

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/0111
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<b>Responsible Officer:</b>	Thomas Burns
<b>Land to be developed (Address):</b>	Lot A DP 404948, 5 Waterview Street MONA VALE NSW 2103
<b>Proposed Development:</b>	Alterations and additions to a dwelling house
<b>Zoning:</b>	E4 Environmental Living
<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>	Melanie Patrice Willmot
<b>Applicant:</b>	Hooghuis Design

<b>Application Lodged:</b>	10/02/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	25/02/2020 to 10/03/2020
<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>	\$ 193,617.85
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### PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to an existing dwelling. Specifically, the proposal comprises the following works:

#### Lower Ground Floor

- The construction of a door on the eastern elevation to access the existing utility room; and
- The construction of an external staircase to access the proposed door.

#### Ground Floor

- The construction of a new pantry on the eastern elevation with an access door from the existing

kitchen;

- The construction of a new deck on the eastern elevation with aluminium louvre screens and a pergola over;
- The construction of a spa built into the proposed deck over a concrete slab;
- Extend the existing paved terrace area; and
- The construction of external steps to access the existing deck on the northern elevation from the proposed terrace area.

## ASSESSMENT INTRODUCTION

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

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

## SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - C1.17 Swimming Pool Safety

Pittwater 21 Development Control Plan - C1.23 Eaves

Pittwater 21 Development Control Plan - D9.7 Side and rear building line

Pittwater 21 Development Control Plan - D9.11 Landscaped Area - Environmentally Sensitive Land

## SITE DESCRIPTION

<b>Property Description:</b>	Lot A DP 404948 , 5 Waterview Street MONA VALE NSW 2103
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the northern side of Waterview Street, Mona Vale.</p> <p>The site is irregular in shape with six (6) boundaries and has a 9.38m frontage along Waterview Street and a maximum depth of 58.89m along the south-eastern side boundary. The site has a surveyed area of 1533sqm.</p> <p>The site is located within the E4 Environmental Living zone</p>

and accommodates a detached dwelling house containing split levels constructed into the sloping topography. The subject dwelling presents as two (2) storeys when viewed from Waterview Street.

The site is well landscaped throughout and contains numerous shrubs and trees of varying sizes.

The site experiences a fall of approximately 12.3m that slopes from the northern rear corner towards the southern front corner.

The site is mapped as containing 'Acid Sulfate Soils Class 5' and being located within the 'Biodiversity' area under the provisions of the Pittwater Local Environmental Plan 2014 (PLEP 2014).

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

Adjoining and surrounding development is primarily characterised by one (1) and two (2) storey detached dwellings. A number of small commercial premises' are located approximately 35m south-east from the subject site.

Map:



#### **SITE HISTORY**

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

- Development Application **N0203/07** for alterations and additions to the existing dwelling

approved on 20 June 2007 by Council staff under delegated authority.

### Site Visits

A site visit was undertaken at the subject site on 11 March 2020.

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

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to Owner's Consent.</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</p>

Section 4.15 Matters for Consideration'	Comments
	<p>been addressed via a condition of consent.</p> <p>Clause 98 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>Clause 143A 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 impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> 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:
Mrs Teresa Diane Eastwood	1 Waterview Street MONA VALE NSW 2103

Two (2) pieces of correspondence amounting to one (1) submission were submitted by the owner of 1 Waterview Street. The adjacent property is located to the south-east of the subject site. The following issues were raised in the submission and each have been addressed below:

#### Notification

The owner raised concern that her property was not Notified of the Development Application despite being in close proximity from the development. In response to this concern, it is noted that the property was identified on the Notification Map and that a formal 'Notice of Proposed Development' was mailed to the property. The matter has been raised with the Development Assessment Administration Staff and no further comments are required for the purposes of this assessment.

#### Privacy

Concern was raised that the proposed deck area would encourage overlooking between the subject site and private open space at 1 Waterview Street. In assessing the privacy impacts, it is noted that the proposed deck incorporates aluminium louvre screens along the southern and eastern elevations of the deck. The louvre screens will mitigate the opportunity for overlooking between the two properties. A site visit was undertaken at 1 Waterview Street with the property owner to clarify the matter. No concern was raised and therefore, no further comments in this regard are required.

#### Demolition

Concern was raised that the applicant had commenced partial demolition works to the existing deck. In undertaking a site visit at the subject site, it was identified that a small portion of the existing decking had been removed, with the existing pier structures being unaltered. It is noted that such works are classified as exempt development under the provisions of the SEPP (Exempt and Complying Development Codes) 2008. The owner of the subject site was advised not to proceed with further works. No further comment in this regard is required.

### REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	The development has been assessed against the following biodiversity planning controls - Pittwater LEP 2014 cl. 7.6 Biodiversity and Pittwater 21 DCP B4.6 Wildlife Corridors. The development complies with the controls as it is designed, sited and will be managed to avoid any significant adverse environmental impact. No significant trees or native vegetation or fauna habitats will be removed or disturbed as a result of the development.
NECC (Development Engineering)	The proposal does not require OSD and connection of stormwater to the existing system is acceptable. No objection to approval, subject to conditions as recommended.

External Referral Body	Comments

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. A369619 dated 10 February 2020). A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

### SEPP (Infrastructure) 2007

#### Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.

- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

### Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	4.26m	-	Yes

### Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

### Pittwater 21 Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m (south-west)	35m - existing	-	Yes
Rear building line	6.5m (north-east)	4.82m (decking/spa area) 5.47m (external steps from paved terrace)	15.85% - 25.85%	No
Side building line	2.5m (south-east)	3.31m	-	Yes
	1m (west)	1.7m - existing	-	Yes



Building envelope	3.5m (south-east)	Within envelope	-	Yes
	3.5m (west)	Within envelope	-	Yes
Landscaped area	60% (919.8sqm)	Without variations - 59.66% (914.6sqm) With variations - 65.6% (1005.6sqm)	0.57%	<b>No</b>

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

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	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	No	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	No	Yes
D9.9 Building envelope	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D9.11 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

#### Detailed Assessment

#### **C1.17 Swimming Pool Safety**

A suitable condition has been included with this consent pertaining to swimming pool fencing and warning notice signs.

#### **C1.23 Eaves**

##### Description of non-compliance

Clause C1.23 of the P21DCP requires dwellings to incorporate eaves on all elevations at a minimum width of 450mm. The eastern elevation of the covered deck surrounding the spa contains a 450mm wide eave, which satisfies this requirement. However, the remaining portion (partial eastern elevation, entire northern elevation and entire southern elevation) of the covered deck is devoid of eaves, which is inconsistent with this control.

##### Merit Assessment

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

- *Housing that reflects the coastal heritage and character of Pittwater.*

##### Comment:

The proposed works have been designed in a manner that compliments the existing dwelling. The proposed works are sited behind the front building line and not visible from the street. Therefore, the proposed development will not be to the detriment of the streetscape. The existing dwelling will remain a two storey (2) structure, of which is effectively integrated into the landform and landscape. As such, the proposed development is consistent with the desired future character of the locality and therefore, reflects the coastal heritage and character of Pittwater.

- *Optimise roof forms.*

##### Comment:

The proposed development does not alter the existing roof form, as presented from the street.

- *Appropriate solar access and shading is achieved.*

##### Comment:

The proposal utilises louvre screening along the southern and eastern elevations of the deck in lieu of eaves for shading.

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the application is supported on merit.

### **D9.7 Side and rear building line**

#### Description of non-compliance

Clause D9.7 of the P21DCP requires development be setback at least 6.5m from the rear boundary. The application proposes the following non-compliant setbacks:

- The in-ground spa area is setback 4.28m from the north-eastern rear boundary, representing a 25.85% variation from the prescribed control; and
- The external steps from the paved terrace are setback 5.47m from the north-eastern rear boundary, representing a 15.85% variation from the prescribed control.

#### Merit Assessment

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

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

#### Comment:

The proposed development is consistent with the desired character statement for the Mona Vale locality.

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

#### Comment:

The proposed development remains within the height limit and is compliant by virtue of the side building line and building envelope controls. In this regard, it is considered that the proposed development is minimal and modest in terms of its bulk and scale.

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

#### Comment:

The application proposes a maximum building height of 4.26m above the existing ground level. As such, the proposed development is not likely to give rise to unreasonable view loss.

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

Comment:

The proposal is appropriately sited to allow for reasonable view sharing.

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

Comment:

The proposed development incorporates aluminium louvre screens along the southern and eastern elevations to mitigate the opportunity for overlooking between the subject site and south-eastern adjoining property (1 Waterview Street). Furthermore, the existing screen planting running contiguous to the north-eastern rear boundary will ensure the preservation of privacy between the subject site and north-eastern adjoining property (3 Waterview Street). The shadow diagrams submitted with this application indicate that over 50% of private open space areas and windows to principal living areas receive more than three (3) hours of sunlight during the winter solstice (June 21).

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

Comment:

The proposed development is sited behind the established front building line and not visible from Waterview Street. Therefore, the proposal will not detract from the streetscape. In including the allowable variations to the landscape control, the proposed development is compliant by virtue of the landscaped area control. As such, it is considered that there are sufficient landscape treatments on the subject site.

- *Flexibility in the siting of buildings and access.*

Comment:

The proposed development will not hinder vehicular and pedestrian access to and from the site.

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

Comment:

The proposal necessitates the removal of numerous small shrubs and frangipani trees to facilitate the extended terrace. However, it is noted that these plants are exempted species and therefore, not considered to be of any significance. The proposed development does not facilitate the removal of any significant trees or landscape features. The existing screen planting running contiguous to the north-eastern and south-eastern boundaries will minimise the visual impacts of the built form when viewed from adjoining properties.

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

Comment:

The site does not immediately adjoin commercial development. It is noted that a number of small commercial premises' are located approximately 35m south-east from the subject site (opposite the subject site). However, these developments are visually separated by Waterview Street.

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the application is supported on merit.

#### **D9.11 Landscaped Area - Environmentally Sensitive Land**

Clause D9.11 of the P21DCP stipulates that any alterations and additions to a dwelling shall provide a minimum 60% (919.8sqm) of the site area as landscaped area. The proposed landscaped area equates to 59.66% (914.6sqm) of the site area, which represents a 0.57% variation from the prescribed control. Notwithstanding, provided the outcomes of the control are achieved, the policy allows for the following variations to be included in the landscape calculations:

- i) impervious areas less than 1m in width (e.g. pathways and the like); and
- ii) up to 6% of the site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only.

By including the allowable variations into the landscaped calculations, the total landscaped area equates to 65.6% (1005.6sqm) of the site area, thereby compliant with the control. The proposal is considered against the underlying outcomes of the control as follows:

- *Achieve the desired future character of the Locality.*

#### Comment:

The proposed development is consistent with the desired character statement of the Mona Vale locality.

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

#### Comment:

The proposed development remains within the height limit and is compliant by virtue of the side building line and building envelope controls. In this regard, it is considered that the proposed development is minimal and modest in terms of its bulk and scale.

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

#### Comment:

The proposed development incorporates aluminium louvre screens along the southern and eastern elevations to mitigate the opportunity for overlooking between the subject site and south-eastern adjoining property (1 Waterview Street). Furthermore, the existing screen planting running contiguous to the north-eastern rear boundary will ensure the preservation of privacy between the subject site and north-eastern adjoining property (3 Waterview Street). The shadow diagrams submitted with this application indicate that over 50% of private open space areas and windows to principal living areas receive more than three (3) hours of sunlight during the winter solstice (June 21).

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

Comment:

The proposed development necessitates the removal of numerous shrubs and frangipani trees to facilitate the extended terrace. However, it is noted that these plants are exempted species and therefore, not considered to be of any significance. The proposed development does not facilitate the removal of any significant trees or landscape features. The existing screen planting running contiguous to the north-eastern and south-eastern boundaries will soften the built form.

- *Conservation of natural vegetation and biodiversity.*

Comment:

As noted above, the proposal does not necessitate the removal of significant trees or landscape features. As such, the proposed development will not be detrimental to native flora and fauna within the locality.

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

Comment:

Council's Development Engineer has assessed the application with respect to stormwater management and raised no objections, subject to conditions. Subject to compliance with the conditions of consent, the proposal will mitigate the opportunity for stormwater runoff. Furthermore, the plans submitted with this application indicate sediment and erosion control measures for action during works. A suitable condition has been included with this consent requiring the nominated sediment and erosion control measures to be maintained until all development activities have been completed and the site fully stabilised. Subject to compliance with this condition, the proposal will effectively mitigate sediment migration.

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

Comment:

The proposed development utilises materials and external finishes that are compatible with 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:

The 914.6sqm of impervious landscape treatments will assist with stormwater infiltration, thereby minimising stormwater runoff.

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the allowable variations to the control are included in the landscaped



area calculations, ultimately rendering the development compliant by virtue of the 60% requirement.

## **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 \$ 968 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 193,618.

## **CONCLUSION**

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

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

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

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

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

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

## **RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2020/0111 for Alterations and additions to a dwelling house on land at Lot A DP 404948, 5 Waterview Street, MONA VALE, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

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

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

#### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA01 - Site and Roof Plan	10 February 2020	Hooghuis Design
DA02 - Lower Ground Floor Plan	10 February 2020	Hooghuis Design
DA03 - Ground Floor Plan	10 February 2020	Hooghuis Design
DA04 - Sections	10 February 2020	Hooghuis Design
DA05 - Elevations - North and South	10 February 2020	Hooghuis Design
DA06 - Elevations - East	10 February 2020	Hooghuis Design
DA07 - Erosion and Sediment Control Plan	10 February 2020	Hooghuis Design

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate No A369619	10 February 2020	B Home Design & Drafting

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

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

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	10 February 2020	Hooghuis Design

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.

#### 4. **Policy Controls**

##### Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$968.09 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 \$193,617.85.

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 \$1,500 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. **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 Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

7. **Compliance with Standards**

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

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

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

8. **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 Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- o "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- o 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.

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

9. **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.

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

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

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

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

### 11. **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.

### 12. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management.

### 13. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Certifying Authority confirming 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.

### 14. **Spa Requirements**

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

(a) The following safety measures are employed:

(i) The spa is covered by a child-resistant lockable lid; or  
(ii) 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:

- Swimming Pools Act 1992;
- Swimming Pools Amendment Act 2009;
- Swimming Pools Regulation 2008;
- Australian Standard AS1926 Swimming Pool Safety;
- Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools;
- 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 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.

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

15. **No Planting Environmental Weeds**

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

**Reason:** Weed management.

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

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

**Reason:** To protect Aboriginal Heritage.

17. **Dead or Injured Wildlife**

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

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

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

**Signed**



**Thomas Burns, Planner**

The application is determined on 17/03/2020, under the delegated authority of:



**Matthew Edmonds, Manager Development Assessments**