

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0037
Responsible Officer:	Jordan Davies
Land to be developed (Address):	Lot 19 DP 236548, 17 Tatiara Crescent NORTH NARRABEEN NSW 2101
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:	Clinton James Colyer Coral Gloria Bishop Colyer
Applicant:	W P O'Brien & Co
Application lodged:	18/01/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	24/01/2019 to 11/02/2019
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval
Estimated Cost of Works:	\$ 510,000.00

ASSESSMENT INTRODUCTION

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

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

- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - D11.1 Character as viewed from a public place
 Pittwater 21 Development Control Plan - D11.3 Building colours and materials
 Pittwater 21 Development Control Plan - D11.6 Front building line
 Pittwater 21 Development Control Plan - D11.7 Side and rear building line
 Pittwater 21 Development Control Plan - D11.9 Building envelope
 Pittwater 21 Development Control Plan - D11.10 Landscaped Area - General

SITE DESCRIPTION

Property Description:	Lot 19 DP 236548 , 17 Tatiara Crescent NORTH NARRABEEN NSW 2101
Detailed Site Description:	<p>The subject site consists of an allotment located on the eastern side of Tatiara Crescent.</p> <p>The site is regular in shape with a frontage of 16.1m along Tatiara Crescent and a depth of 36.5m. The site has a surveyed area of 557.5m².</p> <p>The site is located within the R2 Low Density Residential zone under the Pittwater LEP 2014 and accommodates a dwelling house and associated ancillary structures.</p> <p>The site has a slight slope from rear (east) to front (west) with an approximate fall of 2m across the site.</p> <p>The site contains a grass landscaped area with two trees within the front setback. A number of low shrubs and trees are located in the rear of the site surrounding the existing pool. A front boundary fence exists on the site.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by single storey and two storey dwelling houses and ancillary structures (such as carports, pools and sheds).</p> <p>Directly to the north and south of the site are single storey dwellings. Across the road to the west is a single storey dwelling and double storey dwelling. The street consists of a number of mature street trees within the road reserve.</p>

Map:



SITE HISTORY

An approval for the construction of a swimming pool was issued on 11 February 2008 (N0014/08).

An approval for alterations and additions (consisting of a loungeroom) was issued on 12 September 2008 (NO330/08).

An approval was issued via a complying development certificate for the construction of a pergola on 3 November 2015.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development consists of alterations and additions to an existing dwelling house and construction of a new carport.

In detail the proposed development includes:

- First floor addition consisting of two bedrooms, a bathroom and a living area;
- New internal walls to the ground floor living area to create a gym/utility room;
- Internal alterations to provide a new living area, en suite, wardrobe and laundry;
- Replacement of windows with bi-fold doors adjacent to the ground floor patio; and
- Construction of a new carport and driveway.

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 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)	<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, 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 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 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 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 Matters for Consideration'	Comments
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> <p>(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.</p>
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:
Miss Emma Louise Currie Mr Brent Lincoln Currie	15 Tatiara Crescent NORTH NARRABEEN NSW 2101

The author of the submission was contacted via email to respond to the concerns raised and to offer a discussion with Council's planner over the phone. No contact telephone number was attached to the submission and therefore an email was the only method of contact available. The submitter's private open space area was inspected from the subject site when the site visit was undertaken.

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

- The proposed drawings do not show our principle private open space.
- The first floor results in a building envelope breach which directly contributes to additional overshadowing of our principal private open space between 12pm and 3pm in mid winter. Given the topography of the area we receive little solar access as it is in mid winter and further diminishing it from a non compliant built form is contrary to the objectives of the LEP and DCP.
- The southern elevation where the building envelope breach is contains windows, contributing to overlooking and overbearing impacts along our northern elevation.

The matters raised within the submissions are addressed as follows:

- The proposed drawing does not show our principle private open space.
Comment:
The submitted shadow diagrams demonstrate the position of the adjoining dwelling and together with a site inspection it has been determined the location of the POS area for the purpose of conducting an assessment against the solar access controls.

- The first floor results in a building envelope breach which directly contributes to additional overshadowing of our principal private open space between 12pm and 3pm in mid winter. Given the topography of the area we receive little solar access as it is in mid winter and further diminishing it from a non compliant built form is contrary to the objectives of the LEP and DCP.

Comment:

The encroachment is considered to be minor and does not significantly impact overshadowing of the adjoining properties. It is not considered full compliance against the control will significantly increase solar access to the POS area. The use of the existing wall alignment on the southern boundary is considered a reasonable approach to constructing the first floor addition.

As shown on the submitted shadow diagrams, the development does not have any additional impact to the rear private open space during the morning hours (9am to 12pm). Therefore, full compliance is achieved against control C1.4 allowing for solar access for a minimum 3 hours on the 21st of June. As shown on the shadow diagrams, there is existing overshadowing to the POS. The proposed development will result in some additional overshadowing during the afternoon period, however, is not considered to be an unreasonable impact given there is no reduction to solar access during the morning period and therefore remains compliant with the solar access controls.

The proposal has been found to be consistent with the objectives of the building envelope control and Pittwater LEP as identified elsewhere within this report.

- The southern elevation where the building envelope breach is contains windows, contributing to overlooking and overbearing impacts along our northern elevation.

Comment:

The first floor windows on the southern side of the proposal consist of bedroom and a bathroom windows. These rooms are not considered to present an unreasonable impact in regards to overlooking. In addition, a 1.4m window sill height is provided to each bedroom to reduce the opportunity for overlooking from the bedrooms.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	The site is located in Geotechnical Hazard H1 Area, an "Acceptable Risk Management" level is achieved in accordance with the geotechnical report provided by Douglas Partners. The additional impervious area proposed does not require provision of OSD.. No Development Engineering objection subject to conditions.

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. A335839 dated 20 December 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:	8.5m	6.95m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes

Clause	Compliance with Requirements
7.2 Earthworks	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	7.4m (Established building line)	5m (measured to proposed carport) 11.7m (measured to new dwelling facade)	33.3%	No
Rear building line	6.5m	9.8m	N/A	Yes
Side building line	2.5m	5.57m (North - New dwelling facade)	N/A	Yes
		Proposed 0.9m (North - Carport) *Note - Setback to be 0.9m as a condition of consent	64%	No
	1m	1.5m (South - New dwelling facade)	N/A	Yes
Building envelope	North boundary 3.5m	Within	N/A	Yes
	South Boundary 3.5m	Outside envelope	N/A	No
Landscaped area	50%	18.7%	62.7%	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.11 North Narrabeen Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.3 Greywater Reuse	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	No	Yes
C1.2 Safety and Security	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
D11.1 Character as viewed from a public place	No	Yes
D11.2 Scenic protection - General	Yes	Yes
D11.3 Building colours and materials	No	Yes
D11.6 Front building line	No	Yes
D11.7 Side and rear building line	No	Yes
D11.9 Building envelope	No	Yes
D11.10 Landscaped Area - General	No	Yes
D11.12 Fences - General	Yes	Yes

Detailed Assessment

D11.1 Character as viewed from a public place

Description of non-compliance

The control requires parking structures to be located behind the front building line which is 7.4m and considered to be the established building line. The proposed carport extends 2.4m in front of the existing building line.

Merit Consideration:

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

Objective 1) To achieve the desired future character of the Locality.

The proposed development is in keeping with the existing streetscape and locality consisting of low scale residential development. The proposed carport has been integrated into the overall design of the dwelling and proposed additions, including skillion roof form and matching the existing colours.

Objective 2) To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment.

The proposed carport responds to the existing roof form and is not dominant upon the streetscape. The site has an existing covered front deck which will align with the proposed carport.

Objective 3) To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.

The proposed carport is of a scale in keeping with the surrounding development and streetscape. The carport will allow for covered off-street parking to reduce the impact upon on-street parking.

Objective 4) The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation.

The proposal will retain any significant trees within the front building setback. The existing trees help to reduce the built form dominance upon the streetscape.

Objective 5) High quality buildings designed and built for the natural context and any natural hazards.

The new proposed built form is designed to match the existing facade to respond to the existing street context.

Objective 6) Buildings do not dominate the streetscape and are at human scale. Within residential areas, buildings give the appearance of being two-storey maximum.

The proposed development is a maximum of two-storeys.

Objective 7) To preserve and enhance district and local views which reinforce and protect Pittwater's natural context.

Trees will be retained within the site and no views will be impacted as a result of the development.

Objective 8) To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures being a secondary component.

The proposed carport will not detract from the bushland vista being integrated into the existing dwelling design and proposed alterations. The proposed carport will not have a detrimental impact to the existing bush views.

Objective 9) To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land.

The proposed carport compliments the existing built form in regards to design and colour when viewed from the street. The carport will be inline with an existing roofed deck which sits in-front of the building facade. Therefore, the proposed carport is considered to be consistent with existing development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater LEP/Pittwater DCP and the objectives specified in section 1.3 (a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D11.3 Building colours and materials

The schedule provided demonstrated the use of 'shale grey' external finishes which is inconsistent with the requirement for dark and earthy tones. A condition has been recommended requiring the external finishes to consist of a darker tone consistent with the requirements of the DCP.

D11.6 Front building line

The control does not permit built structures within the front setback which is 7.4m as established by the existing building line. The proposed carport extends 2.4m into the front setback and setback 5m from the front boundary.

Merit Consideration:

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

Objective 1) Achieve the desired future character of the Locality.

The proposal is consistent with both the existing and future desired locality of North Narrabeen, consisting of low scale residential development.

Objective 2) Equitable preservation of views and vistas to and/or from public/private places.

No view loss will result from the development.

Objective 3) The amenity of residential development adjoining a main road is maintained.

The amenity of the road is maintained as the carport will provide for additional off-street undercover parking.

Objective 4) Vegetation is retained and enhanced to visually reduce the built form.

No significant vegetation or trees are proposed to be removed as a result of the development.

Objective 5) Vehicle manoeuvring in a forward direction is facilitated.

The proposed carport will facilitate appropriate vehicle movements to and from the property.

Objective 6) To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.

The proposed carport is of high quality design and is proposed to match the existing dwelling and additions with regard to roof form, colour and style. The proposal will not exceed two storeys which is in keeping with the existing streetscape.

Objective 7) To encourage attractive street frontages and improve pedestrian amenity.

The proposal consists of windows overlooking the street. The open carport structure will not further reduce views to the street.

Objective 8) To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

The proposed development responds to the existing built form in regards to design, scale and colour. The minor encroachment of the carport into the front setback will not have an unacceptable impact upon the streetscape due to the design, scale and open nature of the structure. The carport will align with an existing roofed deck which sits forward of the building line. It is therefore consistent with the existing built form.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater LEP/Pittwater DCP and the objectives specified in section 1.3 (a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D11.7 Side and rear building line

The control requires a setback of 2.5m from the side boundary. The carport is proposed to be setback 0.1m from the site boundary. However, a condition of consent will be imposed to require the carport to be placed 0.9m from the boundary. The 0.9m setback will be consistent with the existing dwelling side setback.

Merit Consideration:

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

Objective 1) To achieve the desired future character of the Locality

The proposal achieves the desired future character consisting of a low scale residential built form.

Objective 2) The bulk and scale of the built form is minimised.

The proposed first floor additions comply with the required side setback under the DCP. The existing ground floor wall on the northern boundary is setback 0.9m. The proposed carport will be consistent with the existing side setback on the northern boundary which allows a consistent approach to the building form and scale.

Objective 3) Equitable preservation of views and vistas to and/or from public/private places.

The proposed carport or additions will not impact views.

Objective 4) To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

This is not applicable.

Objective 5) To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.

The proposed carport will not result in an impact to privacy or solar access. The structure is located at the existing ground level and provides a sufficient setback to enable maintenance of the structure (0.9m).

Objective 6) Substantial landscaping, a mature tree canopy and an attractive streetscape.

No tree removal is proposed.

Objective 7) Flexibility in the siting of buildings and access.

The carport is considered to be appropriately located to respond to the existing built form on the site and existing driveway location. The location of the carport is considered to respond to the existing siting of the building.

Objective 8) Vegetation is retained and enhanced to visually reduce the built form.

All significant vegetation is retained.

Objective 9) To ensure a landscaped buffer between commercial and residential zones is established.

Not applicable.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater LEP/Pittwater DCP and the objectives specified in section 1.3 (a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D11.9 Building envelope

The control requires a building envelope to be projected 45 degrees from a height of 4.2m above ground level at the side boundaries to the maximum building height (8.5m). The proposed development has a minor encroachment to the building envelope on the southern side of the building.

Merit Consideration:

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

Objective 1) To achieve the desired future character of the Locality.

The proposed development achieves the desired future character of the locality by proposing alterations and additions to an existing dwelling and two-storey built form. The proposal makes use of the existing dwelling form to retain the existing streetscape character.

Objective 2) To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.

The proposal will still have an appropriate scale when viewed from the street and adjoining properties given it will sit below existing mature trees in the area. The alterations to the existing dwelling compliment and enhance the existing built form.

Objective 3) To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.

The proposal responds and retains the existing natural features of the site by using the existing building footprint to provide additions to the dwelling. The proposal will result in no loss of significant vegetation.

Objective 4) The bulk and scale of the built form is minimised.

The upper floor additions are significantly stepped back from the front building line to minimise impact upon the street and bulk/scale. The additions are also stepped back from the northern boundary to minimise building bulk. The existing southern wall alignment is used to form the upper floor additions which creates a minor non-compliance with the building envelope, however, is not considered to have unreasonable bulk and scale.

Objective 5) Equitable preservation of views and vistas to and/or from public/private places.

The proposal will not impact any significant views from public or private places.

Objective 6) To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.

The proposal has been assessed against privacy and solar access controls of the Pittwater DCP. The adjoining property to the south of the subject site will still retain solar access in accordance with the requirements of the DCP, retaining three hours of solar access to the private open space between 9am and 12pm. As demonstrated by the submitted shadow diagrams an overshadowing impact exists on the adjoining site during the afternoon hours. Full compliance with the Building Envelope control would not significantly improve solar access to the adjoining POS for the afternoon period. The proposal also provides 1.4m sill height floor windows on the southern elevation to reduce the overlooking impact.

Objective 7) Vegetation is retained and enhanced to visually reduce the built form.

Vegetation is retained throughout the site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater LEP and Pittwater DCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D11.10 Landscaped Area - General

The control requires 50% of the site to be landscaped area. As a result of the proposed development the site will have 18.7% landscaped open space area. This non-compliance is an existing DCP non-compliance. Considering the outcomes of the control have been met (as discussed below) impervious areas less than 1 metre in width and a paved open space area representing 6% of the total site area may be permitted in the landscaped area calculation. This therefore results in a landscaped area calculation of 162sqm/29% of site area.

Merit Consideration:

With regards to the consideration for a variation, the development is considered against the underlying

outcomes of the Control as follows:

Objective 1) Achieve the desired future character of the locality.

The proposed development is consistent with the desired future locality consisting of a two storey dwelling house, landscaping and ancillary structures.

Objective 2) The bulk and scale of the built form is minimised.

The proposed first floor additions are contained within the existing building footprint. A minor increase to hardstand area is proposed as a result of the carport and driveway. However, this is not considered to create unacceptable bulk and scale.

Objective 3) A reasonable level of solar amenity and solar access is maintained.

Solar access is provided to the subject site and adjoining properties in accordance with DCP. The non-compliance with regard to open space will not cause additional overshadowing.

Objective 4) Vegetation is retained and enhanced to visually reduce the built form.

A minor amount of grassed area will be removed as a result of the new driveway. No significant trees or vegetation are proposed to be removed.

Objective 5) Conservation of natural vegetation and biodiversity.

A minor amount of grassed area will be removed as a result of the new driveway. No significant trees or vegetation are proposed to be removed.

Objective 6) Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

Council's engineer has reviewed the proposal in regards to stormwater drainage and has raised no objections. Stormwater can be contained and discharged in an appropriate manner. Soft landscaping is maintained either side of the driveway.

Objective 7) To preserve and enhance the rural and bushland character of the area.

No trees are proposed to be removed within the site and the additions are of a reasonable bulk and scale.

Objective 8) Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.

The site has an existing non-compliance with regard to landscaped area. However, Council's engineer has reviewed the proposal and notes the proposal to be satisfactory in regards to stormwater drainage. The proposed additions are contained within the building footprint and the proposed carport is located over a predominately existing hardstand area. Soft landscaping is maintained either side of the driveway to assist with stormwater management from the additional hardstand area resulting from the driveway and carport.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater DCP/Pittwater LEP and the objectives specified in section 1.3 (a) 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

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 DA2019/0037 for Alterations and

additions to a dwelling house on land at Lot 19 DP 236548, 17 Tatiara Crescent, NORTH NARRABEEN, 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
Page 3/6 - Proposed Alterations and Additions (Floor Plans)	5 December 2018	W.P.O'Brian & Co
Page 4/6 - Proposed Alterations and Additions (Elevations)	5 December 2018	W.P.O'Brian & Co
Page 5/6 - Proposed Alterations and Additions (Sections)	5 December 2018	W.P.O'Brian & Co
Page 6/6 - Proposed Alterations and Additions (Site Plan)	5 December 2018	W.P.O'Brian & Co
Exterior Walls and Window Schedule	Undated	Unsigned
Roof, Gutters, Eaves, Fascias and Carport Schedule	Undated	Unsigned

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report, R.001.Rev0, Project 36304.01	6 December 2018	Douglas Partners

b) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	Undated	W.P.O'Brian & Co

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

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

2. Amendments to the approved plans

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

- A side setback of 0.9m (measured to the supporting post) is to be provided to the carport

on the northern boundary.

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 \$2,000 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. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Douglas Partners (36304.01) dated 6 December 2018 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

7. **Vehicle Crossings Application**

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

Approval of the application by Council is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

8. **Soil and Water Management Program**

A Soil and Water Management Plan prepared in accordance with Landcom's 'Managing Urban

Stormwater: Soils and Construction' (2004) and implemented on site until the works are completed.

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

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

9. **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.

10. **External Colours and Materials**

Prior to the issue of a construction certificate, the approved 'External wall and windows schedule' and 'Roof, Gutters, Eaves, Fascias and Carport schedule' referenced in condition (1) of this development consent is to be amended as follows:

- Exterior Cladding shall be painted in a colour equivalent or darker than Windspray;
- Rendered/texture coated brick work shall be finished in a colour equivalent or darker than Windspray

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 from glazing does not occur as a result of the development.

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.

12. **Vehicle Crossings**

The provision of on normal standard vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

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

13. **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.

14. **Geotechnical Certification Prior to Occupation Certificate**

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

15. **Landscaping - Canopy Tree**

Prior to the issue of an occupation certificate, one (1) locally native canopy tree with a minimum mature height of 8.5m is to be planted in the front setback of the site.

Minimum pot size is to be 45 litres and setback minimum 1m from the front boundary.

Reason: To ensure the built form is softened by landscaping.

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

16. **Maintenance of Landscaping**

The landscaping required by this development consent shall be maintained for the life of the development. Any tree that dies or is destroyed is to be replaced with a similar species.

Reason: To ensure landscaping is maintained.

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

Signed



Jordan Davies, Planner

The application is determined on 08/04/2019, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments