

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/0678
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<b>Responsible Officer:</b>	Thomas Burns
<b>Land to be developed (Address):</b>	Lot 12 DP 16212, 11 Rickard Road NORTH NARRABEEN NSW 2101
<b>Proposed Development:</b>	Alterations and additions to a dwelling house
<b>Zoning:</b>	B2 Local Centre
<b>Development Permissible:</b>	No
<b>Existing Use Rights:</b>	Yes
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Ashlee Sarah Godfrey Mark Lachlan Godfrey
<b>Applicant:</b>	Ashlee Sarah Godfrey Mark Lachlan Godfrey

<b>Application Lodged:</b>	22/06/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	20/08/2020 to 03/09/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 95,000.00
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### PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to an existing dwelling house. Specifically, the proposed works are as follows:

#### Dwelling House

Alterations and additions to the existing dwelling to provide a new living and dining area; new hatch and ladder to provide access to the roof space for a shelter in place from flood waters; and construction of a new rear deck with a BBQ area.

#### Ancillary Works

Demolish the existing sheds within the rear yard and construction of a new single car carport forward of the existing carport located on the eastern elevation of the dwelling. The proposed carport will be located behind the front building line.

## 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 B2 Local Centre  
Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils  
Pittwater Local Environmental Plan 2014 - 7.3 Flood planning  
Pittwater 21 Development Control Plan - B3.11 Flood Prone Land  
Pittwater 21 Development Control Plan - B5.10 Stormwater Discharge into Public Drainage System  
Pittwater 21 Development Control Plan - B8.2 Construction and Demolition - Erosion and Sediment Management  
Pittwater 21 Development Control Plan - C1.1 Landscaping  
Pittwater 21 Development Control Plan - C1.5 Visual Privacy  
Pittwater 21 Development Control Plan - D11.3 Building colours and materials  
Pittwater 21 Development Control Plan - D11.7 Side and rear building line  
Pittwater 21 Development Control Plan - D11.10 Landscaped Area - General

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 12 DP 16212 , 11 Rickard Road NORTH NARRABEEN NSW 2101
<b>Detailed Site Description:</b>	<p>The subject site consists of one allotment located on the southern side of Rickard Road, North Narrabeen.</p> <p>The site is regular in shape with a frontage of 12.19m along Rickard Road and a depth of 38.1m. The site has a surveyed area of 461.6sqm.</p>

The site is located within the B2 Local Centre zone pursuant to the PLEP 2014 and accommodates a single storey detached dwelling house.

Landscape treatments within the site comprise lawn areas, two trees, shrubs and hedging. The site is generally flat.

The site is identified within the 'Acid Sulfate Soils Class 3' area pursuant to the PLEP 2014.

The site is mapped as being located within the 'Coastal Environment Area' under the provisions of the SEPP (Coastal Management) 2018.

The site is not bushfire prone, however is located within a flood hazard area.

The site does not contain a heritage item, is not located within a heritage conservation area and is not located within the vicinity of heritage items.

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

Adjoining and surrounding development is characterised by a mix of residential and commercial uses. Development located to the west comprises one and two storey detached dwelling houses. Development to the east comprises a mix of commercial and residential developments.

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:

- Building Application No. A888/63 for additions to a dwelling house approved by Council on 13 November 1963.

### Site Visits

A site visit was undertaken at the subject site on 13 July 2020.

### Application History

On 14 July 2020 Council's Floodplain Planners reviewed the development and recommended for refusal, noting that the floor levels of the living room were located below the Flood Planning Level of 3.53m AHD. Subsequent to the comments, the Assessment Officer requested that the applicant provide revised plans to ensure compliance with Council's flooding controls.

On 11 August 2020 the applicant submitted revised plans responding to Council's concerns. The amended plans involved increasing the finished floor level of the rear addition by 640mm, with the roof height being increased to reflect the amended floor levels. The amendments also included the provision of a 1.8m high privacy screen on the western elevation of the deck to mitigate any opportunities for overlooking between the subject site and 13 Rickard Road (western adjoining property), which would have likely resulted from the increased floor levels.

Noting that the overall height of the rear addition was increased, the amended plans were not considered to have a reduced environmental impact. Therefore, the application was re-notified for an additional 14 days, in accordance with the Northern Beaches Community Participation Plan.

The amended plans have been considered for the final assessment and determination of this Development Application.

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

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

<b>Section 4.15 Matters for Consideration'</b>	<b>Comments</b>
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions	None applicable.

Section 4.15 Matters for Consideration'	Comments
of any planning agreement	
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&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 amended plans.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental 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</p>



Section 4.15 Matters for Consideration'	Comments
	impact on the locality considering the nature of the existing and proposed land use.
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	No submissions were received.
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

- Does the existing use satisfy the definition of "existing use" under the *Environmental Planning and Assessment Act 1979* (the 'Act')?

Section 4.65 of the Act defines an existing use as:

*"(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part, have the effect of prohibiting that use, and*

*(b) the use of a building, work or land:*

- (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*
- (ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse."*

This necessarily requires the following questions to be answered:

1. Was the use of the building, work or land a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part 4 of the Act, have the effect of prohibiting that use?

### Comment:

Council's records indicate that the site was approved for additions to a dwelling house under Building Application No. A888/63 on 13 November 1963. No other approvals relating to a use other than a dwelling house are available for the subject site.

The evidence available to Council reveals that the use of the land commenced as a lawful purpose before 1963, prior to the coming into force of the Pittwater Local Environmental Plan 2014 (PLEP 2014) on 30 May 2014.

2. Was the use of the land granted development consent before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use?

Comment:

As discussed above, works relating to the use of a dwelling house were lawfully approved by Council in 1963, prior to the coming into force of the PLEP 2014 on 30 May 2014.

3. Has the use of the land been carried out within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse?

Comment:

The Applicant has provided evidence in the form of a Development Consent which is sufficient to demonstrate that the use of the land was carried out prior to the coming into force of the PLEP 2014 on 30 May 2014.

- **What is “the land on which the existing use was carried out” for the purposes of cl 42(2) (b) of the Environmental Planning and Assessment Regulation 2000 (“the Regulation”)?**

Meagher JA in *Steedman v Baulkham Hills Shire Council* [No. 1] (1991) 87 LGERA 26 stated (at 27) the rule to be applied as follows: “if the land is rightly regarded as a unit and it is found that part of its area was physically used for the purpose in question it follows that the land was used for that purpose”.

Comment:

Having regard to the above case law, it is noted that the whole of the area of the land was physically used for the purpose of a dwelling house and therefore, it is considered that the land was used for that purpose and that the existing use rights apply to the whole of the development.

- **What are the planning principles that should be adopted in dealing with an application to alter enlarge or rebuild and existing use?**

The judgement in *Fodor Investments v Hornsby Shire Council* (2005) NSWLEC 71, sets out the planning principles that should be applied in dealing with development applications seeking to carry out development on the basis of existing use rights.

The following four principles adopted by the NSW Land and Environment Court in this case will have general application in dealing with development applications that rely on existing use rights:

**1. How do the bulk and scale (as expressed by height, floor space ratio and setbacks) of the proposal relate to what is permissible on surrounding sites?**

*While planning controls, such as height, floor space ratio and setbacks do not apply to sites with existing use rights; they have relevance to the assessment of applications on such sites. This is because the controls apply to surrounding sites and indicate the kind of development that can be expected if and when surrounding sites are redeveloped. The relationship of new development to its existing and likely future context is a matter to be considered in all planning assessments.*

Comment:

The properties directly to the west of the subject site are characterised by residential development. It is noted that the western adjoining property (13 Rickard Road) is located within the B2 Local Centre zone, however accommodates a two storey dwelling house. The properties directly to the east are characterised by residential, mixed use and commercial developments. Given surrounding development is predominately characterised by residential development, the application of the residential development controls for this development is considered to be most appropriate. The application of these controls will ensure the development maintains an appropriate visual relationship with the surrounding development and to ensure a reasonable level of amenity is maintained within the area. A detailed assessment of the residential development controls applicable to low density residential development within the locality has been carried out below. The proposed development is considered to be consistent with the outcomes of these controls and is therefore considered to maintain an appropriate relationship with the existing and likely future context of the locality.

## **2. What is the relevance of the building in which the existing use takes place?**

*Where the change of use is proposed within an existing building, the bulk and scale of that building are likely to be deemed acceptable, even if the building is out of scale with its surroundings, because it already exists. However, where the existing building is proposed for demolition, while its bulk is clearly an important consideration, there is no automatic entitlement to another building of the same floor space ratio, height or parking provision.*

### Comment:

The development comprises alterations and additions to an existing detached dwelling. The height and density of the resulting built form is consistent with nearby residential development and does not result in unacceptable streetscape or amenity impacts within the locality.

## **3. What are the impacts on adjoining land?**

*The impact on adjoining land should be assessed as it is assessed for all development. It is true that where, for example, a development control plan requires three hours of sunlight to be maintained in adjoining rear yards, the numerical control does not apply. However, the overshadowing impact on adjoining rear yards should be reasonable.*

### Comment:

The proposed development has been considered against the outcomes of the Pittwater 21 Development Control Plan (P21DCP). The assessment concludes that the development demonstrates consistency with the outcomes of the P21DCP and therefore, the impacts upon adjoining properties will be reasonable. The proposal has been appropriately designed and sited to ensure that it does not significantly detract from the amenity of adjoining properties, specifically having regard to solar access, privacy and view loss.

## **4. What is the internal amenity?**

*Internal amenity must be assessed as it is assessed for all development. Again, numerical requirements for sunlight access or private open space do not apply, but these and other aspects must be judged acceptable as a matter of good planning and design. None of the legal principles discussed above suggests that development on sites with existing use rights may have lower amenity than development generally.*

### Comment:



The proposal has been suitably designed to ensure that it achieves an adequate standard of internal amenity.

## Conclusion

The use has been approved under a previous environmental planning instrument and, therefore, is a lawful use. Subsequently, the use can be retained under the current environmental planning instrument (PLEP 2014).

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 20/08/2020 to 03/09/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

## REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	<p><b>General Comments</b></p> <p>Assessment of the proposed carport and timber deck extensions - impact on acid sulfate soils. Minor changes/excavation of the underlying (Class 3) soil. Expected there'll be no / very low impact on acid sulfate soils and environment -no intrusion of the water table.</p> <p><b>Recommendation</b></p> <p>APPROVAL - no conditions</p>
NECC (Bushland and Biodiversity)	<p>The proposed development has been assessed against the requirements of cl. 13 Development on land within the coastal environment area of the State Environmental Planning Policy (Coastal Management) 2018. The proposal is supported as it is designed, sited and will be managed to avoid an adverse impact to the integrity and resilience of the ecological environment, including native vegetation and fauna and their habitats.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p><b>Coastal Management Act 2016</b></p> <p>The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p>

Internal Referral Body	Comments
	<p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p><b>State Environmental Planning Policy (Coastal Management) 2018</b> As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Coastal Environment Area' map but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Milligan Development Consulting Pty. Ltd. dated June 2020, the DA satisfies requirements under clauses 13 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p><b>Pittwater LEP 2014 and Pittwater 21 DCP</b></p> <p>No other coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>
NECC (Development Engineering)	<p>No objection to approval, subject to conditions as recommended.</p> <p><u>Planner Note - 7 September 2020</u></p> <p>The Development Engineers have included conditions requiring a Traffic Management Plan to be prepared for the development. The Assessment Officer finds such conditions onerous, noting that the proposed development at large comprises a small rear extension and a carport. The Pittwater 21 Development Control Plan generally</p>

Internal Referral Body	Comments
	requires a Traffic Management Plan to be prepared where either excavated materials to be transported from the site or the importation of fill material to the site is 100m <sup>3</sup> or greater. The Waste Management Plan submitted with this application indicates that the excavated material will amount to approximately 1m <sup>3</sup> , with no fill being imported to the site. As such, it is not expected that large trucks will frequent the site during construction works. Moreover, the site is approximately 110m west from Pittwater Road, which is large enough to negate any significant traffic impacts resulting from vehicular movement to and from the site during construction works. All conditions pertaining to a Traffic Management Plan will not form part of this consent.
NECC (Riparian Lands and Creeks)	<p>This application for the alterations and additions to the existing dwelling, has been assessed against relevant legislation to protect the biophysical, ecological and hydrological environment of Narrabeen Lagoon.</p> <p>As there is not a significant increase in impervious surfaces the applicant is not required to install a stormwater quality improvement device. However a sediment control fence must be installed prior to commencement around the boundary of the property to prevent the migration of sediment offsite. Reference should be made to Landcom's <i>'Managing Urban Stormwater: Soils and Construction'</i> (2004). The sediment control fence must only be removed once ground cover has been established onsite.</p> <p>With the application of conditions this proposal is considered unlikely to have an adverse impact on the integrity and resilience of Narrabeen Lagoon, and is therefore recommended for approval.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed development is for alterations and additions, including extension of habitable areas and deck to the rear of the dwelling and extension of the carport. Subject to conditions, the proposal is compliant with Council's flood prone land development controls.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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, 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. A379335 dated 5 June 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 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.

### **SEPP (Coastal Management) 2018**

The site is identified within the 'Coastal Environment Area' pursuant to the SEPP (Coastal Management) 2018. Accordingly, the proposal is considered against Clause 13 and 15 of the SEPP (Coastal Management) 2018.

### **13 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.*

*(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 subclause (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.*

*(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).*

#### **Comment:**

The development is for minor alterations and additions to an existing dwelling. The development is visually and physically separated from the foreshore area (Narrabeen Lake), which is located approximately 150m to the east of the site. In this regard, the development is not likely to have an adverse impact upon the matters prescribed within subclause (1).

### **15 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:

Having regard to the nature of the works, in conjunction with the location of the site in relation to the foreshore area, it is not anticipated that the development will increase the risk of coastal hazards within the locality.

Based on the assessment detailed above, it is concluded that the development satisfies the relevant matters prescribed within the SEPP (Coastal Management) 2018.

**Pittwater Local Environmental Plan 2014**

Is the development permissible?	No
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	No

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	5.77m - no change to existing building height	-	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
7.3 Flood planning	Yes
7.10 Essential services	Yes

Detailed Assessment

**Zone B2 Local Centre**

The proposed development relies on existing use rights. As such, compliance with the zone objectives is not relevant to this application.

**7.1 Acid sulfate soils**

The site is identified within the 'Acid Sulfate Soils Class 3' area pursuant to the PLEP 2014. Accordingly, the proposal was referred to Council's Environmental Health Department for comment. Council's Environmental Health Officer has reviewed the proposal against this clause and raised no objections, with no conditions being recommended.

Therefore, no further consideration of this clause is required for the purposes of this assessment.

### 7.3 Flood planning

Council's Floodplain Planners have reviewed the proposal and raised no objections, subject to conditions. Subject to compliance with the conditions of consent, the development will be consistent with the requirements of this clause.

### Pittwater 21 Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m (north)	12.39m (carport)	-	Yes
Rear building line	6.5m (south)	9.89m (rear deck)	-	Yes
Side building line	2.5m (east)	0.05m (carport)	98%	<b>No</b>
	1m (west)	1.42m	-	Yes
Building envelope	3.5m then projected at 45 degrees (east)	within envelope	-	Yes
	3.5m then projected at 45 degrees (west)	within envelope	-	Yes
Landscaped area	50% (230.8sqm)	without variations: 47.67% (220.06sqm) with variations: 55.43% (255.86sqm)	4.66% -	<b>No</b> Yes

**\*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
A4.11 North Narrabeen Locality	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
B8.2 Construction and Demolition - Erosion and Sediment Management	No	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
C1.1 Landscaping	No	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
C1.23 Eaves	Yes	Yes
D11.1 Character as viewed from a public place	Yes	Yes
D11.2 Scenic protection - General	Yes	Yes
D11.3 Building colours and materials	No	Yes
D11.6 Front building line	Yes	Yes
D11.7 Side and rear building line	No	Yes
D11.9 Building envelope	Yes	Yes
D11.10 Landscaped Area - General	Yes	Yes
D11.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

#### Detailed Assessment

#### **B3.11 Flood Prone Land**

Conditions have been included with this consent to ensure consistency with this control.

#### **B5.10 Stormwater Discharge into Public Drainage System**

A suitable condition has been included with this consent to ensure that new stormwater drainage works comply with relevant Australian Standards and Codes.

#### **B8.2 Construction and Demolition - Erosion and Sediment Management**

A suitable condition has been included with this consent to ensure compliance with this control.

#### **C1.1 Landscaping**

The proposal is technically non-compliant with the landscaping requirements of this control, which require at least two canopy trees in the front yard and one canopy tree in the rear yard. Despite this, the site contains ample landscaped open space and a number of landscape treatments within the rear yard that contribute to the natural amenity of the site. The site is located within a transition zone between

commercial and residential development, with adjoining properties devoid of any significant canopy trees. Given the minor scale of the development and surrounding context, the provision of additional canopy trees is not warranted. The proposal is considered to be acceptable from a landscaping standpoint and is supported in this regard.

### **C1.5 Visual Privacy**

The amended plans have included a 1.8m high privacy screen on the western elevation of the deck to ensure a reasonable level of visual privacy is retained between the subject site and western adjoining property (13 Rickard Road). The eastern adjoining property accommodates commercial development, with a large masonry wall being located along the dividing boundary. No additional privacy measures are required on the eastern elevation of the deck.

### **D11.3 Building colours and materials**

The external colours and finishes will be complimentary to the existing dwelling. The existing colours do not strictly meet the prescribed requirements of this control. However, it is considered reasonable in this instance as the existing external finishes are generally seen to be in character with surrounding residential development.

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

#### Description of non-compliance

Clause D11.7 of the P21DCP requires development to be setback 2.5m from one side boundary and 1m from the other side boundary. For this assessment, the 2.5m side building line is applied to the eastern boundary, whilst the 1m side building line is applied to the western boundary. The rear living room and deck extension is setback 1.42m from the western boundary and 3m from the eastern boundary, numerically compliant with the control. Conversely, the new carport is setback 0.05m from the eastern boundary, which fails to satisfy the 2.5m requirement.

#### 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 proposal is considered to demonstrate consistency with the desired future character statement of the North Narrabeen locality.

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

#### Comment:

The attached carport maintains an existing non-complaint side building line, being located in front of the existing carport, and will be constructed to a maximum height of 3.24m, which is well below the ridge level of the dwelling. The carport is sited behind the front building line and is effectively integrated onto the design of the dwelling, thereby ensuring it does not present with visual prominence when viewed

from the public domain. The proposal is seen to demonstrate consistency with this outcome.

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

Comment:

Given the modest scale of the development, no unreasonable view loss impacts are anticipated to arise as a consequence of the development.

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

Comment:

As noted above, the proposal will 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:

Noting that the eastern adjoining property (9 Rickard Road) accommodates commercial development, no unreasonable amenity impacts will arise as a consequence of the non-compliant carport.

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

Comment:

As noted in the section of this report relating to Clause C1.1 of the P21DCP, the landscape treatments are considered to be appropriate for the site.

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

Comment:

Flexibility is afforded in this circumstance, as the non-compliance carport will not result in any unacceptable streetscape or amenity impacts.

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

Comment:

The proposal will not result in the removal of significant vegetation or topographic features. No additional landscaping is necessary for the purposes of softening the built form.

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



Comment:

The allotment is visually separated from the adjoining commercial development by a large masonry structure along the eastern dividing boundary.

Concluding Remarks

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the application is supported in this particular circumstance.

**D11.10 Landscaped Area - General**

Clause D11.10 of the P21DCP requires at least 50% (230.8sqm) of the site area to be landscaped. The landscaping resulting from the proposal equates to 47.67% (220.06sqm) of the site area, numerically non-complaint with the control.

Notwithstanding, the policy permits a variation which reads:

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

- i. *impervious areas less than 1 metre in width (e.g. pathways and the like);*
- ii. *for single dwellings on land zoned R2 Low Density Residential, 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))".*

The inclusion of allowable variations to the control results in a landscaped area that represents 55.43% (255.86sqm) of the site area, which exceeds the prescribed requirement.

To determine compliance with this control, the development is considered against the underlying outcomes of the control as follows:

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

Comment:

The proposal is seen to demonstrate consistency with the desired future character statement of the North Narrabeen locality.

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

Comment:

The development comprises alterations and additions to an existing detached dwelling. The bulk and scale of the resulting built form is consistent with nearby residential development and does not result in unacceptable streetscape or amenity impacts within the locality.

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

Comment:

The development comprises alterations and additions to a single storey dwelling. Given the modest scale of the development, the proposal is unlikely to result in unacceptable overshadowing impacts. Moreover, the provision of a 1.8m high privacy screen on the western elevation of the deck will ensure a reasonable level of privacy is maintained.

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

Comment:

The development will not result in the removal of significant vegetation. Given the modest scale of the proposal, no additional planting is considered necessary for the purposes of softening the built form.

- *Conservation of natural vegetation and biodiversity.*

Comment:

The proposal will not result in the removal of significant vegetation.

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

Comment:

Suitable conditions have been included with this consent to ensure that stormwater is appropriately managed.

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

Comment:

The site is located within a transition zone between commercial and residential development. The development will not have an unacceptable impact on the bushland character of the wider North Narrabeen locality.

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

Comment:

Suitable conditions have been included with this consent to ensure that stormwater is appropriately managed.

Concluding Remarks

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 applied in this instance,

which brings the development into compliance with this control.

## **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 2019**

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

## **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 DA2020/0678 for Alterations and additions to a dwelling house on land at Lot 12 DP 16212, 11 Rickard Road, NORTH NARRABEEN,

subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

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

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

#### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A 01 Revision B - Site Plan/Site Analysis Plan	10 August 2020	JL Design
A 03 Revision B - Proposed Ground Floor Plan	10 August 2020	JL Design
A 05 Revision B - Proposed Roof Plan	10 August 2020	JL Design
A 06 Revision B - Section	10 August 2020	JL Design
A 07 Revision B - North and East Elevations	10 August 2020	JL Design
A 08 Revision B - South and West Elevations	10 August 2020	JL 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. A379335	5 June 2020	Michael Legend
Flood Management Report Ref. 11RICKARDRD:NARR	16 June 2020	Pittwater Data Services Pty Ltd

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	28 May 2020	Vaughan Milligan Development Consulting P/L

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. 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](http://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 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.

#### 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 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) 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 2008
    - (iv) Australian Standard AS1926 Swimming Pool Safety

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

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

## FEES / CHARGES / CONTRIBUTIONS

### 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 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 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. **Parking Area Gradients**

The proposed parking area within the private property is to comply with AS/NZS 2890.1:2004. The gradients for the parking area are not to exceed 1 in 20 (5%).

The Applicant is to ensure driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility.

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

Reason: To ensure suitable vehicular access to private property.

## 7. **Flooding**

In order to protect property and occupants from flood risk the following is required:

### Building Components and Structural Soundness – C1

All new development shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

### Building Components and Structural Soundness – C2

The shelter in place are must be designed and constructed to ensure structural integrity up to the Probable Maximum Flood Level of 4.9m AHD. All other new development must be designed and constructed to ensure structural integrity up to the Flood Planning Level of 3.53m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

### Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 3.53m AHD. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed cut electricity supply during flood events.

### Flood Emergency Response – E1

- The minimum floor space of the shelter-in-place refuge shall be as outlined in Section B3.13 of the Pittwater 21 Development Control Plan.
- The shelter in place must be designed to be accessible at all times.
- The minimum floor level of the shelter-in-place refuge shall set at or above the Probable Maximum Flood Level.

### Floor Levels – F1

New floor levels within the development shall be set at or above the Flood Planning Level of 3.53m AHD.

### Floor Levels – F2

The underfloor area of the new parts of the dwelling below the 1% AEP flood level of 3.03m AHD, is to be designed and constructed to allow clear passage of floodwaters. The underfloor perimeter of the new parts of the dwelling is to have a minimum of 50% open area below the 1% AEP flood level.

### Car parking – G4

Vehicle barriers or restraints are to be installed to a minimum height of the Flood

Planning Level of 3.53m AHD.

Perimeter walls/louvres installed as vehicle barriers or restraints are to be designed to allow flood waters to pass through and are to have a minimum of 50% open area below the 1% flood level of 3.03m AHD.

Car parking – G6

New car port areas are to be designed to allow flood waters to pass through and are to have a minimum of 50% open area below the 1% flood level of 3.03m AHD.

Fencing – H1

New fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open for passage of flood waters - All new fencing on the property must be design with a minimum of 50% open area between the 1% flood level and natural ground level, to allow flood waters to pass through.

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

**Reason:** To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

**8. Compliance with Standards**

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

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

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

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

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

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

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

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

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

**10. Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:



(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

**11. 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 Certifying Authority.

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

**12. Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during construction works.

Reason: To ensure public safety.

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

**13. 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 must be submitted to the Certifying Authority prior to the issue of the Final Occupation Certificate.

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

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

**Signed**



**Thomas Burns, Planner**

The application is determined on 08/09/2020, under the delegated authority of:



**Tony Collier, Acting Development Assessment Manager**