

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2018/1237 |
| Responsible Officer: | Ashley Warnest |
| Land to be developed (Address): | Lot 11 DP 30836, 37 Sydney Road WARRIEWOOD NSW 2102 |
| Proposed Development: | Alterations and Additions to a dwelling house including a swimming pool |
| Zoning: | R2 Low Density Residential |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Land and Environment Court Action: | No |
| Owner: | Tomer Ravid Shimshon |
| Applicant: | Novam Design Studio |
| Application lodged: | 20/07/2018 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Residential - Alterations and additions |
| Notified: | 26/07/2018 to 13/08/2018 |
| Advertised: | Not Advertised |
| Submissions Received: | 2 |
| Recommendation: | Approval |
| Estimated Cost of Works: | \$ 156,323.20 |

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 - C1.4 Solar Access
 Pittwater 21 Development Control Plan - C1.5 Visual Privacy
 Pittwater 21 Development Control Plan - C1.19 Incline Passenger Lifts and Stairways
 Pittwater 21 Development Control Plan - D14.7 Front building line
 Pittwater 21 Development Control Plan - D14.8 Side and rear building line
 Pittwater 21 Development Control Plan - D14.11 Building envelope
 Pittwater 21 Development Control Plan - D14.12 Landscaped Area - General

SITE DESCRIPTION

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|-----------------------------------|--|
| Property Description: | Lot 11 DP 30836 , 37 Sydney Road WARRIEWOOD NSW 2102 |
| Detailed Site Description: | <p>The subject site consists of one (1) allotment located on the south eastern side of Sydney Road.</p> <p>The site is regular in shape with a frontage of 18m along Sydney Road and a depth of 45.4m. The site has a surveyed area of 709.3m² and a slop of 15.7% falling from the north west to the south east.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates Dwelling Houses.</p> <p>The site contains assorted low-lying shrubs along the north eastern boundary. Two 3m trees are located within the road reserve.</p> <p><u>Detailed Description of Adjoining/Surrounding Development</u></p> <p>Adjoining and surrounding development is characterised by similar one and two storey dwelling houses.</p> |

Map:



SITE HISTORY

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

- Development Application - N0769/03, Determined 02/12/2003 - Alterations and additions to an existing dwelling house

APPLICATION HISTORY

Concerns were raised in relation to an encroachment indicated on the site plan prepared by Building Designers Australia, Dated 18/07/2018. As a result amended plans were received. The application history is as follows:

- Application lodged - 20/07/2018
- Amended plans received - 15/10/2018

PROPOSED DEVELOPMENT IN DETAIL

Development consent is sought of the alterations and additions to an existing dwelling. The proposed works include the following:

- Extension to the front of the site to facilitate a rumpus room on the first storey and bedroom on the second storey
- Construction of a 10,000L in-ground swimming pool towards the rear of the site
- Construction of awning over existing rear deck
- Change in roof design from an open gable roof to a hip and valley roof

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

| Section 4.15 Matters for Consideration' | Comments |
|---|---|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on “Environmental Planning Instruments” in this report. |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument | None applicable. |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan | Pittwater 21 Development Control Plan applies to this proposal. |
| Section 4.15 (1) (a)(iiia) – Provisions of any 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&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of</p> |

| Section 4.15 Matters for Consideration' | Comments |
|---|---|
| | <p>Australia (BCA). This matter has been addressed via a condition of consent.</p> <p>Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p> |
| <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> | <p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report. In summary, the proposed development is found to be consistent with the desired future character for the locality. The proposed alterations and additions are contemporary in its design which is respectful of its setting and its neighbours.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| <p>Section 4.15 (1) (c) – the suitability of the site for the development</p> | <p>The site is considered suitable for the proposed development as the key characteristics of the site, including its location, orientation, aspect, character, size, topography, surroundings, and accessibility make the site suitable for residential development of the type proposed, which is consistent with the zoning of the land and predominantly complying with the DCP controls that applicable to the subject site.</p> |
| <p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p> | <p>See discussion on “Notification & Submissions Received” in this report.</p> |
| <p>Section 4.15 (1) (e) – the public interest</p> | <p>The public interest is best served by the orderly and economic use of land for purposes which are permissible and which, in their design, configuration and operation, satisfy the intent of the relevant controls. In the subject case, the proposal is in the public interest.</p> |

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the

specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Bush Fire Planning Services, dated 28/06/2018) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

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 2 submission/s from:

| Name: | Address: |
|---|------------------------------------|
| Mrs Rhonda Beth Naftel Ms Stephen Alexander Naftel | 35 Sydney Road WARRIEWOOD NSW 2102 |
| Peter Russell Bowden | 39 Sydney Road WARRIEWOOD NSW 2102 |

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

- Encroachment of rear deck roof - Amended plans were received correcting the encroachment
- Setbacks - The proposed works do not increase upon the existing setbacks and therefore supported, Section D14.8 of this report provides further discussion on this matter
- Stormwater runoff - A condition of consent has been imposed to ensure all stormwater disposal is undertaken in accordance with relevant standards
- Privacy (bedrooms in close proximity, window locations, use of the covered area would be intrusive) - A condition has been imposed to incorporate privacy screening along the south west boundary, Section C1.5 of this report provides further discussion on this matter
- Increased shading - The proposed works would maintain a minimum three (3) hours of sunlight to the main private open space and principal living areas of the adjoining dwellings. The application is supported.
- Noise to be generated in association with the pool - The existing screening vegetation and the compliant side setback provides for sufficient spatial separation between the proposed swimming pool and the adjoining dwelling at 39 Sydney Road. To ensure acoustic disturbance is minimised a condition of consent will be imposed to for any mechanical plant associated with the swimming pool and spa to be located towards the south western portion of the coping, away from the boundaries.
- Height/extent of the new roof - the proposed roof complies with the height controls with a minor breach to the envelope control, section D14.8 of this report provides further discussion on the envelope breach. The breach in the building envelope is supported on merit.

MEDIATION

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

REFERRALS

| Internal Referral Body | Comments |
|--------------------------------|--|
| Landscape Officer | <p>The landscape component of the proposal is acceptable subject to completion of landscaping and the protection of existing trees and vegetation. Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls:</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping <p>No objection to approval, subject to conditions as recommended.</p> |
| NECC (Development Engineering) | <p>The proposal includes the removal of existing paving and as a result the proposed impervious area does not require on-site stormwater detention. Stormwater from the proposal is to be collected and connected to the street which has been conditioned. There is no alteration to the proposed parking for the development and the submitted geotechnical report addresses the relevant DCP controls.</p> <p>No objection to approval, subject to conditions as recommended.</p> |

| External Referral Body | Comments |
|------------------------|---|
| Ausgrid: (SEPP Infra.) | <p>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.</p> |

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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A321451, Dated 18/07/2018). A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

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 | 7.8m | N/A | Yes |

Compliance Assessment

| Clause | Compliance with Requirements |
|--|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes |
| 4.3 Height of buildings | Yes |
| 5.10 Heritage conservation | Yes |
| 7.1 Acid sulfate soils | Yes |
| 7.2 Earthworks | 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 or EBL | 8.3m | 17% | No |
| Rear building line | 6.5m | 6.9m | N/A | Yes |
| Side building line | 2.5m (north) | 1m | 76% | No |
| | 1m (south) | 1m | N/A | Yes |
| Building envelope | 3.5m (north) | Outside envelope | 19.5% | No |
| | 3.5m (south) | Within envelope | N/A | Yes |
| Landscaped area | 50% | 40% | 20% | No |

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

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted | Yes | Yes |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| A4.14 Warriewood Locality | Yes | Yes |
| A5.1 Exhibition, Advertisement and Notification of Applications | Yes | Yes |
| B1.3 Heritage Conservation - General | Yes | Yes |
| B1.4 Aboriginal Heritage Significance | Yes | Yes |
| B3.2 Bushfire Hazard | Yes | Yes |
| B3.6 Contaminated Land and Potentially Contaminated Land | Yes | Yes |
| B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land | Yes | Yes |
| B5.7 Stormwater Management - On-Site Stormwater Detention | Yes | Yes |
| B5.10 Stormwater Discharge into Public Drainage System | Yes | Yes |
| B5.12 Stormwater Drainage Systems and Natural Watercourses | Yes | Yes |
| B6.1 Access driveways and Works on the Public Road Reserve | Yes | Yes |
| B6.2 Internal Driveways | Yes | Yes |
| B6.3 Off-Street Vehicle Parking Requirements | Yes | Yes |
| B8.1 Construction and Demolition - Excavation and Landfill | Yes | Yes |
| B8.2 Construction and Demolition - Erosion and Sediment Management | Yes | Yes |
| B8.3 Construction and Demolition - Waste Minimisation | Yes | Yes |
| B8.4 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 |
| C1.17 Swimming Pool Safety | Yes | Yes |
| C1.19 Incline Passenger Lifts and Stairways | No | Yes |
| C1.23 Eaves | Yes | Yes |
| C1.25 Plant, Equipment Boxes and Lift Over-Run | Yes | Yes |
| D14.1 Character as viewed from a public place | Yes | Yes |
| D14.2 Scenic protection - General | Yes | Yes |
| D14.3 Building colours and materials | Yes | Yes |
| D14.7 Front building line | No | Yes |
| D14.8 Side and rear building line | No | Yes |
| D14.11 Building envelope | No | Yes |
| D14.12 Landscaped Area - General | No | Yes |
| D14.17 Construction, Retaining walls, terracing and undercroft areas | Yes | Yes |

Detailed Assessment

C1.4 Solar Access

Concerns were raised in relation to the potential loss of solar access to the residents at 39 Sydney Road. Shadow diagrams have been provided in support of the application and indicate that the main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. The proposed works comply with the requirements of C1.4 of P21 DCP.

C1.5 Visual Privacy

Visual privacy concerns were raised by the residents at 35 Sydney Road in relation to the rear decked area and the proposed windows along the south west elevation. The windows identified as 07 and 08 present privacy concerns due to their elevated location and proximity to the neighbouring deck at 35 Sydney Road. To address this a condition of consent has been imposed increasing the sill height of the relevant windows to 1.7m. A proposed sill height of 1.4m and the existing vegetation screening located on the site of 35 Sydney Road provides for sufficient screening between Window 09 and the dwelling at 35 Sydney Road.

Due to the topography of the area the subject site is located slightly uphill from the neighbouring property of 35 Sydney Road. This raises privacy concerns as there is not sufficient screening or spacial separation between the deck and the private open space of 35 Sydney Road. To address this a condition of consent has been imposed to provide privacy screening adjacent to the south west boundary at a height of 1.8m. The addition of the screening will minimise direct overlooking.

The existing vegetation and fence along the adjoining boundary of 39 Sydney Road provides sufficient screening between the proposed swimming pool and the adjoining dwelling.

C1.19 Incline Passenger Lifts and Stairways

The proposed stairs located to the rear of the site are 1.6m of the north east boundary which does not comply with the setback requirement for a minimum of 2m in accordance with C1.19 of P21 DCP. The stairway is to provide access to the ground floor store room from the rear yard, extends for a period of 4m and is sufficiently screened by the existing vegetation. For these reasons the stairway will cause minimal visual and acoustic disturbance to the neighbouring property of 39 Sydney Road and supported.

D14.7 Front building line

Proposed
8.2m

Required
6.5m or the Established Building Line, whichever is greater
10m Established Building Line (EBL)

The proposed first and second storey additions are located forward of the established building line and therefore do not comply with the requirements of D14.7 of P21 DCP. Council may consider the 2m variation where it is demonstrated the outcomes of the control are achieved. The proposal meets the outcomes of the controls in the following ways:

- The current and future character of the Warriewood Locality is maintained

- All existing vegetation is retained and enhanced within the front of the site to soften any potential impact of the built form
- There are examples of similar style developments are located within the surrounding area
- No adverse impact upon pedestrian amenity
- Vehicles can maneuver in a forward direction

For the above reasons, the variation to the front setback control is considered reasonable.

D14.8 Side and rear building line

Proposed

1m from the south west boundary and 1m from the north east boundary
6.9m from the rear

Required

2.5m to at least one side and 1.0m for other side
6.5m to the rear

The proposed side setback from the south west boundary does not comply with the requirement of 2.5m from the side boundary and the proposed swimming pool and coping is located within 1m of the north east boundary. Council may consider a variation to the controls where it is demonstrated the outcomes of the Clause are achieved. The outcomes have been achieved in the following ways:

- The current and future character of the Warriewood Locality is maintained
- Bulk and scale is minimised
- A reasonable level of privacy is maintained by the adjoining dwellings through existing vegetation and privacy screening as discussed within section C1.5 of this report
- The proposed location ensures a reasonable level of amenity and solar access is maintained for the adjoining dwellings
- The retention of existing vegetation softens any additional impact of built form

The variation to the controls also identifies that swimming pools can be located at a minimum setback 1m from the boundary. As the proposed swimming pool is measured at 0.8m from the boundary a condition of consent will be imposed for the coping to be reduced to ensure the proposal is in line with the requirements of the Clause. For the above reasons, the variation to the side setback control is supported on merit.

D14.11 Building envelope

A portion of the proposed extension breaches the building envelope and therefore does not comply with the requirements of D14.11. The extent of the breach is limited to the northern corner of the dwelling. Council may consider a variation to the control where it is demonstrated the outcomes of the control are achieved. The outcomes have been achieved in the following ways:

- The existing and future character of the Warriewood locality is maintained
- Bulk and scale of the built form is minimised
- Consistent with the natural characteristics of the existing natural environment
- Views from public and private space are maintained
- A reasonable level of privacy and amenity is maintained to the residents of the adjoining dwelling
- Existing vegetation is retained and softens the impacts of the built form

For the above reasons the variation to the building envelope control is supported on merit.

D14.12 Landscaped Area - General

Proposed

283.6m² or 40% (without variation)

353.8m² or 49.9% (with variation)

Required

354.7 or 50%

There is a shortfall in landscaped area of 71.1m² (without variation). Clause D10.13 of P21 DCP permits a variation up to 6% of the total site area that is provided as impervious landscape treatments for the purpose of outdoor recreation. The variation also includes impervious areas less than 1m in width. Council may consider these variations where it can be demonstrated that the outcomes of the Clause can be achieved. The outcomes are achieved in the following ways :

- Maintains the current and desired future character of the Warriewood locality
- Bulk and scale of the built form is minimised and softened through the retention of existing vegetation
- A reasonable level of amenity and solar access is maintained by the residents of the adjoining dwellings
- The proposed rear awning will reduce soil erosion and siltation of natural drainage channels as awning is to be connected to the existing stormwater drainage

Site Plan Prepared by Novam, Dated 15/10/2018 indicates a portion of new landscaped area to be provided within the front of the yard. To ensure this area aids in the softening of the built form a condition of consent has been imposed to provide planting capable of attaining 3-4m in height at maturity. For the above reasons the variation to the landscaped area is supported.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;

- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1237 for Alterations and Additions to a dwelling house including a swimming pool on land at Lot 11 DP 30836, 37 Sydney Road, WARRIEWOOD, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

| Architectural Plans - Endorsed with Council's stamp | | |
|--|--------------|---------------------|
| Drawing No. | Dated | Prepared By |
| A-01, A-09, A-10, A-11, A-12, & A-13 | 15/10/2018 | Novam Design Studio |
| A-08, A-14, & A-15 | 18/07/2018 | Novam Design Studio |

| Reports / Documentation – All recommendations and requirements contained within: | | |
|---|--------------|------------------------------------|
| Report No. / Page No. / Section No. | Dated | Prepared By |
| Geotechnical Risk Management Report - Ref. MT 31511 | 2/07/2018 | Jack Hodgson Consultants Pty. Ltd. |
| Bushfire Risk Assessment | 28/06/2018 | Bushfire Planning Services |

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

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

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

2. **Amendments to the approved plans**

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

- A privacy screen is to be placed adjacent to the south west boundary for a length of at least 3m. The site plan endorsed with councils stamp (as identified in condition one(1) of this consent) identifies the location and extent of the privacy screening. The privacy screen is to be a height of 1.8m above the existing deck.
- Windows 07 and 08 are to have a sill height of 1.7m.
- The coping associated with the swimming pool is to be reduced by 30cm to ensure a 1m setback is maintained along the north east boundary. Additionally, the swimming pool is to be relocated 30cm to the south west to provide a 1.5m setback from the north east boundary.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

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) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of

any Authorised Officer.

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

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

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

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008

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

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

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 to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Jack Hodgson Consultants Pty Ltd dated 2 July 2018 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to

be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

7. Stormwater Disposal

Engineering Plans in accordance with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2:1998 - Stormwater Drainage – Acceptable solutions are to be submitted and certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, proposed buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the kerb in Sydney Road.

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

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

8. 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.

9. Shoring of Adjoining Property

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

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

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

10. **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.

11. **External Finishes**

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

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

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

12. **Sewer / Water Quickcheck**

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

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

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

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

13. **Blank condition for prior construction certificate**

Any mechanical plant associated with the swimming pool shall be located towards the south west of the swimming pool, away from the boundaries and acoustically treated so the noise from the machinery does not exceed 5Db above the background noise when measured from the adjoining dwelling.

Details are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the acoustic amenity of the neighbouring residents.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. **Road Reserve**

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

Reason: Public Safety.

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

16. Landscape completion

Landscaping is to be implemented along the northern boundary following the completion of the proposed pool works, as follows.

A) boundary planting along proposed pool:

- i) existing vegetation is to be retained where no impact is caused to existing roots (under 25mm is size),
- ii) replacement screen planting shall be implemented where existing vegetation is removed for the works, and shall consist of tall shrub planting capable of attaining 3-4m in height at maturity, installed at 300mm pot size, and installed no more than 900mm apart.

B) proposed redundant front driveway area converted to landscaping:

- i) landscaping shall consist of at least 50% locally native planting, including at least two indigenous small trees, and tall screening shrubs capable of attaining 3-4m in height at maturity, installed at 200mm pot size, and installed no more than 900mm apart,

C) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

17. Landscape maintenance

Any existing landscaping required to be retained together with any additional landscaping required by this Consent is to be maintained for the life of the development.

Landscape works shall be maintained for a minimum period of 12 months following practical completion. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

18. 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.

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

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

Signed



Ashley Warnest, Planner

The application is determined on 16/11/2018, under the delegated authority of:



Steven Findlay, Manager Development Assessments