

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/0067
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Responsible Officer:	Megan Surtees
Land to be developed (Address):	Lot 61 DP 7593, 43 Alleyne Avenue NORTH NARRABEEN NSW 2101
Proposed Development:	Alterations and additions to a dwelling house including a detached garage
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Tarnee Zarzeczny Richard Robert Zarzeczny
Applicant:	Stacey Marie Holden

Application Lodged:	05/02/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	12/02/2024 to 26/02/2024
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 388,907.79
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PROPOSED DEVELOPMENT IN DETAIL

This development application seeks consent for alterations and additions to the existing dwelling, comprising the following works:

Lower Ground Floor

- Demolition works to reconfigure the floor plan, including:
 - Removal of the existing garage to replace with a living room
 - New bathroom and laundry
 - Removal of living room within the bedroom to create a main bedroom

- Replacement of the garage door with sliding glass door
- New sliding doors for the extent of the new living room with access to the existing deck

Ground Floor

- Demolition works to reconfigure the floor plan, including:
 - New powder room
 - Walk-in robe and en-suite to Bedroom 1
 - New bathroom
- New sliding doors for the extent of the existing kitchen and living area to the balcony
- Demolition of the existing balcony and construction of a new balcony for the full width of the existing dwelling with a retractable awning system
- Construction of a two (2) vehicle garage
- New pedestrian entry to marry up with the existing terrace

External Works:

- Associated landscaping, including a terraced garden in the location of the existing driveway

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 - Zone C4 Environmental Living

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

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 - D11.11 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 61 DP 7593 , 43 Alleyne Avenue NORTH NARRABEEN NSW 2101
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northern-eastern side of Alleyne Avenue.</p> <p>The site is irregular in shape with a frontage of 16.46m along Alleyne Avenue and a depth of 55.78m. The site has a surveyed area of 831.0m². Vehicular access to the site is obtained via a shared driveway located off Alleyne Avenue.</p> <p>The site is located within the C4 Environmental Living zone within the <i>Pittwater Local Environmental Plan 2014</i> and accommodates a one (1) and two (2) storey residential dwelling within a landscaped setting.</p> <p>The site is not known to have any threatened species.</p> <p>The site has a westerly orientation and is located on a cross fall, falling from the south-western corner of the site toward the north-eastern corner, of approximately 41.4% (or 20.0m).</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by residential developments of similar density and scale.</p>

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- **DA2024/0049.** This development application sought consent for the construction of a swimming pool. This application was approved, subject to conditions, on 22 February 2024.

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	There are no current draft environmental planning instruments.
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 planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 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 29</u> of the EP&A Regulation 2021 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 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to the provision of amended plans to address privacy concerns relating to the proposed balcony, as well as additional information to address concerns raised by Council's Development Engineer. This information was requested via the NSW Planning Portal on 7 March 2024. The Applicant provided final amendments to the portal on 21 March 2024. Council's Development Engineer has reviewed the additional information and is satisfied that this information addresses their concerns. This information did not require</p>

Section 4.15 Matters for Consideration	Comments
	<p>re-notification of the development application, in accordance with Council's Community Participation Plan (CPP).</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 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 62 and/or 64</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 12/02/2024 to 26/02/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

Name:	Address:
Mr Phillip Evan Greenow	41 Alleyne Avenue NORTH NARRABEEN NSW 2101

The following issues were raised in the submissions:

- **Privacy & view sharing**

The above issues are addressed as follows:

- **Privacy & view sharing**

The submissions raised concerns that the proposed extension to the existing ground floor balcony will cause unreasonable privacy impacts upon the occupants of 41 Alleyne Avenue (being the property to the north). The submission requests a privacy screen to be installed along the northern elevation of the ground floor balcony - one that will provide privacy but maintain views across the side boundary toward the north-east. The submission, however, states that obtaining privacy for the occupants of 41 Alleyne Avenue is more important than obtaining views towards the north-east.

An additional submission was provided from the owner of 41 Alleyne Avenue based on the amended plans and concern was raised that the height of the privacy screen along the northern elevation was unacceptable and the concern of direct overlooking into the main private open space of 41 Alleyne Avenue remained. The submission requested an increased height to the privacy screen to a minimum of 1.85 metres, to ensure this height covers the average height of a male.

Comment:

Amended plans were received which included a 1.65 metre high privacy screen along the northern elevation of the proposed ground floor balcony. While a 1.85 metre privacy screen would further contribute to a greater breach of the side boundary envelope, the elevated nature of the balcony above the main private open space of 41 Alleyne Avenue means that a 1.65 metre high privacy screen may not provide a high level of privacy between properties.

As such, a condition will be recommended to increase the height of the privacy screen to 1.85 metres so as to provide a high level of privacy, yet minimise as best as possible the extent of encroachment along the northern side boundary envelope.

This issue does **not** warrant reason for refusal of this application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The application seeks consent for alterations and additions to a dwelling house including a detached garage.</p> <p>The plans and Geotechnical report indicate that no significant landscape features are impacted by the proposed works.</p> <p>No objections are raised with regard to landscape issues subject to conditions.</p>
NECC (Bushland and Biodiversity)	<p>The development proposal has been assessed against the following controls</p> <p>State Environmental Planning Policy (Resilience and Hazards) 2021 cl2.8 Development on land in proximity to coastal wetlands or littoral rainforest & cl2.10 Development on land within the coastal environment area</p> <p>Pittwater LEP 2014 cl 7.6 Biodiversity</p> <p>Pittwater 21 DCP B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor</p> <p>The SEE states that the proposal will not remove any vegetation or trees on the site. The development includes areas of new landscaping (Garage DA) and controls have been applied in relation to species selection to satisfy the applicable controls. Under the SEPP, the site is mapped within the proximity area to a coastal wetland, although the proposed development is unlikely to significantly impact on the ecological integrity of the adjacent coastal wetland. Therefore the development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>
NECC (Development Engineering)	<p>The proposed development is on a Low Level Property. Vehicle crossing construction is not proposed. A geotechnical report has been provided. In accordance with Section 5.5 of the Water Management for Development Policy Version 2, 26 February 2021 (WMfDP), The applicant is required to undertake the following sequential process:</p> <ol style="list-style-type: none"> 1. Attempt to obtain an easement through the adjoining downstream property in accordance with Appendix 2 of the WMfDP. 2. If the drainage easement acquisition was unsuccessful in accordance with Step 1, the applicant is required to determine the feasibility of an absorption system in accordance with Appendix 3 of the WMfDP. 3. If an absorption system is not feasible than an on-site detention system and level spreader design is required. <p>The applicant is thus required to provide evidence that Steps 1 & 2 have been carried out before Council can accept the OSD and level spreader design shown on the plans by Gilcon.</p>

Internal Referral Body	Comments
	Engineering Comments 26.03.24 Confirmation of easement refusal from the nearest downstream property has been provided. Development Engineering raises no further objections to the propose development, subject to conditions.

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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 (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. A1730044, dated 13 December 2023).

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 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 who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 1 Coastal Wetlands and littoral rainforest area

2.8 Development on land in proximity to coastal wetlands or littoral rainforest

- 1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:
 - a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
 - b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Comment:

The rear portion the of the site is located within the coastal wetlands and proximity mapping. As such, the proposed alterations and additions to the dwelling and the construction of the garage will not be impacted by this mapping. In this particular circumstance, the assessment has found that the proposal is unlikely to unreasonably impact upon the matters detailed within (a) and (b) of the above Clause.

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
 - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - b) coastal environmental values and natural coastal processes,
 - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

- e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- f) Aboriginal cultural heritage, practices and places,
- g) the use of the surf zone.

Comment:

The subject site is located wholly within the coastal environment area. As such, this Clause applies. The matters prescribed above have been considered in respect to the proposed development and, as the proposed works are sited over the existing building footprint and hardstand spaces, it is unlikely the proposal will unreasonably impact upon the matters as prescribed within (a) - (g) above.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The matters prescribed above have been considered in respect to the proposed development and the assessment has found that the proposal has been designed, sited and well managed to avoid any adverse impacts prescribed within subclause (1) as the proposal is sited to the existing building footprint and hardstand surface.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposed development is unlikely to increase the risk of coastal hazards.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

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	<i>Dwelling: 8.26m Garage: 4.83m</i>	N/A N/A	Yes Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone C4 Environmental Living

Zone Objectives

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.

Comment:

The proposed development seeks to construct a new detached garage and undertake alterations and additions to the existing dwelling. Minimal excavation is required for the proposal. In this instance, the proposed development is considered to provide for low impact residential development on a site that may experience special ecological, scientific or aesthetic values.

- To ensure that residential development does not have an adverse effect on those values.

Comment:

As detailed above, the proposed development will not have any unreasonable or adverse impacts upon the values as prescribed above.

- To provide for residential development of a low density and scale integrated with the landform and landscape.

Comment:

As detailed above, the proposed development is of minimal environmental impact as the additional works do not require extensive excavation that will alter the landform and landscape. In this instance, the proposed development is considered to provide low density residential development of an appropriate scale that is well integrated into the existing landform and landscape.

- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

Comment:

The subject site is not located within a riparian or foreshore area. There is ample vegetation throughout the site that will continue to provide wildlife corridors.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	Garage: 2.0m - 4.81m	69.2% max.	No
Rear building line	6.5m	Dwelling: 25.0m - 28.65m	N/A	Yes
Side building line	Northern Boundary 2.5m	Lower ground floor <i>Retaining walls: 0.9m</i>	64%	No
		Ground floor <i>Garage: 0.9m</i> <i>Balcony: 1.0m</i>	64% 60%	No No (existing & unchanged)
	Southern Boundary 1m	Ground floor <i>Garage: 8.35m</i> <i>Pedestrian entry: 7.15m</i> <i>Balcony: 1.0m</i>	N/A N/A N/A	Yes Yes Yes (existing & unchanged)
Building envelope	Northern Elevation 3.5m	<i>Dwelling: Outside envelope</i> <i>Garage: Outside envelope</i>	N/A N/A	No No
	Southern Elevation 3.5m	<i>Dwelling: Within envelope</i> <i>Garage: Within envelope</i>	N/A	Yes
Landscaped area*	60% (498.6m ²)	Existing 53.3% (443.2m ²)	11.16%	No

		Proposed without variation 48.1% (400.1m ²)	11.7%	No
		Proposed with variation 56.4% (468.46m ²)	6.0%	No

*This current assessment of the landscaped area is based upon the recent approval for the swimming pool under DA2024/0049, which had an approved landscaped area of 62% (514.86m²) (this landscaped area calculation included the variation as stipulated under D11.11 Landscaped Area - Environmentally Sensitive Land).

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.11 North Narrabeen Locality	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B5.15 Stormwater	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
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	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	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.13 Pollution Control	Yes	Yes
D11.1 Character as viewed from a public place	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
D11.9 Building envelope	No	Yes
D11.11 Landscaped Area - Environmentally Sensitive Land	No	Yes
D11.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D11.15 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

C1.5 Visual Privacy

Detailed description of non-compliance

A submission was received that raised concern regarding the potential privacy impacts arising from the reconstruction and extension of the ground floor balcony. The submission requested a privacy screen be installed along the northern elevation of the balcony.

This control requires the following:

- *Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).*
- *Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.*
- *Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.*

The existing balcony does not have a privacy screen along the northern and southern side elevations. The existing balcony has a depth of 2.15 metres. The proposed ground floor balcony will have a new depth of 2.85 metres, which is an increase of 700 millimetres. The submission raised concern that this increase will intensify the use of the balcony, thus increasing the privacy impacts to the occupants of 41 Alleyne Avenue.

The assessment has found that the increased depth is not enough to intensify the use of the balcony. However, due to the elevated nature of the balcony, a privacy screen along the northern elevation would be appropriate.

Merit consideration

- *Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)*

Comment:

As conditioned, the proposed development will optimise visual privacy between properties through good design.

- *A sense of territory and safety is provided for residents. (S)*

Comment:

The proposed development provides a sense of territory and safety for residents.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / 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 instance.

D11.6 Front building line

Detailed description of non-compliance

This control requires development to be setback 6.5 metres from the front boundary line.

The proposed garage results in a front setback distance ranging between 2.0 metres and 4.81 metres. This presents a maximum variation of 69.2%.

However, the control permits a variation to this control where carparking is to be provided on steeply sloping sites, a reduced or nil setback for carparking structures and spaces may be considered (however, all other structures on the site must satisfy or exceed the minimum building line applicable). The existing dwelling is setback from the front boundary line at a distance ranging between 7.0 metres and 9.53 metres. As a result, the variation can be applied, subject to a merit consideration assessment, which is undertaken below.

Merit consideration

With regard to the consideration of a variation, the proposed development is considered against the underlying outcomes of the control as follows:

- *Achieve the desired future character of the Locality. (S)*

Comment:

The proposed garage is minor in nature and is sited to utilise the existing driveway. There are no unreasonable amenity impacts upon adjoining properties, or the street frontage, that arise as a result of the extent of non-compliance to this control. The proposed garage will also be sited well below the surrounding natural environment. Therefore, achieve the desired future character of the North Narrabeen locality.

- *Equitable preservation of views and vistas to and/or from public/private places. (S)*

Comment:

The subject site is situated at a lower level than the street and there is substantial vegetation within the Council reserve. In this instance, from a public vantage point, the proposed garage does not give rise to any unreasonable view impacts to and from public places. Additionally, due to the slope of the land, the adjoining dwellings are sited in similar locations to the existing dwelling on the subject site (as shown in the figure below). As such, there is no unreasonable view loss impacts arising from private properties as a result of the proposed non-compliant front setback distance.

- Alleyne Avenue is not a main road. Notwithstanding, as detailed above, the amenity of Alleyne Avenue will be maintained.

- The proposed garage is sited over the existing driveway. No vegetation is required to be removed to facilitate the garage.

- The subject site benefits from a shared right of carriageway with adjoining properties. In this instance, there is ample space in the right of carriageway to maneuver the vehicle into and out of the garage to ensure that vehicles exit the site and shared right of carriageway in a forward facing direction.

- As detailed above, the level of the subject is below that of the existing streetscape directly in front of the subject site. In this instance, the extent of non-compliance has no unreasonable impact upon Alleyne Avenue, notwithstanding the extent of non-compliance. Further, and as detailed above, the height of the proposed garage is well below the surrounding natural environment, thus promoting a scale and density that is in keeping with the immediate locality.

- The extent of non-compliance will not be easily discernible from the street frontage due to the differing levels of the subject site and Alleyne Avenue. There is no impact upon the pedestrian

amenity along Alleyne Avenue.

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

Comment:

The proposed garage appropriately responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment notwithstanding the proposed non-compliance in that it is sited over the existing driveway, thus resulting in minimal environmental impacts.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / 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 instance.

D11.7 Side and rear building line

Detailed description of non-compliance

This control requires development to be setback from the side boundaries at the following distances:

- 2.5 metres on one side, and
- 1.0 metres on the other side

The proposed development results in the following side setback distances:

- Northern boundary (2.5 metres):
 - **Lower ground floor**
 - *Retaining walls:* 0.9m. This presents a variation of 64%.
 - **Ground floor**
 - *Garage:* 0.9m. This presents a variation of 64%.
 - *Balcony:* 1.0m. This presents a variation of 60%. This is existing and unchanged.
- Southern boundary (1.0 metre):
 - **Ground floor**
 - *Garage:* 8.35m
 - *Pedestrian entry:* 7.15m
 - *Balcony:* 1.0m

This control also requires development be setback 6.5 metres from the rear boundary line. The proposal achieves compliance with this requirement.

This control permits a variation to this control that, where alterations and additions to existing buildings are proposed, the maintenance of existing setbacks less than as specified may be considered where it can be shown that the outcomes of this control can be achieved. A detailed merit consideration of the proposal against the outcomes of this control is undertaken below.

Merit consideration

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

Comment:

The proposal maintains the low density residential nature of the North Narrabeen locality, noting that the additions to the existing dwelling achieve compliance with the maximum building height permissible under Clause 4.3 of the PLEP 2014. In this instance, the proposal achieves the desired future character of the Mona Vale locality.

- *The bulk and scale of the built form is minimised. (En, S)*

Comment:

Due to the slope of the land, and existing site constraints, the proposed garage is located closer to the front boundary line than the existing dwelling, and sited over the existing driveway. The proposed garage is situated on a slope in excess of 30%, falling from the front boundary toward the dwelling. The garage is also predominantly single storey, but due to the slope there is storage beneath the garage at the rear. The built form of the proposed garage is reasonable and appropriate in the context of the subject site, with minimal impact upon adjoining properties. The retention of the existing, but less than specified, side setbacks to the proposed balcony do not cause an unreasonable bulk and scale of the built form, as the existing built form is generally being retained. The built form of the dwelling is appropriate in the context of the subject site.

- *Equitable preservation of views and vistas to and/or from public/private places. (S)*

Comment:

The extent of non-compliances to the garage and dwelling do not give rise to any unreasonable impacts upon views and vistas to and/or from public/private places.

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

Comment:

As above, the proposal, specifically the non-compliances to the garage and dwelling, are unlikely to impact upon the views currently obtained by the occupants of adjoining properties.

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

Comment:

As amended and conditioned, the proposed development will provide a reasonable level of privacy between properties. The shadow diagrams provided shows compliance with the solar access requirements for the subject site and adjoining properties as stipulated under control C1.4 Solar Access of the P21DCP. Based on this, the proposal provides a reasonable level of amenity for the occupants of the subject site and those of adjoining properties.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*

Comment:

The extent of non-compliance to this control does not require the removal of any vegetation. As detailed elsewhere in this report, due to the siting of the subject site and its setback from Alleyne Avenue, the non-compliances will not be discernible from the street frontage and thus there is no unreasonable visual impact upon Alleyne Avenue as a result of the numeric non-

compliances to this control.

- *Flexibility in the siting of buildings and access. (En, S)*

Comment:

Notwithstanding the numeric non-compliance to this control, there remains ample space either side of the dwelling to facilitate pedestrian access and movement throughout the site.

- *Vegetation is retained and enhanced to visually reduce the built form. (En)*

Comment:

As detailed above, the proposal does not require the removal of vegetation. The existing vegetation on site will be retained and will continue to visually reduce the built form.

- *To ensure a landscaped buffer between commercial and residential zones is established. (En, S)*

Comment:

The subject site is located within, and surrounded by, a residential zone. As such, this outcome does not apply to the proposed development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / 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 instance.

D11.9 Building envelope

Detailed description of non-compliance

This control requires development to be sited within a side boundary envelope. This is measured at a height of 3.5 metres from the side boundaries, then angled inward at 45 degrees.

The proposed alterations to the dwelling and the new garage extend beyond the prescribed side boundary envelope along the northern elevation, as shown in the figure below.

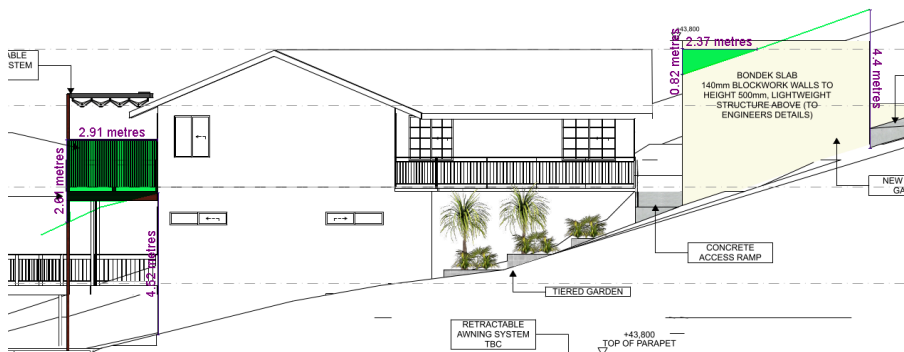


Figure 1. Northern elevation side envelope breach, as indicated in green.

This control stipulates that, where the building footprint is situated on a slope over 16.7 degrees (that is, 30%), a variation to this control may be considered on a merits basis. The garage is sited on a slope that exceeds 30%. And therefore, the variation can be applied.

A merit consideration of the proposal against the underlying outcomes of this control is undertaken below.

Merit consideration

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

Comment:

The proposed garage is minor in nature and is sited to utilise the existing driveway. Further, the extent of breach to the dwelling is a direct result of the privacy screen. Notwithstanding, there are no unreasonable amenity impacts upon adjoining properties, or the street frontage, that arise as a result of the extent of non-compliance to this control. The proposed garage will also be sited well below the surrounding natural environment. Therefore, achieve the desired future character of the North Narrabeen locality.

- *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:

As detailed above, the level of the subject is below that of the existing streetscape directly in front of the subject site. In this instance, the extent of non-compliance has no unreasonable impact upon Alleyne Avenue, notwithstanding the extent of non-compliance. Further, and as detailed above, the heights of the proposed garage and balcony are well below the surrounding natural environment, thus promoting a scale and density that is in keeping with the immediate locality.

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

Comment:

The proposed garage and balcony (particularly the privacy screen) appropriately responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment notwithstanding the proposed non-compliance as the garage is sited over the existing driveway and the balcony is sited on the same level as the existing balcony, thus resulting in minimal environmental impacts.

- *The bulk and scale of the built form is minimised. (En, S)*

Comment:

Due to the slope of the land, and existing site constraints, the proposed garage is located closer to the front boundary line than the existing dwelling, and sited over the existing driveway. The proposed garage is situated on a slope in excess of 30%, falling from the front boundary toward the dwelling. The garage is also predominantly single storey, but due to the slope there is storage beneath the garage at the rear. The proposed balcony is sited on the same level as the existing balcony and will retain the existing northern side setback distance. In this instance, the built form of the proposed garage and balcony (included the privacy screen to the northern elevation) is reasonable and appropriate in the context of the subject site, with minimal impacts upon adjoining properties.

- *Equitable preservation of views and vistas to and/or from public/private places. (S)*

Comment:

The extent of non-compliances to the garage and dwelling do not give rise to any unreasonable impacts upon views and vistas to and/or from public/private places.

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

Comment:

As amended and conditioned, notwithstanding the extent of non-compliance to this control, the proposed development will provide a reasonable level of privacy between properties. The shadow diagrams provided shows compliance with the solar access requirements for the subject site and adjoining properties as stipulated under control C1.4 Solar Access of the P21DCP. Based on this, the proposal provides a reasonable level of amenity for the occupants of the subject site and those of adjoining properties.

- *Vegetation is retained and enhanced to visually reduce the built form. (En)*

Comment:

As detailed elsewhere in this report, the proposal does not require the removal of vegetation. The existing vegetation on site will be retained and will continue to visually reduce the built form.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / 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 instance.

D11.11 Landscaped Area - Environmentally Sensitive Land

Detailed description of non-compliance

The subject site is located within Area 1 of the Landscaped Area Map of the P21DCP. As such, this control requires at least 60% (or 498.6m²) landscaped area. The site, as existing, has a landscaped area of 53.35% (or 443.2m²), which presents a variation of 11.16%.

The proposed development results in a landscaped area of 48.1% (or 400.1m²). This presents a variation of 11.7%.

Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:

impervious areas less than 1 metre in width (e.g. pathways and the like);

for single dwellings on land zoned R2 Low Density Residential or E4 Environmental Living, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).

With the variation applied, the landscaped area is increased to 56.4% (or 468.46m²), which achieves compliance with the numeric requirement of this control. A merit consideration is undertaken below.

Merit consideration

- *Achieve the desired future character of the Locality. (S)*

Comment:

Under Clause A4.11 North Narrabeen Locality of the P21 DCP, the proposed development achieves the desired future character of the locality in that the overall height of the development is well below the existing tree canopy, no native plant species are proposed to be removed and no significant amenity impacts will arise as a result of the proposed development.

- *The bulk and scale of the built form is minimised. (En, S)*

Comment:

As detailed throughout this report, the proposed development does not result in an unreasonable bulk and scale and the extent of non-compliance to this control does not cause any unreasonable amenity impacts upon adjoining properties, notwithstanding the numeric non-compliance to this control.

- *A reasonable level of amenity and solar access is provided and maintained. (En, S)*

Comment:

The extent of non-compliance to this control does not cause unreasonable amenity impacts upon adjoining properties.

- *Vegetation is retained and enhanced to visually reduce the built form. (En)*

Comment:

The proposed works are generally sited over the existing building footprint of the driveway and the dwelling. In this instance, the proposed structural elements do not unreasonably reduce the landscaped area on the site and, as detailed elsewhere in this report, the built form is reasonable in the context of the site and does not warrant visually reduction through additional vegetation.

- *Conservation of natural vegetation and biodiversity. (En)*

Comment:

As discussed above, the proposal does not involve the removal of any significant vegetation. As such, the natural vegetation and biodiversity of the site will be conserved.

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

Comment:

Council's Development Engineer has reviewed this application, having regard to provisions for stormwater management and has raised no objections, subject to the imposition of relevant conditions of consent. It is considered the site contains a reasonable amount of pervious surface areas which will contribute to the prevention of soil erosion and siltation of natural

drainage channels.

- *To preserve and enhance the rural and bushland character of the area. (En, S)*

Comment:

The retention of existing vegetation will ensure the subject site continues to retain, and enhance, the rural and 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. (En, S)*

Comment:

Sufficient pervious surface areas are provided on-site which will continue to provide for the 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 PLEP 2014 / 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 instance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect 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 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$3,889 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$388,908.

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 2021;
- 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 DA2024/0067 for Alterations and additions to a dwelling house including a detached garage on land at Lot 61 DP 7593, 43 Alleyne Avenue, NORTH NARRABEEN, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA003	D	General Site Plan	Designs & Drafting	11 April 2024
DA008	D	General Schedule of Materials & Finishes	Designs & Drafting	11 April 2024
DA401	D	Demolition Lower Ground Floor	Designs & Drafting	11 April 2024
DA402	D	Demolition Ground Floor	Designs & Drafting	11 April 2024

DA500	D	Proposed Plans Lower Ground Floor	Designs & Drafting	11 April 2024
DA501	D	Proposed Plans Ground Floor	Designs & Drafting	11 April 2024
DA502	D	Proposed Plans Roof Plan	Designs & Drafting	11 April 2024
DA600	D	Proposed Elevations E-01 E-02	Designs & Drafting	11 April 2024
DA601	D	Proposed Elevations E-03 E-04	Designs & Drafting	11 April 2024
DA700	D	Proposed Sections S-01 S-03	Designs & Drafting	11 April 2024
DA701		Proposed Sections S-02	Designs & Drafting	11 April 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate A1730044	-	Stacey Holden	13 December 2023
Geotechnical Investigation (Reference no.:J5121)	-	White Geotechnical Group	16 November 2023
Waste Management Plan	-	Not dated	Not signed
S01 - S14 Structural Modifications	P1	Blueprint Structural Engineers	19 October 2023
C01 - C03 Stormwater Management Plans	A	Gilcon Structural Engineers	19 December 2023
DA006 General Landscape Plan	D	Designs & Drafting	11 April 2024
DA007 General Sediment Control Plan	D	Designs & Drafting	11 April 2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and

requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	Not dated

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier 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 Certifier 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 Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the

development consent must, at the person's own expense:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

4. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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 an 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 following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer

Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.

- ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or 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) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) 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 2018
 - (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 sewerred areas or managed on-site in unsewerred areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$3,889.08 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 (as amended).

The monetary contribution is based on a development cost of \$388,907.79.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the

provision of new or augmented local infrastructure and services.

6. 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 are required 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, and details demonstrating payment are to be submitted to the Certifier 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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

8. Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following:

- At least 60% of any new planting incorporates native vegetation as per the Pittwater Ward species listed in Native Planting Guide available on the Council website

The Landscape Plan is to be amended by a qualified landscape architect and provided to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To maintain and replace habitat on the site.

9. On-Site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Gilcon Structural Engineers, job number 231139, dated 19.12.2023. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers

Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

10. **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 White geotechnical group dated 16.11.2023 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 Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

11. **Off Street Parking Design**

The Applicant shall submit a design for the parking facility in accordance with the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

12. **Amendments to the approved plans**

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

- The approved privacy screen is to be increased in height to 1.85 metres when measured from the finished floor level of the approved ground floor balcony.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

13. **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 Certifier 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.

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 Certifier prior to the issue of the Construction Certificate.

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

15. External Finishes to Roof

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.46 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a metallic steel or reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier 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.

16. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) shall be prepared by a suitably qualified person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address the following:

- a) The phasing of construction works on the site, and the expected duration of each construction phase.
- b) Make provision for all construction materials to be stored on site, at all times.
- c) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- d) The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site.
- f) Include a Traffic Control Plan prepared by a person with suitable accreditation for any activities involving the management of vehicle and pedestrian safety.
- g) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- h) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas

(hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.

- i) The proposed method to remove loose material from all vehicles before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- j) Proposed protection for Council and adjoining properties.
- k) The location and operation of any on site crane.
- l) Where access or vehicle manoeuvring is required across private property not in the direct ownership of the proponent, the CTMP is to include:
 - i) Evidence of the legal right to use the access route or provide owners consent from the owners/strata/community association.
 - ii) Demonstrate that direct access from a public space/road is not viable for each stage of works
 - iii) Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limited should be reduced in the CTMP). If consent is obtained a copy must be included in the CTMP.
 - iv) No materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
 - v) How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - vi) A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
 - vii) A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - 1) Compare the post-construction report with the pre-construction report,
 - 2) Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
 - 3) Should any damage have occurred, identify remediation actions taken.
 - 4) Be submitted to Council with the Occupation Certificate.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

The CTMP shall be submitted as a Permit to Implement Traffic Control to Council’s Traffic Team. All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

17. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets

and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

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

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

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

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

DURING BUILDING WORK

18. **Protection of Rock and Sites of Significance**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.

Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

19. **Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) all trees within the site not indicated for removal on the approved plans
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all trees and vegetation within the road reserve.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
 - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
 - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project

Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,

- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken and complaint to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

20. **Condition of Trees**

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to or by seeking arboricultural advice from an Arborist with minimum AQF Level 5 in arboriculture during the works.

In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,

- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

21. Wildlife Protection

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

Reason: To protect native wildlife.

22. Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

23. Road Reserve

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

Reason: Public safety.

24. 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.

25. 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 Certifier, 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.

26. Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

27. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

28. Compliance with approved CTMP

The approved CTMP shall be complied with during the construction phase of the development.

Reason: To ensure that the construction of the development does not impact upon the street network.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

29. Landscape Completion

Landscape works are to be implemented in accordance with the approved Landscape Plan.

Prior to the issue of an Occupation Certificate, details (from a qualified landscape architect, landscape designer or horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

30. Protection of Habitat Features

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

Details demonstrating compliance are to be provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

31. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

32. Priority Weed Removal and Management

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

33. 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 Certifier prior to the issue of an Occupation Certificate.

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

34. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

35. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), and Civil Engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in

respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention and level spreader as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

36. Certification of Off Street Parking Works

The Applicant shall submit a certificate from a suitably qualified person certifying that the parking facility was constructed in accordance within this development consent and the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: Compliance with this consent.

37. Geotechnical Certification Prior to Occupation Certificate

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

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

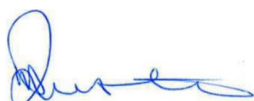
38. Protection of Habitat Features

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

Reason: To protect wildlife habitat.

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

Signed



Megan Surtees, Planner

The application is determined on 12/04/2024, under the delegated authority of:



Adam Richardson, Manager Development Assessments