyor. (The applicant will need to provide evidence of methodology used for locating). 2. Applicant has not provided detail to show that all proposed structures and footing details to ensure that Council drainage system will not be affected and must be located clear of the zone of influence to the pipe and a drainage easement in favour of Council will be required in accordance with clause B5.12 Pittwater 21 DCP 2014 <p>As a result Development Engineers, cannot support the proposal development.</p> |

| Internal Referral Body | Comments |
|---|--|
| | <p><u>Planner Comment</u></p> <p>The applicant has agreed to remove the proposed carport and associated driveway works, front fencing, lychgate and pathway from this development application, therefore limiting the proposed development to a first floor addition with minor works at ground level within the existing building footprint. As such, the additional information regarding the potential impacts on Council's stormwater drainage easement is no longer considered necessary. Standard conditions of consent will included for stormwater disposal and for the maintenance of the road reserve during works.</p> |
| NECC (Riparian Lands and Creeks) | Approved subject to conditions |
| NECC (Stormwater and Floodplain Engineering – Flood risk) | <p><u>Floodplain Engineer Comment</u></p> <p>The proposal includes demolition of an existing single garage and construction of a new double carport. The proposed location of the new carport is in a floodway and very close to the stormwater channel to the rear of the property. This location is not acceptable. Subject to other controls, acceptable alternatives include:</p> <ul style="list-style-type: none"> * Retaining the existing garage and constructing a car port in front of the garage. * Retaining the existing garage and constructing a new car port in front of the house. * Demolishing the existing garage and constructing a new tandem car port, located in place of the garage and in front of the garage. <p>The carport is proposed to be constructed at a level of 3.15 m AHD, which is above the natural ground level of less than 3 m AHD. Any new carport must be constructed at natural ground levels.</p> <p><u>Planner Comment</u></p> <p>The applicant has agreed to remove the proposed double carport from this development application and the existing weatherboard garage will be retained as existing. All proposed works associated with the first floor addition are located above the Flood Planning Level of 4.7 AHD, with the exception of minor works at ground level within the existing building footprint.</p> |
| 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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A329940, dated 3 October 2018).

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid. 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: | 8m (measured from the flood planning level (4.7 AHD)) | 7.05m | N/A | Yes |

Compliance Assessment

| Clause | Compliance with Requirements |
|--|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes |
| 4.3 Height of buildings | Yes |
| 5.10 Heritage conservation | Yes |
| 7.1 Acid sulfate soils | Yes |
| 7.2 Earthworks | Yes |
| 7.3 Flood planning | Yes |
| 7.10 Essential services | Yes |

Detailed Assessment

4.3 Height of buildings

The overall height of the building when measured from existing ground level to the ridge of the roof (11.75 AHD) is 8.94m, which exceeds the 8.5m height standard. As the subject site is classified as flood prone land, Subclause 2A of Clause 4.3 of PLEP 2014 states that development on land at or below the flood planning level that has a maximum building height of 8.5m, may exceed a height of 8.5 metres, but not more than 8 metres above the flood planning level. When the height of the building is measured from the flood planning level for the subject site (4.7 AHD) to the ridge of the roof (11.75 AHD), the height of the building is 7.05m, which complies with the height standard.

Pittwater 21 Development Control Plan

Built Form Controls

| Built Form Control | Requirement | Proposed | % Variation* | Complies |
|---------------------|----------------------------|-------------------------------|--------------|----------|
| Front building line | 6.5m | 10.83m | N/A | Yes |
| Rear building line | 6.5m | 17.43m | N/A | Yes |
| Side building line | 2.5m | 4.33m | N/A | Yes |
| | 1m | 2.07m | N/A | Yes |
| Building envelope | 3.5m (NE) | Within envelope | N/A | Yes |
| | 3.5m (SW) | Within envelope | N/A | Yes |
| Landscaped area | 50% (403.7m ²) | 66.73% (538.8m ²) | N/A | Yes |

***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 |
| A4.10 Newport Locality | Yes | Yes |
| A5.1 Exhibition, Advertisement and Notification of Applications | Yes | Yes |
| B1.3 Heritage Conservation - General | Yes | Yes |
| B1.4 Aboriginal Heritage Significance | Yes | Yes |
| B3.6 Contaminated Land and Potentially Contaminated Land | Yes | Yes |
| B3.11 Flood Prone Land | Yes | Yes |
| B3.13 Flood Hazard - Flood Emergency Response planning | Yes | Yes |
| B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land | Yes | Yes |
| B4.22 Preservation of Trees and Bushland Vegetation | Yes | Yes |
| B5.4 Stormwater Harvesting | Yes | Yes |
| B5.10 Stormwater Discharge into Public Drainage System | Yes | Yes |
| B5.12 Stormwater Drainage Systems and Natural Watercourses | Yes | Yes |
| B6.1 Access driveways and Works on the Public Road Reserve | Yes | Yes |
| B6.2 Internal Driveways | Yes | Yes |
| B6.3 Off-Street Vehicle Parking Requirements | No | Yes |
| B8.1 Construction and Demolition - Excavation and Landfill | Yes | Yes |
| B8.2 Construction and Demolition - Erosion and Sediment Management | Yes | Yes |
| B8.3 Construction and Demolition - Waste Minimisation | Yes | Yes |
| B8.4 Construction and Demolition - Site Fencing and Security | Yes | Yes |
| B8.5 Construction and Demolition - Works in the Public Domain | Yes | Yes |
| C1.1 Landscaping | Yes | Yes |
| C1.2 Safety and Security | Yes | Yes |
| C1.3 View Sharing | Yes | Yes |
| C1.4 Solar Access | Yes | Yes |
| C1.5 Visual Privacy | Yes | Yes |
| C1.6 Acoustic Privacy | Yes | Yes |
| C1.7 Private Open Space | Yes | Yes |
| C1.12 Waste and Recycling Facilities | Yes | Yes |
| C1.13 Pollution Control | Yes | Yes |
| C1.23 Eaves | Yes | Yes |
| D10.1 Character as viewed from a public place | Yes | Yes |
| D10.3 Scenic protection - General | Yes | Yes |
| | | |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| D10.4 Building colours and materials | No | Yes |
| D10.7 Front building line (excluding Newport Commercial Centre) | Yes | Yes |
| D10.8 Side and rear building line (excluding Newport Commercial Centre) | Yes | Yes |
| D10.11 Building envelope (excluding Newport Commercial Centre) | Yes | Yes |
| D10.12 Landscaped Area - General | Yes | Yes |
| D10.14 Fences - General | N/A | N/A |
| D10.16 Construction, Retaining walls, terracing and undercroft areas | Yes | Yes |

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

The application originally included the demolition of the existing weatherboard garage and the construction of a new double carport in the north-eastern corner of the rear yard, however, due to insufficient information, the applicant agreed to remove the proposed carport from this development application. The demolition of the existing weatherboard garage without constructing the new double carport would result in an unsatisfactory parking outcome on the site, as there would be no formalised off-street parking, which would be non-compliant with the two (2) off-street parking spaces required under this control. As such, a condition of consent will be included to ensure that the existing weatherboard garage is not demolished and will remain as existing. This will maintain the one (1) existing off-street parking space on the site, which is still non-compliant with the requirements of this control, however, it is noted that the existing driveway can provide at least one (1) additional off-street parking space, albeit in an informal tandem arrangement. Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *An adequate number of parking and service spaces that meets the demands generated by the development.*

Comment

The retention of the existing single parking space within the existing garage is considered to meet the demands generated by the development, when coupled with the additional parking available on the existing driveway in an informal tandem arrangement.

- *Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*

Comment

The retention of the existing garage and driveway will provide functional parking without increasing rainwater run-off or causing adverse visual or environmental impacts, while also maximising pedestrian and vehicle safety.

- *Safe and convenient parking.*

Comment

The retention of the existing garage provides safe and convenient off-street parking. Whilst the additional informal tandem parking available on the driveway is not convenient, it is still safe and considered to be acceptable.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

C1.5 Visual Privacy

There is the potential for direct overlooking from the proposed first floor balcony towards the south-west to the private open space (first floor balcony) of the adjoining dwelling house at 10 Ross Street. In order to ensure that there is no direct overlooking as a result of the proposed development, a condition of consent will be included requiring the installation of a privacy screen on the entire length of the south-western elevation to a height of 1.7m from the finished floor level of the proposed first floor deck.

Based on the above, the proposed development complies with the requirements of this control in that the private open space areas and living rooms of the adjoining dwellings are protected from direct overlooking within 9 metres from the first floor deck through screening devices.

D10.4 Building colours and materials

A *Schedule of Exterior Finishes* with samples was submitted with the application which proposes to match the existing external wall colour, which is a light grey tone, and also proposes to match the existing colour of the doors, windows and trims, which are white. The use of the afore-mentioned colours is non-compliant with the requirement for dark and earthy tones under this control, however, the control allows for a variation for lighter coloured external walls for residential properties within Area 3 of the Landscaped Area Map to be considered where the outcomes of the control are also achieved. In this case, the subject site is located within Area 3 of the Landscaped Area map and the variation is therefore applicable. The use of Colorbond 'Woodland Grey' on the roof and gutters is compliant with the requirement of this control and is therefore acceptable. Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *Achieve the desired future character of the Locality.*
Comment
The proposed development is consistent with the desired future character of the Newport Locality.
- *The development enhances the visual quality and identity of the streetscape. (S)*
Comment
The Ross Street streetscape does not conform to a consistent colour scheme and generally consists of dwelling houses with lighter toned external walls and roofs, therefore, the proposed development enhances the visual quality and identity of the streetscape by matching the existing character.
- *To provide attractive building facades which establish identity and contribute to the streetscape.*
Comment
The proposed development provides an attractive building facade through the addition of architectural elements such as the first floor balcony and covered verandah, which establishes identity and contributes to the streetscape.
- *To ensure building colours and materials compliments the visual character of its location with the natural landscapes of Pittwater.*
Comment
The proposed building colours and materials compliment the visual character of the location within the natural landscapes of Pittwater by matching the existing colour scheme.
- *The colours and materials of the development harmonise with the natural environment. (En, S)*

Comment

Although the colours and materials of the proposed external walls and trim are lighter toned, it is considered that the proposed development is in harmony with the natural environment.

- *The visual prominence of the development is minimised. (S)*

Comment

The proposed development maintains the existing external colour scheme which is compatible with the streetscape of Ross Street, therefore, the visual prominence of the development is minimised.

- *Damage to existing native vegetation and habitat is minimised. (En)*

Comment

The proposed development minimises damage to native vegetation and habitat by retaining all existing vegetation.

- *The use of materials with low embodied energy is encouraged. (En)*

Comment

The proposed development retains the existing structure and materials, where possible, and uses cladding on the external walls and metal roof sheeting, which have lower embodied energy levels when compared to other materials.

- *New buildings are robust and durable with low maintenance requirements. (S)*

Comment

The proposed development is for alterations and additions to an existing dwelling house and not a new building, therefore, this outcome is not applicable.

- *In the Newport Commercial Centre, roofs of lighter colours are permitted to improve the thermal performance of the roof system. (En, Ec, S)*

Comment

The subject site is not located within the Newport Commercial Centre, therefore, this outcome is not applicable.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D10.14 Fences - General

Due to insufficient information for assessment of the impact of the proposed front fence, as detailed throughout this report, the proposed 1450mm front fencing with vehicle gates along the south-eastern boundary will be removed from this development application and will not form part of this consent.

As such, a condition will be placed as part of this consent requiring the proposed fencing to be removed from the approved plans and this consent prior to the issue of a Construction Certificate.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1712 for Alterations and additions to a dwelling house on land at Lot 46 DP 18415, 12 Ross Street, NEWPORT, 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 |
| 1968-1 Site Plan | 16/08/2018 | J.D. Evans and Company |
| 1968-2 Ground Floor Plan | 16/08/2018 | J.D. Evans and Company |
| 1968-3 First Floor Plan | 16/08/2018 | J.D. Evans and Company |
| 1968-4 Elevations (SE, NW, and NE) | 16/08/2018 | J.D. Evans and Company |
| 1968-5 Elevation (SW) and Section A-A | 16/08/2018 | J.D. Evans and Company |

| Engineering Plans | | |
|---|--------------|------------------------|
| Drawing No. | Dated | Prepared By |
| 1968-8 Erosion and Sediment Management Plan | 16/08/2018 | J.D. Evans and Company |

| Reports / Documentation – All recommendations and requirements contained within: | | |
|---|--------------|---------------------------------|
| Report No. / Page No. / Section No. | Dated | Prepared By |
| BASIX Certificate (Cert No. A329940) | 03/10/2018 | J.D. Evans & Co Pty Ltd |
| Flood Risk Management Report (Ref: PDS05102018:12 Ross St:NEW) | 08/10/2018 | Pittwater Data Services Pty Ltd |
| Schedule of Exterior Finishes | undated | J.D. Evans and Company 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:

| Waste Management Plan | | |
|---|--------------|------------------------|
| Drawing No/Title. | Dated | Prepared By |
| 1968-10 Waste Management and Site Analysis Plan | 16/08/2018 | J.D. Evans and Company |

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

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

2. **Amendments to the approved plans**

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

- the proposed carport and associated driveway works in the rear yard, lichgate and pathway in the front yard, and the proposed 1450mm front fencing and vehicle gates are to removed from the approved plans and do not form part of this consent;
- the existing weatherboard garage is to be shown as being retained and is not to be demolished; and
- the Willow Myrtle (*Agonis flexuosa*) indicated for removal is to be retained.

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

issue of the construction certificate.

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

3. **Prescribed Conditions**

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

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

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

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

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

Reason: Legislative Requirement

4. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

- (j) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

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

- (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

5. **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).

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

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

6. **Flooding**

In order to protect property and occupants from flood risk the following is required:

Building Components and Structural Soundness – C2

All new development must be designed and constructed to ensure structural integrity up to the Probable Maximum Flood, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed cut electricity supply during flood events.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

7. **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.

8. **External Finishes to Roof**

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

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

9. **Sydney Water "Tap In"**

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

Please refer to the website www.sydneywater.com.au for:

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. **Installation and Maintenance of Sediment and Erosion Control**

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

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

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. **Road Reserve**

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

Reason: Public Safety.

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

12. **Stormwater Disposal**

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

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

13. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings. (DACPLF04)

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

14. **Visual Privacy**

A privacy screen with a minimum height of 1.7m, when measured from the finished floor level of the proposed first floor deck, is to be incorporated into the design and maintained for the life of the development. This privacy screen is to run the full length of the south-western elevation of the proposed deck and should consist of a solid translucent screen or perforated panels or trellises which have a maximum of 20% openings, and which are:

- permanent and fixed;
- made of durable materials and;
- designed and painted or coloured to blend in with the house.

Reason: To ensure that direct overlooking to the adjoining property is restricted.

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

Signed



Adam Urbancic, Planner

The application is determined on 08/02/2019, under the delegated authority of:



Luke Perry, Acting Development Assessment Manager