

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0570
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Responsible Officer:	Dean Pattalis
Land to be developed (Address):	Lot 108 DP 10423, 3 Melaleuca Street NEWPORT NSW 2106
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Christopher Gatehouse Brooke Desley White
Applicant:	Brooke Desley White

Application Lodged:	13/05/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	20/05/2021 to 03/06/2021
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 174,430.00
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PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for alterations and additions to a residential dwelling pursuant to the Pittwater Local Environmental Plan (PLEP) 2014, including the following:

Ground Floor:

- Minor internal alterations to facilitate a walk in robe and en-suite to Bedroom 1, a new entryway, removal of the laundry space to create a larger kitchen and reduction in size of the bathroom to a WC and new laundry.

First Floor:

- Additional floor space to the rear of the dwelling to facilitate a walk-in robe and en-suite for the master bedroom, Bedroom 4, and a reduced floor space for Bedroom 3 to allow a hallway and linen cupboard.

During the assessment process planning concerns were identified. Amended plans were provided by the applicant on 13 July 2021 to address these specific concerns. In accordance with Council's Community Participation Plan, as the amendments are considered to result in a reduction of environmental impacts, as a result public re-notification was not required.

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 - D10.4 Building colours and materials

Pittwater 21 Development Control Plan - D10.8 Side and rear building line (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - D10.13 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 108 DP 10423 , 3 Melaleuca Street NEWPORT NSW 2106
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Melaleuca Street, Newport.</p> <p>The site is irregular in shape with a frontage of 15.24m along Melaleuca Street and a depth of 42.34m. The site has a surveyed area of 618.5m².</p>

The site is located within the E4 Environmentally Living zone and accommodates a two (2) storey residential dwelling within a landscaped setting.

The site has a westerly orientation and is located on a slope of approximately 11.78% (or 4.76m).

The bulk of the landscaping of the site is located forward of the front building line. The rear setback area is generally paved with a small raised garden area along the rear boundary line and a long a small portion of the northern boundary. A large tree is located within the front yard. A swimming pool is located within the front setback area.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one and two storey residential dwellings within a landscaped setting.

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:

3 January 2018

A Pre-lodgement Meeting (PLM2018/0001) was held with Council's planners to discuss potentially constructing a swimming pool within the front setback area of the site.

18 May 2018

A Development Application (DA2018/0821) was submitted to Council for construction of a swimming

pool and associated landscaping works. This application was approved, subject to conditions. A Construction Certificate (CC2018/0982) was submitted to Council for DA2018/0821).

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	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 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 allow Council to request additional information. Additional information was requested on 16 June 2021 in relation to the proposed non-compliant rear boundary setback and associated impacts.</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 clause is not relevant to this application.</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</p>

Section 4.15 Matters for Consideration'	Comments
	<p>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 Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> 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>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 20/05/2021 to 03/06/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

Name:	Address:
Corona Projects Pty Ltd Mrs Sandra Mary Slattery Ms Paula Lake	PO Box 1749 BONDI JUNCTION NSW 1355

One submission has been received by the owners of 5 Melaleuca St, Newport, and the following concerns were raised:

- **Solar Access**
- **Visual Privacy**
- **Bulk and scale**
- **Stormwater Disposal**

The adjoining property owners have raised concern with regards to the unreasonable solar access impacts resulting from the proposed first floor extension:

Comment:

It is noted that there is currently a non-compliant amount of solar access to the private open space of No.5 Melaleuca St resulting from the existing development on the subject site. Amended plans have been provided by the applicant during the assessment process that reduces the floor area and ridge height of the proposed extension, as well as increasing the setback distance to the southern side boundary. As a result, no additional shadowing is proposed at 12pm or 3pm with only a minor addition at 9am. The resultant changes are considered reasonable in this instance as discussed elsewhere in this report under C1.4 Solar Access.

The adjoining property owners have raised concern with regards to adverse visual privacy impacts resulting from the proposed first floor window (W3) on the southern side elevation:

Comment:

As discussed within this report under C1.5 Visual Privacy, amended plans have been provided by the applicant during the assessment process which raises the sill height of W3 to 1.5m. W3 also adjoins a bedroom which is considered a low-trafficable space. This in conjunction with the retention of existing screen planting along the southern side boundary assists in minimising overlooking impacts into the rear private open space of No.5 Melaleuca St.

The adjoining property owners have raised concern with regards to the visual obtrusiveness of the development upon the private open space of No.5 Melaleuca St:

Comment:

It is noted that compliance with the rear setback control is constrained by the irregular lot configuration, which has an angled rear boundary that reduces the distance of the existing development to the south-east corner of the lot. The aforementioned amendments to the proposal have increased both the rear setback and southern side setback distance to the respective boundaries in comparison to the original plans. The amended design is considered to be a reasonable outcome in regards to the impacts of bulk and scale.

The adjoining property owners have raised concern with regards to stormwater disposal resulting from the proposed works:

Comment:

Suitable conditions have been placed within this consent to ensure the stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy. Details demonstrating compliance from a qualified and practicing Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

REFERRALS

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.A423742_02, dated 13 July 2021).

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.

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	7.96m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
7.1 Acid sulfate soils	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Rear building line	6.5m	3.3m - 4.9m	49.23% (max.)	No
Side building line	1m (Northern boundary)	3.5m - 3.7m	-	Yes
	2.5m (Southern boundary)	5.23m - 5.37m	-	Yes

Building envelope	3.5m (Northern elevation)	Within envelope	-	Yes
	3.5m (Southern elevation)	Within envelope	-	Yes
Landscaped area	60% (371.1m ²)	27.25% (168.6m ²) (unchanged)	54.5%	No (Existing)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes
B5.15 Stormwater	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	No	Yes
C1.5 Visual Privacy	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.23 Eaves	Yes	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.3 Scenic protection - General	Yes	Yes
D10.4 Building colours and materials	Yes	Yes
D10.8 Side and rear building line (excluding Newport Commercial Centre)	No	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	Yes	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	No	Yes

Detailed Assessment

C1.4 Solar Access

Description of non-compliance

Clause C1.4 of the P21DCP states that private open space of adjoining dwellings are to receive a minimum of three hours sunlight between 9am and 3pm on June 21 (winter solstice). When considering equitable solar access it is noted that at least 50% of private open space should receive sunlight.

The southern adjoining dwelling (No.5 Melaleuca St) contains a rear yard and associated rear verandah that serves as private open space, in accordance with the P21DCP requirement.

More than 50% of the private open space on No.5 Melaleuca St is currently overshadowed by the existing development on the subject site for more than 3 hours on June 21. As the proposed first floor

extension subject to this proposal results in additional overshadowing to No.5, this exacerbates an existing non-compliance.

It is important to note that the southern adjoining site is particularly vulnerable to shadowing given the east-west orientation of the allotments.

Merit consideration

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

- *Residential development is sited and designed to maximise solar access during mid-winter.*

Comment:

The applicant has supplied amended plans as part of the assessment process which involved re-locating the first floor addition further from the southern side boundary towards the north to provide a side setback of 5.23m, whilst also reducing the rear setback non-compliance to 3.3m due to the angled rear boundary of the site. The first floor extension is also now positioned below the existing ridge height of the dwelling and in turn reduces the shadowing towards the rear private open space of No.5 from the original plans. The re-positioning of the first floor results in a minor increase in overshadowing to the private open space of No.5 at 9am, whilst retaining the existing level of solar access at 12pm and 3pm. Windows to any principal living areas are unaffected. Overall, the impacts are considered to be equitable and are supported on this basis.

- *A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development.*

Comment:

The shadow diagrams illustrate that adjoining properties will retain adequate solar access.

- *Reduce usage and/dependence for artificial lighting.*

Comment:

The proposal achieves adequate solar access in order to reduce reliance upon artificial lighting for the subject site and adjoining sites.

C1.5 Visual Privacy

Description of Non-compliance

Clause C1.5 of the P21DCP stipulates that private open space areas and windows of adjoining properties are to be protected from direct overlooking within 9.0m by building layout, landscaping, screening devices or greater spatial separation. The proposed development contains side and rear facing windows that are within 9.0m from the adjoining north (1 Melaleuca St), south (5 Melaleuca St) and eastern (19 Lovering Pl) adjoining properties.

A submission has been raised regarding privacy impacts specifically from W3 (bedroom 3) on the southern elevation. The submission is concerned with the potential overlooking into the bedrooms of 5 Melaleuca St.

Merit Consideration

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

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.

Comment:

New first floor windows are proposed on both the north elevation being window W8, on the south elevation being window W3, and on the rear elevation being W4/W5. Notwithstanding the fact that all additional windows are located within 9 metres, the windows adjoin bedrooms which are considered low-usage rooms and provide minimal opportunities for adverse visual privacy impacts. Further, the proposed 1 metre sill heights for W4, W5 and W8 are considered adequate in this instance as they are offset from windows of adjoining dwellings and existing screen planting is to be maintained along the side and rear boundaries. The sill height of W3 has been amended to 1.5m to prevent overlooking opportunities into the private open space of 5 Melaleuca St. As a result, the proposal satisfies the objective.

A sense of territory and safety is provided for residents.

Comment:

The proposed development is considered capable of providing a sense of territory and safety for residents on the subject site and adjoining properties.

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

D10.4 Building colours and materials

A colour schedule has not been provided with this application. However, the concept plans indicate that the external finishes to the additional dwelling will match the existing colours and finishes. Council is satisfied that this is acceptable.

D10.8 Side and rear building line (excluding Newport Commercial Centre)

Detailed description of non-compliance

This control requires development to be setback 2.5m from one side boundary, and 1.0m from the other. The proposal achieves compliance with this control.

This control also requires development to be setback 6.5m from the rear boundary. The proposal results in a rear setback distance ranging from 3.3m to 4.8m. This is numerically non-compliant and presents a maximum variation of up to 49%.

It is noted that compliance with the rear setback control is constrained by the siting of existing noncompliant development, together with the irregular lot configuration, which has an angled rear boundary.

As per the *D10.8 Side and rear building line* clause where alterations and additions to an existing residential dwelling are proposed, the maintenance of existing setbacks less than specified may be considered where it can be shown that the outcomes of this clause are achieved.

Merit consideration

To achieve the desired future character of the Locality.

Comment:

Notwithstanding the numerical non-compliance to this control, the proposal generally achieves the desired future character of the Newport locality.

The bulk and scale of the built form is minimised.

Comment:

The proposal is situated below the existing ridge height of the dwelling and achieves adequate building separation by way of the generous side setback distances and compliance with the building envelope control. This, in turn, results in a built form that is reasonable in nature and, due to the location of the addition being sited to the rear of the dwelling, it will not have any unreasonable impact upon the streetscape.

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

Comment:

The rear setback non-compliance will not give rise to any unreasonable impact upon existing views and vistas to and/or from public/private places.

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

Comment:

As above, the rear setback non-compliance will not unreasonably impact upon existing views.

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

Comment:

As discussed elsewhere in this report, satisfactory amendments have been made to the proposal to ensure the design and siting of the extension is unlikely to result in any unreasonable impact on privacy, solar access or amenity of the development site or surrounding properties.

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

Comment:

The streetscape appearance of the dwelling and landscaping will remain unchanged from the existing arrangement.

Flexibility in the siting of buildings and access.

Comment:

The development has been appropriately sited to respond sensitively to the constraints of the site and surrounding residential context. Notwithstanding the non-compliance, it is considered a reasonable level of amenity will be maintained to the development site and surrounding properties.

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

Comment:

The addition is located within the existing building footprint, therefore retaining existing vegetation on site.

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

Comment:

The subject site does not adjoin a commercial zone. This objective is therefore not applicable.

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

D10.13 Landscaped Area - Environmentally Sensitive Land

The site, as existing, is numerically non-compliant with the minimum requirements of this control. The proposed development is located entirely over the existing building footprint and thus the proposal does not impact upon the existing landscaped area. A further discussion on this is not required.

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

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

A monetary contribution of \$ 872 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 174,430.

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 DA2021/0570 for Alterations and additions to a dwelling house on land at Lot 108 DP 10423, 3 Melaleuca Street, NEWPORT, 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
A1-B (Site Plan)	May 2020	Right Angle Design & Drafting Pty Ltd
A3 (Proposed Ground Floor Plan)	May 2020	Right Angle Design & Drafting Pty Ltd
A4-A (Proposed First Floor Plan)	May 2020	Right Angle Design & Drafting Pty Ltd
A5-A (South and North Elevations)	May 2020	Right Angle Design & Drafting Pty Ltd
A6-A (East and West Elevations)	May 2020	Right Angle Design & Drafting Pty Ltd
A7-A (Sections)	April 2021	Right Angle Design & Drafting Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (A423742_02)	13 July 2021	Right Angle Design & Drafting 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:

Landscape Plans		
Drawing No.	Dated	Prepared By
A8-A	April 2021	Right Angle Design & Drafting Pty Ltd

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	6 May 2021	Vaughan Milligan

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	Response Ausgrid Referral	25 May 2021

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

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

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal 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 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in 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. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$872.15 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$174,430.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

6. **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).

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

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

7. **Stormwater Drainage Disposal**

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical

Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifying Authority prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

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.

9. External Finishes to Roof

The external finish to the roof shall match the existing roof colour and finishes 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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. Survey Certificate

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

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

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

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

11. Stormwater Drainage Disposal Certification

Certification from an appropriately qualified and practising Civil Engineer demonstrating the stormwater drainage systems have been designed and installed in accordance with the requirements of Council's Water Management for Development Policy and where relevant a Geotechnical Engineer shall be provided to the Certifying Authority prior to the issue of an Occupation Certificate, and;

If any on site stormwater detention system is installed the Applicant shall lodge the Legal Documents Authorisation Application with Council.

The application is to include the completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification. A guide to the process and associated Legal Document Authorisation Application form can be found on Council's website. The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent.

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

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

Reason: To ensure satisfactory management of stormwater.

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

Signed



Dean Pattalis, Planner

The application is determined on 14/07/2021, under the delegated authority of:



Catriona Shirley, Acting Development Assessment Manager