

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0521
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Responsible Officer:	Kevin Short
Land to be developed (Address):	Lot 11 DP 817686, 115 Prince Alfred Parade NEWPORT NSW 2106
Proposed Development:	Alterations and additions to existing structure and use as secondary dwelling
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Michael John Mitton
Applicant:	Michael John Mitton

Application lodged:	04/04/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New second occupancy
Notified:	17/04/2018 to 01/05/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval

Estimated Cost of Works:	\$ 31,000.00
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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 - B6.3 Off-Street Vehicle Parking Requirements
 Pittwater 21 Development Control Plan - D10.7 Front building line (excluding Newport Commercial Centre)
 Pittwater 21 Development Control Plan - D10.8 Side and rear building line (excluding Newport Commercial Centre)
 Pittwater 21 Development Control Plan - D10.13 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 11 DP 817686 , 115 Prince Alfred Parade NEWPORT NSW 2106
Detailed Site Description:	<p>The subject site is irregular in shape, has an area of 801.8m² and is located on the high side of the road within low to moderate graded topography. A two storey dwelling house and detached outbuilding occupy the site. Access to the site is provided from prince Alfred Parade. Florence Park is located on the eastern side of the road.</p> <p>Landscaping on site comprises retained garden areas interspersed by small to medium size canopy trees and under storey plants.</p> <p>The subject site is zoned E4 Environmental Living and is bush fire prone . Adjoining and surrounding development is characterised by a mixture of modern and traditional style two storey dwelling houses in landscaped settings.</p>

Map:



SITE HISTORY

Building Certificate BC2017/0140

BC2017/0140 for a 'studio' is currently under assessment by Council. The studio is proposed to be converted to a secondary dwelling under this development application.

A search of Council's records has revealed that there are no recent or relevant applications for this site. The land has been used for residential purposes for an extended period of time.

PROPOSED DEVELOPMENT IN DETAIL

Development consent is sought for alterations and additions to an existing detached outbuilding and use as a one (1) bedroom secondary dwelling of floor area 42.5m² with living areas, external deck areas and low pitch skillion roof form.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any	None applicable.

Section 4.15 Matters for Consideration'	Comments
planning agreement	
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 clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental</p>

Section 4.15 Matters for Consideration'	Comments
	<p>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.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mrs Elizabeth Grace Daly	13 Elvina Avenue NEWPORT NSW 2106

The following issues were raised in a submission and each issue has been addressed below:

- The secondary dwelling is not suitable for the area

Comment:

The concern is that the secondary dwelling is not suitable for the the site or area as it will detract from the aesthetic beauty of the area and site itself. This concern is not concurred with as a secondary dwelling is permissible development; will retain an appropriate landscape setting; and will not detract from the aesthetic beauty of the area and site, particularly as the structure is existing, albeit with minor alterations and additions.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The Development Application proposes a change of use of an existing 'Studio' to a 'Secondary Dwelling'. This effectively changes the National Construction Code Part A3 defined Classification from a Class 10a to Class 1a and certain matters must be addressed so as to comply with the provisions of Section 93 <i>'Fire safety and other considerations'</i>, of the Environmental Planning and Assessment Regulation 2000 where applicable, and to provide an adequately safe environment for occupants.</p> <p>Specifically it is noted that the application as presented does not appear to meet the requirements of the Building Code of Australia, BASIX commitments, and Bushfire requirements. Notwithstanding this, and subject to a BASIX Certificate being provided prior to issue of any Consent, the Building Certification Team is prepared to raise no objections to the proposal subject to the application of specified upgrading/compliance conditions as detailed below.</p> <p><u>Planner Comments</u> BASIX Certificate supplied.</p>
Landscape Officer	No comments from Landscape Section. The proposal is acceptable, with landscaping and protection of trees covered by the Natural Environment & Climate Change referral.
NECC (Bushland and Biodiversity)	Natural Environment & Climate Change – Biodiversity Division, have no objection to approval subject to conditions, as recommended.
NECC (Development Engineering)	I have reviewed all relevant Development Engineering control of Council's DCP and no development Engineering objection is raised to the development subject to conditions.
NECC (Riparian Lands and Creeks)	<p>While only minor excavations are required to complete the work, sediment and erosion controls are required to be installed prior to work commencing and maintained for the duration of the work.</p> <p>There is no increase in impervious area, and the development will drain by gravity to the existing stormwater drainage in the street, so treatment of stormwater draining to Pittwater is not required. However; given the secondary dwelling is being replaced, the applicant is encouraged to install a device to screen organic matter (eg. leaf litter) from roof water before it enters the piped stormwater network. This will assist in managing water quality in the Pittwater Estuary.</p>
Property Management and Commercial	The proposal is for alterations and additions to the existing dwelling. Property has no objections to the proposal as submitted.
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. 945758S dated 20 July 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	4.7m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
7.1 Acid sulfate soils	Yes
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	6.5m	secondary dwelling: 3.0m and 4.0m	53.8% (3.5m)	No
Rear building line	6.5m	2.3m	64.6% (4.2m)	No (as existing)
Side building line	2.5m	2.5m	N/A	N/A
	1m	1.0m	1.0m	Yes
Building envelope	3.5m	N/A	N/A	N/A
	3.5m	deck/roof: outside envelope	N/A	Yes
Landscaped area	60%	cannot determine	N/A	Yes (see discussion)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A4.10 Newport Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
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
C1.11 Secondary Dwellings and Rural Worker's Dwellings	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D9.17 Scenic Protection Category One Areas	Yes	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	No	Yes
D10.8 Side and rear building line (excluding Newport Commercial Centre)	No	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	Yes	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D10.16 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D10.18 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

The control requires one (1) on-site parking space to be allocated to the secondary dwelling. No on-site parking spaces are proposed for the secondary dwelling. However, convenient public car parking spaces are available within the Florence Park car park area which is located directly across the road from the subject site. Given the availability of this parking area, the proposal is supported on merit with respect to parking.

D10.7 Front building line (excluding Newport Commercial Centre)

The front building lines to the secondary dwelling are 3.0m and 4.0m which do not comply with the minimum 6.5m requirement of the control. With regard to the consideration of a variation, the development is assessed as being consistent with the underlying Outcomes of the control as follows:

- The areas of non-compliance include a new front elevation staircase and extension to the living room of the existing studio which will have negligible impact on the streetscape;
- The development has been found to be consistent with the desired future character of the locality;
- The areas of non-compliance do not generate adverse amenity impacts on adjoining and surrounding properties and maintains the preservation of views and vistas to and/or from public/private places; and
- Satisfactory landscaping is to be provided within the front setback area which will assist to visually screen the built form when viewed from the street.

D10.8 Side and rear building line (excluding Newport Commercial Centre)

The rear building line to the secondary dwelling is 2.3m which does not comply with the minimum 6.5m requirement of the control. With regard to the consideration of a variation, the development is assessed as being consistent with the underlying Outcomes of the control as follows:

- The building is maintaining its existing rear building line;
- The development has been found to be consistent with the desired future character of the locality;
- The areas of non-compliance do not generate adverse amenity impacts on adjoining and surrounding properties and maintains the preservation of views and vistas to and/or from public/private places; and
- A satisfactory landscape setting is being maintained on-site.

D10.13 Landscaped Area - Environmentally Sensitive Land

Submitted plans do not allow for a calculation of landscaped area. However, the proposal is supported on landscaping grounds for the following reasons;

- It is calculated that the proposal will result in a decrease of 4.0m² of landscaped area which is minor and will have negligible impact on the landscape setting of the site or streetscape;
- The proposal would provide an appropriate landscape setting consistent with that of adjoining and surrounding development, particularly within the front setback areas;
- The bulk and scale of the secondary dwelling is not excessive and will have an acceptable impact on the streetscape;
- Appropriate local amenity is maintained; and
- The development has been found to be consistent with the desired future character of the locality.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/0521 for Alterations and additions to existing structure and use as secondary dwelling on land at Lot 11 DP 817686, 115 Prince Alfred Parade, NEWPORT, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Issue 1 Drawings 1 & 2	26/10/17	Planatec

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Risk Assessment Report and Certificate	29 November 2017	Building Code & Bushfire Hazard Solutions
Geotechnical Report	7 December 2017	Jack Hodgson Consultants

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

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

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

2. **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 (DACPLB09)

3. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are



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

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

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

Relevant legislative requirements and relevant Australian Standards (including

but not limited) to:

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

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

4. Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

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

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

5. Fire Safety and general Building Upgrade to comply with the Building Code of Australia

(BCA)

A general Building Upgrade including the fire upgrading measures and works to upgrade the building as detailed and recommended in the Bushfire safety Report, prepared by Building Code & Bushfire Hazard Solutions Report dated 29 November 2017 Ref 180420 are to be implemented to the building.

Details demonstrating compliance with all necessary requirements of the Bushfire Report, and also Volume 2 of the Building Code of Australia (where required for Class 1a building matters), are to be submitted to the Principal Certifying Authority prior to the issue of the required Construction Certificate for the modifications to the building.

In this regard a 'Building Code of Australia Assessment Report from an appropriately qualified Accredited Certifier*' is to be submitted with the Construction Certificate Application addressing the extent to which the existing building does or does not comply with the deemed to satisfy provisions of Volume 2 of the BCA. The report is to also provide recommendations with respect to the works required to ensure that the specified measures and facilities contained in the existing building, including any modifications to be made by the proposed development are appropriate for its intended use.

*To be regarded as an "appropriately qualified accredited certifier" the certifier must hold the relevant level of accreditation that would enable the certifier to issue a construction certificate for the subject building.

Reason: To ensure adequate provision is made for fire safety, Health, Energy Efficiency and Amenity in the premises for building occupant safety, comfort , and to comply with the requirements for a Class 1a building. (DACBCF01)

6. Geotechnical Report Recommendations have been correctly incorporated into designs and structural plans

The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by Jack Hodgson Consultants Pty Ltd (MS 31349A) dated 7 December, 2017 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.

Reason: To ensure geotechnical risk is managed appropriately.

7. Compliance with Standards

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

8. External Finishes to Roof

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

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

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

9. **Building Certificate - Unauthorised Works on site**

An application for a Building Certificate (BC) is to be lodged with Council and determined for the specified unauthorised works onsite (the Studio).

Details demonstrating compliance, and a determination resulting in the issue of a BC for the studio building is to be submitted to the Certifying Authority prior to any further use of the studio occurring (including associated construction/structures). Where required, works are to form part of a Construction Certificate application.

Reason: To regularise unauthorised development and to provide a safe and compliant building.

10. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. **Maintenance of 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.

13. **Stockpiling of Topsoil**

During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.

Reason: To ensure protection and retention of the Urban Forest/Natural Environment.

14. **Tree Protection Fencing**

Tree guards are to be provided around all trees as indicated on Survey Plan No. 17290, dated 22/9/12017 by A Clerke Surveyors Pty Ltd, or where after approval of the relevant Construction Certificate Application/s, trees stand within the envelope of approved buildings or within the alignment of approved permanent paved vehicular access roads and parking areas. The tree guards are to be installed prior to the commencement of any work on the site.

No works, including utility installations (eg. water, sewer, telephone, drainage), are to be undertaken within 4 metres of the trunk of any such trees. The tree guards shall be a minimum 1200mm high at least four (4) metres from the base of the nominated tree/s and constructed from timber posts and rails or posts and suitable plywood panels.

Reason: To protect and retain trees proposed for retention.

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

15. **Fire Safety and general Building Upgrade**

A general Building Upgrade including the fire upgrading measures and works to upgrade the building as detailed and recommended in the Bushfire safety Report, prepared by Building Code & Bushfire Hazard Solutions Report dated 29 November 2017 Ref 180420 are to be implemented to the building.

Details demonstrating implementation and compliance with all necessary requirements of the Bushfire Report, and also Volume 2 of the Building Code of Australia (where required for general Class 1a building matters), are to be submitted to the Principal Certifying Authority prior to any further use of the building occurring and prior to the issue of the Interim / Final Occupation Certificate.

Reason: To ensure adequate provision is made for fire safety, Health, Energy Efficiency and Amenity in the premises for building occupant safety, comfort, and to comply with the requirements for a Class 1a building. (DACBCF01)

16. **Post-Construction Road Reserve Dilapidation Report**

The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must have been carried out in accordance with the provisions of the Building Code of Australia

Note: Where by Council is not the Principal Certifying Authority, Refund of the trust fund deposit will also be dependent upon receipt of a final Occupation Certificate by the Principal Certifying Authority, Post Construction Dilapidation Report and infrastructure inspection by Council.

Reason: To ensure security against possible damage to Council property.

17. **Restoration of Damaged Public Infrastructure**

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development

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

18. **Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website

http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Reason: Weed management.

19. **Retention of Natural Features**

All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To ensure the retention of natural features.

20. **Tree Retention**

In accordance with Pittwater 21 DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing prescribed trees shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.

Reason: To ensure the retention of the Urban Forest/Natural Environment.

21. **Clearance of Structures from Trees**

A minimum of 200mm clearance is to always be maintained to the tree trunk from proposed bearers, joists and decking.

Reason: To ensure existing/proposed trees are not negatively impacted.

22. **Retention of Natural Ground Levels**

The natural ground levels of private open space areas are not to be altered.

Reason: To reduce impacts on surrounding vegetation.

23. **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.

24. **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.

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

Signed




Kevin Short, Planner

The application is determined under the delegated authority of:



Matthew Edmonds, Manager Development Assessments


ATTACHMENT A

Notification Plan	Title	Date
 2018/228543	Plans - Notification	23/03/2018

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2018/228541	Plan - Survey	23/02/2018
 2018/228625	Plans - External	23/02/2018
 2018/265495	Property and Commercial Development Referral Response	28/02/2018
 2018/228543	Plans - Notification	23/03/2018
 2018/228545	Report - Statement of Environmental Effects	23/03/2018
 DA2018/0521	115 Prince Alfred Parade NEWPORT NSW 2106 - Development Application - Use	04/04/2018
 2018/226689	Submission - Daly	09/04/2018
 2018/227040	DA Acknowledgement Letter - Michael John Mitton	10/04/2018
 2018/227051	Submission Acknowledgement Letter - Elizabeth Daly - SA2018/226689	10/04/2018
 2018/228301	delete	11/04/2018
 2018/228309	Development Application Form	11/04/2018
 2018/228311	Applicant Details	11/04/2018
 2018/228322	Fee Form	11/04/2018
 2018/228587	Report - Bushfire	11/04/2018
 2018/228605	Report - Geotechnical and Risk Management	11/04/2018
 2018/228626	Plans - Master Set	11/04/2018
 2018/230342	Signed cost of works	11/04/2018
 2018/230340	Report - Bushfire Certificate	11/04/2018
 2018/234324	DA Acknowledgement Letter (not integrated) - Michael John Mitton	13/04/2018
 2018/235069	Notification Map - DA2018-0521	13/04/2018
 2018/234418	Notification Letter - DA	13/04/2018
 2018/239727	Natural Environment Referral Response - Riparian - 115 Prince Alfred Parade	16/04/2018
 2018/273273	Yellow notification sign erected	03/05/2018
 2018/336861	Natural Environment Referral Response - Biodiversity	01/06/2018
 2018/340736	Landscape Referral Response	04/06/2018
 2018/415536	Development Engineering Referral Response	06/07/2018
 2018/443529	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2018/0521 - 115 Prince Alfred Parade NEWPORT NSW 2106	11/07/2018
 2018/441958	Request for Withdrawal of Development Application - Michael John Mitton	11/07/2018
 2018/443896	Building Assessment Referral Response	11/07/2018
2018/447067	Email sent with withdrawal letter attached	13/07/2018

			
	2018/462108	BASIX Certificate	20/07/2018
	2018/462113	bASIX	20/07/2018
	2018/462117	Basix	20/07/2018
	2018/462119	BASIX Certificate	20/07/2018
	2018/462121	Basix	20/07/2018
	2018/468750	Stamped Plans	25/07/2018