

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/1286
<b>Responsible Officer:</b>	Nick Keeler
<b>Land to be developed (Address):</b>	Lot 218 DP 16212, 63 Gondola Road NORTH NARRABEEN NSW 2101
<b>Proposed Development:</b>	Demolition works and construction of a dwelling house including a swimming pool
<b>Zoning:</b>	R2 Low Density Residential
<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>	Gregory James Beeman
<b>Applicant:</b>	Rapid Plans Pty Ltd
<b>Application Lodged:</b>	15/11/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Single new detached dwelling
<b>Notified:</b>	29/11/2019 to 13/12/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 996,600.00

### PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the demolition of existing structures and the construction of a new two storey residential dwelling with basement double garage, pergola structure along part of the eastern side boundary, an in-ground swimming pool and patio at the rear.

An amended design of the proposed development was requested that aimed to reduce the extent of non-compliance with a number of controls. Amended plans were received on 12 March 2020 that addressed Council's concerns. Re-notification of the amendments was not considered necessary, as they substantially reduced the overall building envelope, and did not result in any increase in size that would increase environmental impacts.

The amendments include the following:

- lowering of the overall height of the building and increased excavation of the garage to reduce the extent of the building envelope non-compliance,
- redesigned front stairs to reduce front setback encroachment and visual impact,
- removing the boat parking area and pergola on the eastern side of the building,
- improved landscaping at the front of the building.

## ASSESSMENT INTRODUCTION

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

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

## SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils  
 Pittwater 21 Development Control Plan - A4.11 North Narrabeen Locality  
 Pittwater 21 Development Control Plan - D11.6 Front building line  
 Pittwater 21 Development Control Plan - D11.7 Side and rear building line  
 Pittwater 21 Development Control Plan - D11.9 Building envelope  
 Pittwater 21 Development Control Plan - D11.10 Landscaped Area - General

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 218 DP 16212 , 63 Gondola Road NORTH NARRABEEN NSW 2101
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the southern side of Gondola Road.</p> <p>The site is irregular in shape with a splayed frontage of 11.205m along Gondola Road and a depth of 38.915m. The site has a surveyed area of 622.7m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density</p>

Residential zone and accommodates single storey residential dwelling.

The site falls approx. 3m from the rear boundary (south) towards the front boundary (north) and contains a large grassed areas at the front and rear of the dwelling. There is no vegetation of significance or retention value on the site.

#### **Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is characterised by low density residential dwellings with ancillary structures.

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:

Application **DA2019/0930** for Construction of a dwelling house including swimming pool was withdrawn by the applicant on 08/10/2019.

#### **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 Matters for Consideration'	Comments
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)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&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 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to geotechnical assessment requirements.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&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 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&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> <p><u>Clause 143A</u> of the EP&amp;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	<p>(i) <b>Environmental Impact</b></p> <p>The environmental impacts of the proposed</p>

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

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

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

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

Name:	Address:
Withheld Withheld	NORTH NARRABEEN NSW 2101

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

- Consistency with character of locality
- Bulk and scale
- Overshadowing
- Noise
- Privacy



- Pergola
- Stormwater

The submitter was advised of amendments made to the proposal and was given the opportunity to provide an additional or amended submission. No further comment has been received based on the amended plans.

The matters raised within the submissions are addressed as follows:

- *Concern is raised that the proposed dwelling is inconsistent with the desired future character of the locality in terms of the extent proposed built form.*

Comment:

While the proposed development has a larger built form than that of the existing dwelling and immediate adjacent dwellings, the overall proposal is generally consistent with the desired future character of the North Narrabeen locality. Although the front portion of the dwelling is considered to be three storeys, the design to place the garage as a basement level, and set back the upper level, assists in reducing the impact of the overall built form of the dwelling. The proposed development is considered to appropriately respond to the character of the locality.

The issue is not considered to warrant further amendment or refusal of the application.

- *Concern is raised that the bulk and scale of the proposed development is excessive and result in reduced amenity of neighbouring properties.*

Comment:

As discussed, the bulk and scale of the proposed development is substantially greater than that of the existing dwelling and adjacent dwellings. However, the proposal demonstrates merit in that the bulk and scale of the development is generally consistent with the applicable built form controls, with some relatively minor exceptions as discussed within this report. There is a high potential that other dwellings in Gondola Road will gradually be replaced with similarly sized dwellings. The applicant was requested to amend the proposal to reduce the overall height of the development and increase numerical compliance with the built form controls, in particular the side boundary envelope control.

Given these amendments, the issue is not considered to warrant further amendment or refusal of the application.

- *Concern is raised that the proposed development will cause unreasonable overshadowing impacts to adjacent properties.*

Comment:

The proposal has been assessed against the solar access requirements of Pittwater 21 DCP. The proposal demonstrates that the main private open space of adjoining dwellings receives a minimum of 3 hours of sunlight between 9am and 3pm on 21st June. Similarly, the proposed development does not unreasonably impact upon the solar access to windows of internal living areas.

Further amendment or refusal of the application is not therefore considered warranted regarding this issue.

- *Concern is raised that the cantilevered first floor above the pool and patio at the rear of the dwelling will amplify noise and cause unreasonable amenity impacts to adjacent properties.*

Comment:

Noise associated with the use of the pool and patio area is considered to be reasonable in the context of an urbanised residential environment. The design of the first floor is not particularly unusual, nor is it expected to unreasonably amplify noise associated with the use of the pool and patio.

Further amendment or refusal of the application is not therefore considered warranted regarding this issue.

- *Concern is raised that the levelling of the rear yard will result in the ability to overlook and adjacent properties.*

Comment:

The existing reduced levels (RL) of the rear yard range from RL 6.65 near the rear boundary and RL 5.06 at the rear of the existing dwelling. The proposed rear yard is to be level at RL 6.20. To limit the potential privacy impact of the raised portion of the rear yard, screening vegetation to a height of 3m is proposed along the rear portion of the eastern boundary. This vegetation is expected to reasonably minimise any privacy impact arising from the rear yard.

The proposal is not considered to result in any unreasonable impacts in this regard.

- *Concern is raised that the proposed pergola along the eastern boundary will unreasonably impact upon the adjacent dwelling.*

Comment:

The amendment to the proposal includes the deletion of the boat parking area and associated pergola and replacement with landscaped space. The submission is considered to be reasonably satisfied in this regard.

- *Concern is raised that the proposed stormwater disposal encroaches onto the adjacent property.*

Comment:

Council's Development Engineers have reviewed the proposal and have raised no objections to the proposed stormwater disposal system, subject to conditions. A condition is included to require stormwater engineering plans be submitted to the certifying authority prior to the issue of a construction certificate with the boundary pit to be located within the subject site.

The proposal is considered generally acceptable in this regard.

## REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>The application has been assessed against the State Environmental Planning Policy (Coastal Management) 2018, Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>The subject site has been identified on the 'Coastal Environment Area' map and therefore clause 13 of the SEPP applies. The development is designed, sited and will be managed to avoid an adverse impact to the integrity and resilience of the ecological environment, native vegetation, and fauna and their habitats,</p> <p>No significant biodiversity related issues addressed within Pittwater LEP 2014 and Pittwater 21 DCP occur, and the application complies with the requirements of the relevant controls.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p><b>Coastal Management Act 2016</b> The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p><b>State Environmental Planning Policy (Coastal Management) 2018</b> As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Coastal Environment Area' map but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>On internal assessment, the DA satisfies requirements under clauses 13 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal</p>



Internal Referral Body	Comments
	<p>Management) 2018.</p> <p><b>Pittwater LEP 2014 and Pittwater 21 DCP</b></p> <p>No coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>
NECC (Development Engineering)	No objection to approval, subject to conditions as recommended.
NECC (Riparian Lands and Creeks)	<p>This application has been assessed against:</p> <p><b>State Environment Planning Policy (Coastal Management) 2018</b> Part 2, Division 3, Clause 13 - Development on land within the</p> <p><b>Pittwater 21 Development Control Plan</b> B5.8 - Stormwater management B8.2 - Erosion and sediment management</p> <p>As this application proposes to increase impervious surfaces by more than 50m<sup>2</sup> the applicant is required to install a sediment arrestor pit prior to the discharge of stormwater from the property to prevent the migration of sediment offsite. Erosion and sediment controls must be installed in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004). Both the sediment arrestor pit and sediment and erosion controls must be maintained and cleaned on a regular basis.</p> <p>With the applied conditions the proposal is unlikely to cause an adverse impact on the integrity and resilience of the biophysical, hydrological and ecological environment and is therefore recommended for approval subject to conditions.</p>
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and

LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

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

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

### **SEPP 55 - Remediation of Land**

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

### **SEPP (Building Sustainability Index: BASIX) 2004**

A BASIX certificate has been submitted with the application (see Certificate No. 1016487S dated 14 November 2019). The BASIX Certificate is supported by a BDAV Assessor Certificate (see Certificate No. 0003872363-03 dated 13 November 2019).

The BASIX Certificate indicates that the development will achieve the following:

<b>Commitment</b>	<b>Required Target</b>	<b>Proposed</b>
<b>Water</b>	40	40
<b>Thermal Comfort</b>	Pass	Pass
<b>Energy</b>	50	50

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.

**SEPP (Coastal Management) 2018**

See assessment under Coast & Catchments referral.

**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	Complies
Height of Buildings:	8.5m	7.3m	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.10 Essential services	Yes

Detailed Assessment

**7.1 Acid sulfate soils**

Clause 7.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

The site is located in an area identified as Acid Sulfate Soil Class 5, as indicated on Council's Acid Sulfate Soils Planning Map.

Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on

adjacent Class 1, 2, 3 or 4 land is required to be assessed to determine if any impact will occur.

The development proposes to excavate the site to approximately 1.6m below the natural ground level. As such, a Preliminary Acid Sulfate Soil Assessment has been undertaken by White Geotechnical Group dated 29 May 2019. In the assessment, White Geotechnical Group found that *"no Acid Sulfate Soils were identified in the test holes. The pHF levels tested in all auger holes did not fall lower than 5.1. This is above a PH of 4 that is an indicator of acid sulfate soils. No Potential Acid Sulfate Soils were identified in the test holes"*.

In this regard, White Geotechnical Group advise that an Acid Sulfate Soil Management Plan (ASSMP) is not considered to be necessary for the development of the site. The Preliminary Assessment was referred to Council's Environmental Health Officer who concurred with the findings and imposed a condition which requires the applicant to notify the principle certifying authority of any new evidence of the presence of acid sulfate soils.

This condition, together with recommendations made in the Preliminary Acid Sulfate Soil Assessment prepared by White Geotechnical Group and dated 29 May 2019, have been included in the recommendation of this report.

## Pittwater 21 Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	Dwelling - 6.95m	N/A	Yes
		Front porch - 5.6m	13.8%	No
Rear building line	6.5m	Dwelling - 10m	N/A	Yes
		Pool curtilage - 2.85m	56.2%	No
Side building line	E - 2.5m	Dwelling - 1.2m to 4.34m	Up to 52%	No
		Pergola - Nil	100%	No
	W - 1m	1m	N/A	Yes
Building envelope	E - 3.5m	Outside envelope	Up to 6.25% for a length of 0.5m	No
	W - 3.5m	Outside envelope	Up to 10.9% for a length of 9.3m	No
Landscaped area	50% (311.35m <sup>2</sup> )	42.6% (265.5m <sup>2</sup> )	14.7%	No

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

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives

Clause	Compliance with Requirements	Consistency Aims/Objectives
A4.11 North Narrabeen Locality	No	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
D11.1 Character as viewed from a public place	Yes	Yes
D11.2 Scenic protection - General	Yes	Yes
D11.3 Building colours and materials	Yes	Yes
D11.6 Front building line	No	Yes
D11.7 Side and rear building line	No	Yes
D11.9 Building envelope	No	Yes
D11.10 Landscaped Area - General	No	Yes
D11.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

#### Detailed Assessment

#### **A4.11 North Narrabeen Locality**

The desired character statement of the North Narrabeen Locality states the following:

*The North Narrabeen locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape.*

The proposed development incorporates a three-storey element at the front of the building, which is contrary to the desired character statement requiring a maximum of two-storeys for dwellings.

While not strictly complying with this part of the desired character statement, it is considered that the proposed dwelling does demonstrate consistency with all other aspects. The primary reason for the three-storey element is due to the fan shape of the site which narrows towards the front boundary. This restricts the ability to incorporate the garage into the ground floor of the dwelling without losing habitable floor space. The three-storey element is only located at the front of the dwelling. The remainder of the dwelling to the rear of the garage is two-storeys.

The garage is proposed to be excavated lower than the street level to minimise the overall bulk and scale and reduce the amenity impact of the building when viewed from the public domain and adjacent properties. Landscaping is to be incorporated into the front facade design and front setback area to further minimise amenity impact of the building.

It is considered that although the proposal does not fully demonstrate consistency with the desired character statement of the North Narrabeen Locality, the proposal does demonstrate consistency with the low density residential character within a landscaped setting with landscape integration into the building design. The bulk and scale of the building is considered to be reasonable in the context of the site and locality.

#### **D11.6 Front building line**

##### Description of non-compliance

The control requires all structures to be setback 6.5m from the front boundary.

While the front building line of the dwelling demonstrates a compliant front setback of 6.95m, the porch is setback 5.6m from the front boundary.

##### Merit consideration

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

*Achieve the desired future character of the Locality.*

##### Comment:

The positioning of the development is generally consistent with the front setback requirement. The encroachment of the porch and stairs into the front setback area is not expected to unreasonably influence the ability of the proposed development to achieve the desired future character of the locality.

*Equitable preservation of views and vistas to and/or from public/private places.*



Comment:

No views or vistas will be impacted by the stairs and associated structures in the front setback area.

*The amenity of residential development adjoining a main road is maintained.*

Comment:

Not applicable, as the subject site does not adjoin a main road.

*Vegetation is retained and enhanced to visually reduce the built form.*

Comment:

The proposed development incorporates landscaping that will assist in reducing the visual built form of the porch and stairs, specifically the bottle brush proposed to be planted in the front setback area.

*Vehicle manoeuvring in a forward direction is facilitated.*

Comment:

The site is unable to facilitate the forward movement of vehicles entering and exiting the site. The proposed works however do not alter the current access arrangement for the site and forward movement is not considered to be required or able to be provided with respect to the subject site.

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

Comment:

The streetscape is not expected to be unreasonably impacted by the porch and associated structures. The proposed works do not require the removal of any significant vegetation therefore it is considered the scale and density is in keeping with the height of the natural environment. New plantings are proposed to improve the visual quality of the streetscape.

*To encourage attractive street frontages and improve pedestrian amenity.*

Comment:

As above, new plantings proposed in the front setback area will help to improve the visual quality of the streetscape. Existing pedestrian amenity will generally be maintained.

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

Comment:

The proposed development is designed in a manner that respects the spatial characteristics of the site and surrounds.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the P21DCP and the objectives specified in s1.3 of the Environmental

Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

### **D11.7 Side and rear building line**

#### perDescription of non-compliance

The control requires structures to be setback from one side boundary by 1.0m and the other side boundary by 2.5m. This control also requires structures to be setback 6.5m from the rear boundary.

The proposed dwelling is sited 1.0m from the western side boundary, demonstrating compliance with the 1.0m setback requirement.

The proposed dwelling is sited between 1.2m and 4.3m from the eastern side boundary, therefore representing a variation of up to 52%.

The proposed swimming pool coping is located 2.9m from the rear boundary, representing a variation of 55.4%.

Variation for swimming pools and spas a with a 1 metre minimum setback from the boundary to the pool coping may be permitted subject to the following:

- satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and
- Council is satisfied that the adjoining properties will not be adversely affected, and
- the pool or spa is not more than 1 metre above ground level (existing), and
- that the outcomes of this clause are achieved without strict adherence to the standards, and
- where the site constraints make strict adherence to the setback impractical, and
- where strict compliance with these requirements will adversely impact on the views of adjoining residential properties.

#### Merit consideration

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

*To achieve the desired future character of the Locality.*

#### Comment:

The built form of the proposed dwelling and swimming pool is generally consistent with the desired future character of the locality, as discussed within this report.

*The bulk and scale of the built form is minimised.*

#### Comment:

While the overall bulk and scale of the built form on the site will increase as a result of the proposed development, the upper level bulk of the proposed dwelling is contained within the building height and side and rear setback requirements. The swimming pool is located at ground level meaning no discernible bulk and scale impact will be caused by its siting. The proposed built form is considered to be appropriate for the site and surrounds.

*Equitable preservation of views and vistas to and/or from public/private places.*

Comments:

No views or vistas will be hindered as a result of the proposed works.

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

Comment:

Landscaping and siting of buildings of the proposed development will not hinder the availability of views and vistas currently obtained from private and/or public spaces.

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

Comment:

No unreasonable amenity impacts are considered likely to arise as a result of the proposed development. Most windows on the side elevations utilise a highlight design, meaning overlooking into adjacent properties is restricted. Adequate solar access is able to be achieved on the subject site and adjacent properties. The swimming pool is appropriately setback from the side and rear boundaries to adequately minimise the impact of any noise associated with its use.

*Substantial landscaping, a mature tree canopy and an attractive streetscape.*

Comment:

Adequate landscaped area is provided to allow for the establishment of canopy vegetation. Two trees are proposed in the front setback area which will improve streetscape attractiveness.

*Flexibility in the siting of buildings and access.*

Comment:

The proposed development demonstrates flexibility in the siting of buildings and access by incrementally stepping the eastern elevation to reduce the overall side setback non-compliance. The upper floor is fully contained within the side setback requirement. The swimming pool is positioned in a manner that limits amenity impact on adjacent dwellings.

*Vegetation is retained and enhanced to visually reduce the built form.*

Comment:

The proposed landscaping is able to effectively reduce the bulk and scale of the built form.

*To ensure a landscaped buffer between commercial and residential zones is established.*

Comment:

Not applicable, as the subject site does not adjoin a commercially zoned property.

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

### **D11.9 Building envelope**

#### Description of non-compliance

The control requires a building envelope to be projected 45 degrees from a height of 3.5m above ground level at the side boundaries to the maximum building height (8.5m).

The existing dwelling encroaches the prescribed building envelope along the eastern and western elevations.

The eastern elevation contains three portions that encroach the building envelope by up to 6.25%.

The western elevation encroaches the building envelope up to 10.9% towards the front for a length of 9.3m.

#### Merit consideration

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

*To achieve the desired future character of the Locality.*

#### Comment:

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

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

#### Comment:

The proposal will still have an appropriate scale when viewed from the street and adjoining properties given the non-compliant portions of the dwelling are substantially set back from the front boundary. The proposed dwelling compliments and enhances the existing and future built form of the locality.

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

#### Comment:

No significant vegetation is required to be removed to facilitate the proposed works. It is considered the development responds to, reinforces and sensitively relates to the spatial characteristics of the existing natural environment.

*The bulk and scale of the built form is minimised.*

Comment:

The upper floor is stepped back from the front building line to minimise impact upon the street and bulk/scale. The upper floor is also stepped back from the side boundaries to limit the impact of building bulk on the adjacent properties.

*Equitable preservation of views and vistas to and/or from public/private places.*

Comment:

No views or vistas will be hindered as a result of the proposed works.

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

Comment:

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

*Vegetation is retained and enhanced to visually reduce the built form.*

Comment:

The proposed landscaping is able to effectively reduce the bulk and scale of the built form.

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

## **D11.10 Landscaped Area - General**

### Description of non-compliance

The control requires a minimum of 50% (311.35m<sup>2</sup>) of the site area to be landscaped area.

42.6% (265.5m<sup>2</sup>) of the site will be landscaped area, representing a variation of 14.7%.

This Control allows for a variation, where the objectives of this Control are achieved that permits up to 6% of the total site area be provided as impervious landscape treatments providing these areas are utilised for outdoor recreational purposes. Upon application of such variation, the subject site maintains 48.7% as landscaped area.

### Merit consideration

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

objectives of the Control as follows:

*Achieve the desired future character of the Locality.*

Comment:

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

*The bulk and scale of the built form is minimised.*

Comment:

As discussed, the bulk and scale of the dwelling is considered appropriate and minimised.

*A reasonable level of amenity and solar access is provided and maintained.*

Comment:

Reasonable levels of amenity and solar access will be provided and maintained as a result of the proposed development.

*Vegetation is retained and enhanced to visually reduce the built form.*

Comment:

As discussed, the site has adequate landscaped area to establish vegetation that can visually reduce the built form of the proposed dwelling.

*Conservation of natural vegetation and biodiversity.*

Comment:

No significant vegetation is required to be removed to facilitate the proposed works.

*Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

Comment:

The proposal has been reviewed by Council's Development Engineer, having regard to provisions for stormwater management and has raised no objections subject to conditions included in the recommendation of this report. Stormwater can be contained and discharged in an appropriate manner.

*To preserve and enhance the rural and bushland character of the area*

Comment:

As above, no significant vegetation is required to be removed to facilitate the proposed works therefore maintaining the bushland character of the area.

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



Comment:

Adequate soft surface will be maintained to provide infiltration of water to the water table, minimise run-off and assist with stormwater management.

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

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

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

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

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

A monetary contribution of \$9,966 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$996,600.

## **CONCLUSION**

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

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

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

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/1286 for Demolition works and construction of a dwelling house including a swimming pool on land at Lot 218 DP 16212, 63 Gondola Road, NORTH NARRABEEN, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

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

##### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA1004 Revision 2	4 March 2020	Rapid Plans
DA2001 Revision 2	4 March 2020	Rapid Plans
DA2002 Revision 2	4 March 2020	Rapid Plans
DA2003 Revision 2	4 March 2020	Rapid Plans
DA2004 Revision 2	4 March 2020	Rapid Plans
DA2005 Revision 2	4 March 2020	Rapid Plans
DA3001 Revision 2	4 March 2020	Rapid Plans
DA3002 Revision 2	4 March 2020	Rapid Plans
DA3003 Revision 2	4 March 2020	Rapid Plans
DA4001 Revision 2	4 March 2020	Rapid Plans
DA4002 Revision 2	4 March 2020	Rapid Plans
DA4003 Revision 2	4 March 2020	Rapid Plans

Engineering Plans		
Drawing No.	Dated	Prepared By
DA1009 Revision 2	4 March 2020	Rapid Plans

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1016487S	14 November 2019	Certified Energy
NatHERS Certificate No. 0003872363-03	13 November	Certified Energy

	2019	
Acid Sulfate Report (Ref: J2209)	29 May 2019	White Geotechnical Group
Geotechnical Assessment (Ref: AG 19241)	9 March 2020	Ascent Geotechnical Consulting

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>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA1008 Revision 2	4 March 2020	Rapid Plans

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	10 July 2019	Rapid Plans
DA1010 Revision 2	4 March 2020	Rapid Plans

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 \$9,966.00 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 \$996,600.00.

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. Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to Gondola Road.

The boundary pit shall be located within the property in accordance with the stormwater plans provided by Greenwood Consulting, Drawing number D01, dated 27 July 2019. No stormwater pits shall be constructed on Council's Road Reserve.

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

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

### **7. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Ascent Geotechnical Consulting, dated 9 March 2020 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

8. **Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings.

Council approval is required if temporary ground anchors are to be used within Council land. A Temporary Ground Anchors (Road Reserve) Application is to be submitted with Council for assessment and approval subject to Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

9. **Traffic Control Application**

A Traffic Control Application is to be submitted to Council and approved by Council. Traffic Control shall be prepared to RMS standard by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.

10. **Boundary Identification Survey**

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

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

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

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

11. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

12. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

13. **Water Quality - Low Density Residential**

To comply with Pittwater 21 DCP 5.8 the applicant must install stormwater quality improvement measures as follows:

- Pre-screening of organic matter (e.g. leaf litter) prior to the collection of rainwater in the rainwater tank
- Filtration of stormwater to capture organic matter and coarse sediments prior to discharge from the land. Provision must be made for maintenance access.

Details demonstrating compliance are to be submitted to the certifying authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of the receiving environment

14. **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.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. **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.

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

16. **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.

17. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

18. **Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

19. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on

public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety.

20. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 3 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

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

21. **Stormwater Disposal**

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

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

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

23. **Certification for the Installation of Stormwater Quality Management System**

A certificate from a Civil Engineer, who has the membership to the Engineers Australia and the National Engineers Register must be provided, stating that the stormwater quality management system has been installed in accordance with prepared plans.

The certificate shall be submitted to the Principle Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment

24. **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

### 25. **Maintenance of Stormwater Quality System**

The stormwater quality system must be maintained at all times in accordance with the Stormwater Quality Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Reason: Protection of the receiving environment

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

**Signed**



**Nick Keeler, Planner**



The application is determined on 27/03/2020, under the delegated authority of:



**David Auster, Acting Development Assessment Manager**