

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                            |             |
|----------------------------|-------------|
| <b>Application Number:</b> | DA2019/0013 |
|----------------------------|-------------|

|   |   |
|---|---|
| <b>Responsible Officer:</b>               | Maxwell Duncan  |
| <b>Land to be developed (Address):</b>    | Lot 4 DP 235740, 4 Nioka Road NARRABEEN NSW 2101          |
| <b>Proposed Development:</b>              | Alterations and additions to an existing dwelling         |
| <b>Zoning:</b>                            | Warringah LEP2011 - Land zoned R2 Low Density Residential |
| <b>Development Permissible:</b>           | Yes   |
| <b>Existing Use Rights:</b>               | No  |
| <b>Consent Authority:</b>                 | Northern Beaches Council                                  |
| <b>Land and Environment Court Action:</b> | No  |
| <b>Owner:</b>                             | Nicole Jody Bosland                                       |
| <b>Applicant:</b>                         | Sean Gilmour Architect                                    |

|                                  |   |
|----------------------------------|---|
| <b>Application lodged:</b>       | 10/01/2019                              |
| <b>Integrated Development:</b>   | No                                      |
| <b>Designated Development:</b>   | No                                      |
| <b>State Reporting Category:</b> | Residential - Alterations and additions |
| <b>Notified:</b>                 | 16/01/2019 to 01/02/2019                |
| <b>Advertised:</b>               | Not Advertised                          |
| <b>Submissions Received:</b>     | 1                                       |
| <b>Recommendation:</b>           | Approval                                |

|                                 |               |
|---------------------------------|---------------|
| <b>Estimated Cost of Works:</b> | \$ 735,811.53 |
|---------------------------------|---------------|

### 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

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - B9 Rear Boundary Setbacks

Warringah Development Control Plan - D20 Safety and Security

## SITE DESCRIPTION

|                                   |  |
|-----------------------------------|--|
| <b>Property Description:</b>      | Lot 4 DP 235740 , 4 Nioka Road NARRABEEN NSW 2101  |
| <b>Detailed Site Description:</b> | <p>The subject site consists of one (1) allotment located on the northern side of Nioka Road.</p> <p>The site is irregular in shape with a frontage of 56mm along Nioka Road and a depth of 24.28m. The site has a surveyed area of 811.4m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a dwelling house.</p> <p>The site includes a cross fall of approximately 8m from the south-western corner to the north-east corner of the site.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by residential development typically 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:

**DA2014/449-** Removal/pruning 1- 2 trees. (Approved 29 April 2014).

**DA2002/119-** Driveway parking and retaining walls (Approved 30 December 2002).

## PROPOSED DEVELOPMENT IN DETAIL

The proposal is for alterations and additions to the dwelling house. The works incorporate the following:

- Roof alterations.
- Ground floor and lower ground floor alterations.
- Swimming pool.
- Retaining wall extension.
- Landscaping.

## 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 Matters for Consideration'  | Comments  |
|--|---|
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan   | Waringah Development Control Plan applies to this proposal.   |
| Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement   | None applicable.  |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)  | <p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;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&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) <b>Environmental Impact</b></p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p>   |

| Section 4.15 Matters for Consideration'  | Comments  |
|--|---|
|  | <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b><br/>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 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 Hazard Solution Pty Limited, dated 11 December 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 1 submission/s from:

| Name:   | Address:                            |
|---|-------------------------------------|
| Ms Nada Ann Sekulich<br>Mr Rischeh Kumarasinghe | 26 The Esplanade NARRABEEN NSW 2101 |

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

- **Landscaping**
- **Swimming pool and decking drainage.**

The matters raised within the submissions are addressed as follows:

- **Landscaping**  
Comment:

Concern was raised in regards to the level of landscaping proposed on site, particularly to the existing nature strip that adjoins the subject site and the proposed Lilly Pilly along the eastern boundary. A condition of consent has been included as part of this recommendation to ensure there is no planting on outside of the subject site. The location of the proposed Lilly Pilly planting is deemed reasonable given the location and mature size of the species.

- **Swimming pool and decking drainage.**  
Comment:

Concern was raised in regards to the swimming pool, decking and the associated issues relating to storm water drainage. The application was referred off to Council;s development engineer for comment. The proposal is compliant with the relevant requirements for stormwater runoff, subject to recommended conditions of consent.

## MEDIATION

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

## REFERRALS

| Internal Referral Body           | Comments   |
|----------------------------------|--|
| Landscape Officer                | The DA is considered acceptable with regard to the relevant controls relating to landscape issues, subject to conditions.  |
| NECC (Bushland and Biodiversity) | <p>The proposal has been assessed against Warringah DCP E1, E2 and E4.</p> <p>The proposal includes a new swimming pool, deck and landscaping and removal of 5 exempt trees. A Concept Landscape Plan (DA-015/a) has been provided that shows various native, exotic, shrub and ground cover plantings, however proposed species are not specified. Pursuant to E4, the proposal should <i>provide natural habitat for local wildlife, retain and enhance native vegetation and reconstruct habitat in non vegetated areas of wildlife corridors</i>. It is recommended a revised Landscape Plan be provided prior to CC that shows planting to be of native species from the Narrabeen Slopes Forest vegetation type.</p> |
| NECC (Development Engineering)   | Development Engineer has no objection to the application subject to the following conditions of consent.   |
| NECC (Riparian Lands and Creeks) | No objection to approval with no additional conditions.  |
|                                  |  |

| Internal Referral Body                                    | Comments   |
|---|--|
| NECC (Stormwater and Floodplain Engineering – Flood risk) | The proposed development generally complies with the flood requirements of the DCP and LEP.<br>No flood related objections.  |
| External Referral Body                                    | Comments   |
| Ausgrid: (SEPP Infra.)                                    | The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended. |

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.A336630 dated 13 Decemeber 2018).

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

### SEPP (Infrastructure) 2007

#### Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

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

**Warringah Local Environmental Plan 2011**

|  |     |
|--|-----|
| 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 |
|----------------------|-------------|
| Height of Buildings: | 8.5m        |

Compliance Assessment

| Clause                          | Compliance with Requirements |
|---------------------------------|------------------------------|
| 2.7 Demolition requires consent | Yes                          |
| 4.3 Height of buildings         | Yes                          |
| 5.8 Conversion of fire alarms   | Yes                          |
| 6.1 Acid sulfate soils          | Yes                          |
| 6.2 Earthworks                  | Yes                          |
| 6.4 Development on sloping land | Yes                          |

**Warringah Development Control Plan**

Built Form Controls

| Built Form Control-811.40sqm | Requirement       | Proposed                     | % Variation* | Complies                |
|------------------------------|-------------------|------------------------------|--------------|-------------------------|
| B1 Wall height               | 7.2m (north east) | 7.5m                         | 4.2%         | Existing non-compliance |
|                              | 7.2m (south west) | 5m                           | -            | Yes                     |
| B2 Number of storeys         | 2                 | 2                            | -            | Yes                     |
| B3 Side Boundary Envelope    | 4m (north east)   | 0-1.9m for a length of 14.5m | N/A          | Existing non-compliance |
|                              | 4m (south west)   | compliant                    | -            | Yes                     |
| B5 Side Boundary Setbacks    | 0.9m (north east) | 1.38m                        | -            | Yes                     |
|                              | 0.9m (south west) | 8.5m                         | -            | Yes                     |

|   |                 |                                       |     |                         |
|---|-----------------|---------------------------------------|-----|-------------------------|
| B7 Front Boundary Setbacks                          | 6.5m            | 5m                                    | 23% | Existing non-compliance |
| B9 Rear Boundary Setbacks                           | 6m              | 2.2- 3.2m (swimming pool and decking) | 64% | No                      |
| D1 Landscaped Open Space (LOS) and Bushland Setting | 40% (324.56sqm) | 43.6% (354sqm)                        | -   | Yes                     |

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - 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 |
|---|------------------------------|-----------------------------|
| A.5 Objectives                                  | Yes                          | Yes                         |
| B7 Front Boundary Setbacks                      | No                           | Yes                         |
| B9 Rear Boundary Setbacks                       | No                           | Yes                         |
| C2 Traffic, Access and Safety                   | Yes                          | Yes                         |
| C3 Parking Facilities                           | Yes                          | Yes                         |
| C4 Stormwater                                   | Yes                          | Yes                         |
| C5 Erosion and Sedimentation                    | Yes                          | Yes                         |
| C7 Excavation and Landfill                      | Yes                          | Yes                         |
| C9 Waste Management                             | Yes                          | Yes                         |
| D1 Landscaped Open Space and Bushland Setting   | Yes                          | Yes                         |
| D2 Private Open Space                           | Yes                          | Yes                         |
| D3 Noise  | Yes                          | Yes                         |
| D6 Access to Sunlight                           | Yes                          | Yes                         |
| D7 Views  | Yes                          | Yes                         |
| D8 Privacy                                      | Yes                          | Yes                         |
| D9 Building Bulk                                | Yes                          | Yes                         |
| D10 Building Colours and Materials              | Yes                          | Yes                         |
| D11 Roofs                                       | Yes                          | Yes                         |
| D14 Site Facilities                             | Yes                          | Yes                         |
| D20 Safety and Security                         | No                           | Yes                         |
| D22 Conservation of Energy and Water            | Yes                          | Yes                         |
| E1 Preservation of Trees or Bushland Vegetation | Yes                          | Yes                         |
| E2 Prescribed Vegetation                        | Yes                          | Yes                         |
| E4 Wildlife Corridors                           | Yes                          | Yes                         |
| E8 Waterways and Riparian Lands                 | Yes                          | Yes                         |
| E10 Landslip Risk                               | Yes                          | Yes                         |

#### Detailed Assessment

#### **B7 Front Boundary Setbacks**

### Description of non-compliance

Clause B7 of the Waringah DCP requires development be setback at least 6.5m from the front boundary. The proposed wall extension is setback 0m, non-compliant with the numeric control. This represents a 100% variation to the numeric control.

### Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense of openness.*

#### Comment:

The proposed wall extension is non-compliant with the front setback control. The wall being raised will be offset by the proposed screen planting and associated landscaping to the north and east of the site. The proposed extension will not have an unreasonable impact upon the desired densely vegetated character of the site.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

#### Comment:

The proposed front setback is consistent with neighbouring properties along the northern side of Nioka Road.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

#### Comment:

The proposed works will not have a significant or notable visual impact upon the streetscape of Nioka Road.

- *To achieve reasonable view sharing.*

#### Comment:

The proposed works will not impact upon views to Narrabeen Lagoon or the Ocean.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 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.

## **B9 Rear Boundary Setbacks**

### Description of non-compliance

The swimming pool proposes a rear setback of 3.2m, non-complaint with the required 6.0m control. This represents a 64% variation to the numeric control.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

The proposal is compliant with the numeric control for landscaped open space. Suitable landscaping is proposed to all sides of the subject site.

- *To create a sense of openness in rear yards.*

Comment:

The proposed swimming pool is located below the existing driveway on site, and as such will not readily visible from the street. This allows for landscaping to dominate the subject site as viewed from public domain.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

Sufficient physical separation is proposed between the proposed swimming pool and the adjoining buildings to the rear. A condition of consent has been included as part of this recommendation to ensure the acoustic impact of the swimming pool mechanical plant be minimised to no more than 5dba above background noise above the nearest residential receiver.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

The subject site is constrained lot in the way it is orientated and presented along Nioka Road. The siting of the pool will not unreasonably impact upon the pattern of buildings or upon existing landscaped open space.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

The proposed swimming pool will not directly overlook the adjoining property to the north and north-east (Nos. 26 and 28 The Esplanade, Narrabeen).

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## D20 Safety and Security

### Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure that development maintains and enhances the security and safety of the community.*

### Comment:

Landscaping is proposed along the existing nature strip to the eastern side of the subject site. The constraints of the site particularly that of slope from west to east, ensure that site lines from the subject site and adjoining properties to the road are limited. To mitigate the potential for increased risk, no approval is provided for any planting along the nature strip, this will ensure visibility of the road is maintained for pedestrians and vehicles

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 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, subject to noted conditions.

## THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

## POLICY CONTROLS

### Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

| Northern Beaches Council Contributions Plan 2018             |           |          |
|--|-----------|----------|
| Contribution based on a total development cost of \$ 735,812 |           |          |
| Contributions  | Levy Rate | Payable  |
| Total Section 7.12 Levy                                      | 0.95%     | \$ 6,990 |
| Section 7.12 Planning and Administration                     | 0.05%     | \$ 368   |
| Total  | 1%        | \$ 7,358 |

## 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;
- Warringah Local Environment Plan;
- Warringah 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 EPs
- 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 DA2019/0013 for Alterations and additions to an existing dwelling on land at Lot 4 DP 235740, 4 Nioka Road, NARRABEEN, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

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

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

##### a) Approved Plans

| Architectural Plans - Endorsed with Council's stamp |               |              |
|---|---------------|--------------|
| Drawing No.   | Dated         | Prepared By  |
| DA-01/a- Site Plan                                  | December 2018 | Sean Gilmour |

|                     |               |              |
|---------------------|---------------|--------------|
| DA-02/a- Roof Plan  | December 2018 | Sean Gilmour |
| DA-03/a- Floor Plan | December 2018 | Sean Gilmour |
| DA-04/a- Floor Plan | December 2018 | Sean Gilmour |
| DA-05/a- Elevations | December 2018 | Sean Gilmour |
| DA-06/a- Elevations | December 2018 | Sean Gilmour |
| DA-07/a- Elevations | December 2018 | Sean Gilmour |
| DA-08/a- Sections   | December 2018 | Sean Gilmour |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |                  |                           |
|---|------------------|---------------------------|
| <b>Report No. / Page No. / Section No.</b>  | <b>Dated</b>     | <b>Prepared By</b>        |
| BASIX Certificate No. A336630   | 13 December 2018 | Sean Gilmour Architect    |
| Geotechnical Investigation  | 12 December 2018 | White Geotechnical Group  |
| Bushfire Assessment Report  | 11 December 2018 | Bushfire hazard solutions |

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

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

| <b>Landscape Plans</b> |               |                    |
|------------------------|---------------|--------------------|
| <b>Drawing No.</b>     | <b>Dated</b>  | <b>Prepared By</b> |
| Concept Landscape Plan | November 2018 | Sean Gilmour       |

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

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

## 2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or

demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

Reason: Legislative Requirement

### 3. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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

### 4. Policy Controls

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

| Northern Beaches Council Contributions Plan 2018                |           |             |
|---|-----------|-------------|
| Contribution based on a total development cost of \$ 735,811.53 |           |             |
| Contributions   | Levy Rate | Payable     |
| Total Section 7.12 Levy   | 0.95%     | \$ 6,990.21 |
| Section 7.12 Planning and Administration                        | 0.05%     | \$ 367.91   |
| Total   | 1%        | \$ 7,358.12 |

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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 Northern Beaches Council Contributions Plan 2018.

## 5. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

### 6. **Stormwater Disposal from Low Level Property**

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850 in particular the Stormwater Drainage from Low Level Properties Technical Specification. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the Northern Beaches Council's "Warringah Water Management Policy PL 850" are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

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

### 7. **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.

8. **Revised Landscape Plan**

A revised Landscape Plan is to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate that shows plant species to be native and consistent with the Narrabeen Slopes Forest vegetation type.

**Reason:** Biodiversity conservation and management (DACNECPCC2)

9. **Landscaping**

No approval is given for any landscaping outside of the subject site. Landscaping is not approved on the public reserve.

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

Reason: To ensure visibility of the road is retained from adjoining properties. (DACPLCPCC1)

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. **Tree protection**

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

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

11. **Maintenance of 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.

12. **Maintenance of Sediment**

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

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

13. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance 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.

14. **Required Planting**

Trees shall be planted in accordance with the following schedule:

| No.<br>of<br>Trees<br>Required. | Species   | Location  | Pot Size |
|---------------------------------|---|---|----------|
| 2                               | Trees species capable of attaining a minimum height of 5 metres at maturity | 1 x Eastern<br>side of<br>residence<br>1 x Western<br>boundary<br>fenceline | 200mm    |

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

Reason: To maintain environmental amenity.

15. **Landscaping implemented**

Prior to the issue of any Occupation Certificate, evidence that the new vegetation planting has been implemented in accordance with the revised Landscape Plan as required under this consent, is to be provided to the Principal Certifying Authority.

**Reason:** Biodiversity management (DACNEFPOC1)

16. **Acoustic Treatment**

Any mechanical plant associated with the swimming pool and spa shall be centrally located within the site, away from the boundaries and acoustically treated so the pool filter does not emit

any noise of 5dba above background noise at the nearest residential receiver.

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

Reason: To ensure the acoustic amenity of the neighbouring residents. (DACPLFPOC1)

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

17. **No Planting Environmental Weeds**

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

**Reason:** Weed management.

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

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

**Reason:** To protect Aboriginal Heritage.

19. **Dead or Injured Wildlife**

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

**Reason:** To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016.

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

**Signed**



**Maxwell Duncan, Planner**

The application is determined on 11/04/2019, under the delegated authority of:



**Matthew Edmonds, Manager Development Assessments**