

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                            |             |
|----------------------------|-------------|
| <b>Application Number:</b> | DA2020/0241 |
|----------------------------|-------------|

|   |   |
|---|---|
| <b>Responsible Officer:</b>               | Thomas Prosser  |
| <b>Land to be developed (Address):</b>    | Lot 16 DP 30325, 70 Lane Cove Road INGLESIDE NSW 2101 |
| <b>Proposed Development:</b>              | Alterations and additions to a dwelling house         |
| <b>Zoning:</b>                            | RU2 Rural Landscape                                   |
| <b>Development Permissible:</b>           | Yes   |
| <b>Existing Use Rights:</b>               | No  |
| <b>Consent Authority:</b>                 | Northern Beaches Council                              |
| <b>Land and Environment Court Action:</b> | No  |
| <b>Owner:</b>                             | Michael Anthony Conn<br>Helen Louise Conn             |
| <b>Applicant:</b>                         | Helen Louise Conn                                     |

|                                  |   |
|----------------------------------|---|
| <b>Application Lodged:</b>       | 11/03/2020                              |
| <b>Integrated Development:</b>   | No                                      |
| <b>Designated Development:</b>   | No                                      |
| <b>State Reporting Category:</b> | Residential - Alterations and additions |
| <b>Notified:</b>                 | 20/03/2020 to 03/04/2020                |
| <b>Advertised:</b>               | Not Advertised                          |
| <b>Submissions Received:</b>     | 0                                       |
| <b>Clause 4.6 Variation:</b>     | Nil                                     |
| <b>Recommendation:</b>           | Approval                                |

|                                 |               |
|---------------------------------|---------------|
| <b>Estimated Cost of Works:</b> | \$ 730,000.00 |
|---------------------------------|---------------|

### PROPOSED DEVELOPMENT IN DETAIL

The proposal is for alterations and additions to the existing dwelling. In detail, this involves the following:

#### Ground Floor

- Conversion of the living room to master bedroom and ensuite
- Conversion of dining room to a therapy room
- Conversion of patio to new dining room and living room
- New accessible bedrooms 5 & ^
- New accessible bath
- New entry, front porch, ramp
- New powder room

## External

- A new outdoor entertaining area
- A new swimming pool

## **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 - D6.8 Landscaped Area - Non Urban General

## **SITE DESCRIPTION**

|                                   |  |
|-----------------------------------|--|
| <b>Property Description:</b>      | Lot 16 DP 30325 , 70 Lane Cove Road INGLESIDE NSW 2101   |
| <b>Detailed Site Description:</b> | <p>The subject site consists of an allotment located on the northern side of Lane Cove Road.</p> <p>The site is an irregular in shape with a frontage of 96m along Lane Cove Road and a depth of 209m. The site has a surveyed area of 20,233m<sup>2</sup>.</p> <p>The site is located within the RU2 Rural Landscape zone and accommodates a dwelling house on site.</p> <p>The site has a crossfall of approximately 18m from the front of the site to the rear.</p> <p>The site contains vegetation which surrounds the site.</p> |

### Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by a rural setting with residential development.

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:

- N0030/13 - Demolition of the existing dwelling and swimming pool and erection of a new dwelling, swimming pool and waste water treatment system approved on 16 May 2013

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

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

| Section 4.15 Matters for Consideration'  | Comments  |
|--|---|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument        | See discussion on "Environmental Planning Instruments" in this report.  |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument | Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed |

| Section 4.15 Matters for Consideration'  | Comments  |
|--|---|
|  | development retains the residential use of the site, and is not considered a contamination risk.  |
| 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&amp;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&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) <b>Environmental Impact</b><br/>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b><br/>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 classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Bush Fire Planning Consultants, dated 6/12/2019) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

## REFERRALS

| Internal Referral Body                    | Comments   |
|---|--|
| Environmental Health<br>(unsewered lands) | <p><b>General Comments</b></p> <p>Proceeding from the previous Environmental Health referral comments, the applicant has provided further information regarding pool backwash disposal.</p> <p>A letter from Blue Mountains Geological and Environmental Services on the 1st of April 2020 recommended that pool backwash is best done in either of the following ways:</p> <ol style="list-style-type: none"> <li>1. <i>Application to an absorption trench.</i></li> <li>2. <i>Application to an area of grass lawn.</i></li> <li>3. <i>Application to a garden bed.</i></li> <li>4. <i>Application to the existing pond.</i></li> </ol> <p>There are two primary purposes why we requested this information:</p> <ol style="list-style-type: none"> <li>1. To ensure pool backwash is separated from other waste water disposal practices.</li> <li>2. To ensure water pollution does not occur - the pool grey water must be disposed of fully at the premise.</li> </ol> <p>We recommend conditions for the waste water treatment system and pool backwash so they are operated separately. However, during routine inspections, the pool water disposal technique swill be assessed in conjunction with on-site waste water treatment system approvals -according to s68 of the <i>Local Government Act 1993</i> and other relevant guidelines. It is highly recommended that the pool water</p> |



| Internal Referral Body           | Comments   |
|----------------------------------|--|
|                                  | <p>back wash be disposed of in an absorption trench.</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p>  |
| NECC (Bushland and Biodiversity) | <p>The development proposal has been assessed against Pittwater LEP cl. 7.6 Biodiversity and Pittwater DCP cl. B4.1 Flora and Fauna Conservation Category 1 Land and B4.18 Heathland/Woodland Vegetation. The proposed alterations and additions to the building elements will not directly impact the biodiversity values of the site, and will not directly negatively impact on threatened species, endangered populations or endangered ecological communities. The development is proposed in the area of least impact on heathland/woodland and loss of native vegetation is minimal, and is only required in order to improve the setback to the bushfire hazard.</p> <p>The bushfire hazard assessment submitted recommends a 25m asset protection zone to be established from the southern facade. This may result in the need to remove/modify between 1 and three native trees, and a plan will be required to clearly define the trees to be removed and/or pruned. The development shall result in no significant onsite loss of canopy cover and to ensure no net loss in native canopy trees additional planting may be required to compensate for any impacts that result from the APZ creation. The development shall ensure that at least 80% of any new planting incorporates native vegetation, is outside areas of core bushland and not include environmental weeds.</p> |

## 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. A364538).

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

## 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        | 6m       | 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                          |
| 7.6 Biodiversity protection                              | Yes                          |
| 7.10 Essential services                                  | Yes                          |

## Pittwater 21 Development Control Plan

### Built Form Controls

| Built Form Control  | Requirement | Proposed | % Variation* | Complies |
|---------------------|-------------|----------|--------------|----------|
| Front building line | 20m         | 117m     | N/A          | Yes      |
| Rear building line  | 7.5m        | 62m      | N/A          | Yes      |
| Side building line  | 7.5m        | 7.5m     | N/A          | Yes      |
|                     | 7.5m        | 50m      | N/A          | Yes      |
| Building            | 3.5m        | Within   | N/A          | Yes      |

|                 |  |   |      |                   |
|-----------------|--|---|------|-------------------|
| envelope        | 3.5m   | Within                                  | N/A  | Yes               |
| Landscaped area | 96% of the total site area minus 400 square metres (19,023m <sup>2</sup> ) | 18,747m <sup>2</sup> (93% of site area) | 1.5% | No (see comments) |

#### Compliance Assessment

| Clause  | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted                                   | Yes                          | Yes                         |
| A4.6 Ingleside Locality   | Yes                          | Yes                         |
| B1.4 Aboriginal Heritage Significance   | Yes                          | Yes                         |
| B3.2 Bushfire Hazard  | Yes                          | Yes                         |
| B3.6 Contaminated Land and Potentially Contaminated Land                        | Yes                          | Yes                         |
| B3.11 Flood Prone Land  | Yes                          | Yes                         |
| B4.18 Heathland/Woodland Vegetation   | Yes                          | Yes                         |
| B5.1 Water Management Plan  | Yes                          | Yes                         |
| B5.3 Greywater Reuse  | Yes                          | Yes                         |
| B5.4 Stormwater Harvesting  | Yes                          | Yes                         |
| B5.9 Stormwater Management - Water Quality - Other than Low Density Residential | 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                         |
| 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                         |
| C1.17 Swimming Pool Safety  | Yes                          | Yes                         |
| C1.19 Incline Passenger Lifts and Stairways                                     | Yes                          | Yes                         |
| C1.23 Eaves   | Yes                          | Yes                         |
| D6.1 Character as viewed from a public place                                    | Yes                          | Yes                         |
| D6.3 Building colours and materials   | Yes                          | Yes                         |
| D6.5 Front building line  | Yes                          | Yes                         |
|   |                              |                             |



| Clause  | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| D6.6 Side and rear building line                                    | Yes                          | Yes                         |
| D6.7 Building envelope  | Yes                          | Yes                         |
| D6.8 Landscaped Area - Non Urban General                            | No                           | Yes                         |
| D6.11 Fences - Flora and Fauna Conservation Areas                   | Yes                          | Yes                         |
| D6.12 Construction, Retaining walls, terracing and undercroft areas | Yes                          | Yes                         |

#### Detailed Assessment

#### **D6.8 Landscaped Area - Non Urban General**

##### **Description of non-compliance**

The proposal does not comply with the numerical control for landscaped area (96% minus 400sqm). The proposal provides landscaped area of 18,747m<sup>2</sup> which equates to 93% of the site area.

##### **Merit assessment**

With regard to this numerical non-compliance, the proposal is considered against the underlying outcomes of the control as follows:

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

Comment:

The proposal involves a dwelling that complies with the development standard for building height, has a two storey presentation and complies with all setback and envelope controls. The proposal also maintains substantial front and rear setbacks with landscaping integrated to ensure the presentation of the dwelling meets the desired character. Along with the modulation of the dwelling, this design ensures that the proposed building would be consistent with the character low density rural residential setting.

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

Comment:

The proposed works comply with the development standard for building height and are over 100m from the nearest street. Along with the numerous trees to the front of the site, this provides a presentation, scale, and density that is appropriate for the streetscape and area.

*To ensure that development does not unreasonably diminish sunlight to neighbouring properties and within the development site.*

Comment:

The proposed dwelling is well separated from neighbouring dwellings and would not overshadow neighbouring living areas or private open space.

*To preserve and enhance vegetation to visually reduce the built form.*

Comment:

The proposed dwelling is surrounded by trees, landscaping and vegetation to adequately reduce the built form.

*To conserve significant natural features of the site and contribute to effective management of biodiversity*

Comment:

The proposal provides a extensive area of landscaping to the front and rear of the site which allows for vegetation and provides an positive outcome for biodiversity.

*To provide for infiltration of water to the water table, minimise stormwater runoff and assist with stormwater management to reduce and prevent soil erosion and the siltation of natural drainage channels.*

Comment:

The proposal provides landscaping to the surround the site and as such a reasonable situation for stormwater infiltration is provided for in this instance.

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

Comment:

Soft surface is provided to the front, rear and side boundaries of the site. This is reasonable having regard to the context of the site.

*To preserve and enhance the rural and bushland character of the non-urban area of the locality.*

Comment:

The proposal is located down slope form the street, complies with all setback controls and complies with the development standard for building height. Along with the vegetation retained to the front of the site, this provides an outcome which is suitable for the rural and bushalnd characteristics of the area.

The proposal is consistent with the underlying outcomes of the clause and as such is reasonable in this instance.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

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

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$7,300 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$730,000.

### **CONCLUSION**

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

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

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

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

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

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

### **RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2020/0241 for Alterations and additions to a dwelling house on land at Lot 16 DP 30325, 70 Lane Cove Road, INGLESIDE, subject to the conditions printed below:

## **DEVELOPMENT CONSENT OPERATIONAL CONDITIONS**

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

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

#### **a) Approved Plans**

| <b>Architectural Plans - Endorsed with Council's stamp</b>                 |              |                      |
|--|--------------|----------------------|
| <b>Drawing No.</b>   | <b>Dated</b> | <b>Prepared By</b>   |
| Site Plan/ Waste management plan, Site Analysis and Location Map - Issue B | 11/03/2020   | Dragonfly Architects |
| Cellar and Ground Floor Plan - Issue B                                     | 11/03/2020   | Dragonfly Architects |
| Level 1 and Roof Plans - Issue B   | 11/03/2020   | Dragonfly Architects |
| Elevations and Sections - Issue B  | 11/03/2020   | Dragonfly Architects |
| Landscape Calculations and Finishes Schedule                               | 11/03/2020   | Dragonfly Architects |

| <b>Engineering Plans</b>                              |                 |                    |
|---|-----------------|--------------------|
| <b>Drawing No.</b>                                    | <b>Dated</b>    | <b>Prepared By</b> |
| Concept Stormwater Plan and Details - Rev B (Sheet 2) | 21/1/20         | Heinz              |
| Concept Stormwater Plan and Details - Rev B (Sheet 3) | 21/1/20         | Heinz              |
| Sediment Control and Plan Details - Rev 1             | 6 December 2019 | Heinz              |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b>      |              |                                       |
|--|--------------|---------------------------------------|
| <b>Report No. / Page No. / Section No.</b>   | <b>Dated</b> | <b>Prepared By</b>                    |
| Report on Investigation and assessment for the siting of proposed Effluent Management System | March 2020   | Geological and Environmental Services |
| Bushfire Risk Assessment   | 4/12/2019    | Bushfire Planning Services            |

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) The development is to be undertaken generally in accordance with the following:

| <b>Waste Management Plan</b> |              |                    |
|------------------------------|--------------|--------------------|
| <b>Drawing No/Title.</b>     | <b>Dated</b> | <b>Prepared By</b> |
| Waste Management Plan        | 3/03/2020    | Louise Conn        |

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

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

## 2. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments

specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

Reason: Legislative requirement.

### 3. General Requirements

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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



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

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

## FEES / CHARGES / CONTRIBUTIONS

### 4. Policy Controls

## Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$7,300.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$730,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

### 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](http://www.northernbeaches.nsw.gov.au)).

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

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

**6. Delineation Asset Protection Zone**

Prior to the commencement of any onsite building works or commencement of vegetation clearance/modification, the 25 metre extent of the bush fire Asset Protection Zone to the southern elevation must be clearly marked on ground.

The clearing of vegetation for Asset Protection Zone establishment to the south is to be confined within the 25 metre Asset Protection Zone boundary, and the trees to be removed and/or modified must be confirmed by the Bushfire Consultant and clearly marked on the Survey Plan (Dragon Fly Architects drawing DFA1905-A02 dated 11/03/20) .

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

**Reason:** Bushland Protection.

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

**7. No Material Storage within 5m/calculated Tree Protection Zone (TPZ)**

No storage of building materials or building waste, excavated fill or topsoil storage is to occur within 5m or the notional TPZ of trees shown on the Survey Plan or within protective fenced areas. Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.

**Reason:** To protect and retain trees proposed for retention.

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

**8. Waste Water System**

Prior to the issuing of any interim / final occupation certificate, a copy of a s68 (Local Government Act 1993) approval to operate the On-site Waste Water Treatment System - installed as per the Waste Water report submitted with this DA, the waste water system must be activated and effectively operating to the satisfaction of the Principal Certifying Authority.

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

**Reason:** To ensure the premises a maintained in an appropriate manner in perpetuity.

**9. Tree Planting**

Locally native canopy trees are to be planted onsite to replace each tree approved for removal for the creation of the Asset Protection Zone as marked on the Survey Plan. Canopy tree species are to be consistent with locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and native gardening booklet available on the Northern Beaches Council website. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Details demonstrating compliance with tree replacement plantings are to be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

**Reason:** Tree replacement.

10. **Swimming Pool Requirements**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the 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

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life (DACPLF09)

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

11. **Pool Grey Water Disposal**

Disposal of pool grey water must: be separate to the operation of the on-site waste water treatment system; and not cause pollution according to *Protection of Environment Operations Act 1997* or superseding legislation or law.

Reason: comply with legislation; protect waste water infrastructure and regulate pollution.

12. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

**Reason:** Weed management.

13. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

**Reason:** To protect Aboriginal Heritage.

14. **Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

**Reason:** To mitigate potential impacts to native wildlife resulting from construction activity.

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

**Signed**



**Thomas Prosser, Planner**

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



**Steven Findlay, Manager Development Assessments**