

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/0134
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Responsible Officer:	Jordan Howard
Land to be developed (Address):	Lot C DP 408946, 7 Coonanga Road AVALON BEACH NSW 2107
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Andrew Ratcliffe Rothwell Viktoriya Dimitrova Angelova
Applicant:	Viktoriya Dimitrova Angelova

Application Lodged:	20/02/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	27/02/2024 to 12/03/2024
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 395,000.00
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PROPOSED DEVELOPMENT IN DETAIL

This Development Application seeks development consent for alterations and additions to a dwelling house. Specifically, the following alterations and additions are proposed:

Ground Floor Level

- Alterations and additions to existing ground floor level to provide for replacement of window W09 with sliding door.
- Extend existing garage by 965mm towards the north.

Upper Floor Level

- Alterations and additions to existing upper floor to create new study and upper deck to replace existing garage roof (study to include bathroom and sink with tea & coffee making facilities).

External Works

- Extended timber verandah to match existing rear western verandah.
- New stair access from upper floor to backyard.

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 - C1.5 Visual Privacy
Pittwater 21 Development Control Plan - C1.14 Separately Accessible Structures
Pittwater 21 Development Control Plan - D1.5 Building colours and materials
Pittwater 21 Development Control Plan - D1.11 Building envelope

SITE DESCRIPTION

Property Description:	Lot C DP 408946 , 7 Coonanga Road AVALON BEACH NSW 2107
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Coonanga Road.</p> <p>The site is regular in shape with a frontage of 19.81m along Coonanga Road and a depth of 36.575m. The site has a surveyed area of 724.6sqm.</p> <p>The site is located within the R2 Low Density</p>

Residential zone and accommodates a dwelling house.

The site slopes slightly from the front (north) down towards the rear (south), with a fall across the site of approximately 1m.

The site contains lawn areas, garden beds, vegetation and trees. There are no details of threatened species at the subject site.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by dwelling houses.

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:

EPA2023/0309 is an ongoing (as of the writing of this report) investigation into building works, related to retaining walls located in close proximity to side boundaries. These retaining walls were the subject of refused **Building Information Certificate No. BC2022/0065** (see below).

Pre-Lodgment Meeting No. PLM2023/0052 sought advice on matters related to the BIC and potential further development for the purposes of a swimming pool and additional landscaping. Advice was provided on planning matters.

Complying Development Certificate No. CDC2022/0731 for "Alterations and additions to a dwelling comprising deck with extended alfresco roof & minor internal alterations to existing garage" was approved by Form Building certifiers on 22 July 2022.

Building Information Certificate No. BC2022/0065 for "construction of a retaining wall and associated landscaping" was refused on 2 February 2023. This BIC sought to normalise retaining walls and associated landscaping that had been constructed in close proximity to boundaries.

Development Application No. N0363/11 for "Demolition of existing structures on site" was approved on 4 January 2012.

Development Application No. N0362/11 for "the erection of a new two storey dwelling" was approved on 30 January 2012.

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	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 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 29</u> of the EP&A Regulation 2021 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 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 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 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this</p>

Section 4.15 Matters for Consideration	Comments
	<p>application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 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>
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 application has been publicly exhibited from 27/02/2024 to 12/03/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

Name:	Address:
Ashley Christian Cardiff	5 Coonanga Road AVALON BEACH NSW 2107

The following issues were raised in the submission:

- **Ongoing investigations into building works at the subject site**

The submission raised that an investigation into building works is ongoing at the subject site (EPA2023/0309). This investigation relates to retaining walls constructed in close proximity to side boundaries of the subject site. The submission questions "how a new DA for other works can be considered when this previous issue is not compliant and no attempt to remedy has been made" and requests that "the history of this property and existing illegal works should be taken into consideration".

Comment:

EPA2023/0309 remains an ongoing investigation (as of the writing of this report), which is being handled separately to this application. It relates to as-constructed retaining walls, located in close proximity to side boundaries. These retaining walls were the subject of the refused Building Information Certificate No. BC2022/0065.

Nonetheless, the works proposed under this Development Application are entirely separate from this matter. Whilst the submitted plans depict these works, no approval is granted or implied by this consent for as-built unauthorised building works. A condition of consent is included in the recommendations of this report to clarify this.

The matter raised can be dealt with under the ongoing investigation EPA2023/0309. Works proposed within this application do not interfere or connect to the works that are subject of the investigation. As this Development Application will not interfere with this process and can be assessed in its own right, it would not be appropriate to withhold the determination of this Development Application, or refuse this application, due to this separate matter.

This issue is not sufficient to warrant refusal of the application.

- **Visual Privacy**

The submission raised concerns that the proposed development would have a negative visual privacy impact on the adjoining property to the west (5 Coonanga Road). In particular, the privacy impact of proposed window W05 (located on the western elevation of the proposed upper floor study) and proposed window W06 (located on the southern elevation of the proposed upper floor study) were raised, as well as the stairway / landing.

Comment:

Refer to the section of this report on P21DCP Clause C1.5 Visual Privacy for a detailed assessment of visual privacy. In summary, it is considered appropriate to include a condition in the recommendations of this report requiring amendments be made to the approved plans. This condition requires the plans be amended so that W05 incorporates one of three available privacy solutions (be high sill, incorporate fixed external privacy screening or be deleted). This will ensure the design of the window promotes privacy between dwellings. No other

unreasonable privacy issues were identified in this assessment of visual privacy. Subject to conditions, the proposal is considered to meet the requirements outlined in P21DCP Clause C1.5 Visual Privacy and does not cause an unreasonable impact on visual privacy between dwellings.

This issue is not sufficient to warrant refusal of the application.

- **Acoustic Privacy / Noise**

The submission raised concerns that the proposed development would result in an unacceptable increase of noise.

Comment:

The proposal meets requirements and underlying outcomes established by P21DCP Clause C1.6 Acoustic Privacy.

The proposal does not seek to change or intensify the use of the site from the existing use, a dwelling house. Therefore, there is not expected to be an unreasonable increase in foot-traffic or noise generated by the alterations and additions. The outdoor upper floor deck is reasonably located, oriented to the front boundary, and separated from the west side boundary by the proposed study. Overall, any noise or amenity impacts that may be generated from the normal use of a dwelling house or its outdoor entertaining areas would not be out of character or expectation within a low density residential area.

It should also be noted that the *Protection of the Environment Operations Act 1997* provides generic regulatory instruments that can be applied to any context, should noise generated be determined to be 'offensive noise', allowing action to be taken by council or police officers. This provides generic protection should unreasonable noise be generated by any property.

This issue is not sufficient to warrant refusal of the application.

- **Building Envelope**

The submission raised concerns that the proposal breaches the western side building envelope. Furthermore, the submission questioned if the envelope had been measured from the ground level at the boundary and not the ground level raised by retaining walls adjacent to the boundary (which are the subject of EPA2023/0309).

Comment:

Refer to the section of this report on P21DCP Clause D1.11 Building envelope for a detailed assessment of building envelope. The breach is measured and assessed within this section based on the ground level at the side boundary, not the elevated retaining wall level, as is required by the control. In summary, the minor envelope breach is supported on merit.

This issue is not sufficient to warrant refusal of the application.

- **Building Footprint / Landscaped Area**

The submission raised concerns that the increase of the building footprint will reduce the landscaped area of the subject site to a non-compliant level.

Comment:

Despite a slight decrease in landscaped area being proposed, the subject site exhibits 50%

(362.6sqm) landscaped area, which is compliant with the 50% landscaped area requirement established by P21DCP Clause D1.13 Landscaped Area - General.

This issue is not sufficient to warrant refusal of the application.

Potential for the study to be used as a separate structure, secondary dwelling or commercial space.

- The submission raised concerns that the study space is separate from the main dwelling, with separate access from the main dwelling, which would enable "the space to be used for separate rental or other commercial purposes". The submission raised concern that the structure may be used as either a separate structure, secondary dwelling or commercial space.

Comment:

Regarding concern that the structure is separately accessible, this is permissible. P21DCP Clause C1.14 Separately Accessible Structures establishes that "a separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that: i) it is ancillary to a dwelling; ii) it is not designed for separate habitation and does not contain any cooking facilities".

The proposal does not seek to change or intensify the use of the site from the existing use, a dwelling house. The consent does not seek permission for a secondary dwelling. Therefore, to address these concerns, to clarify the use, and to comply with P21DCP Clause C1.14 Separately Accessible Structures, conditions of consent are included in the recommendations of this report stipulating that no approval is granted or implied under this Development Consent for the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area. The conditions also clarify that the study specifically may not contain any built in cooking facilities.

Regarding the concern that the structure may be used as "commercial space", it is again noted that the structure may only lawfully be used in accordance with its permitted use, that being a dwelling house. However, it should be noted that the *Pittwater Local Environmental Plan 2014* and the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* allow for limited commercial use of dwelling houses as exempt development for the purposes home occupations, home business and home industries. As such, provided the exempt development standards are met, limited such activities can take place within a dwelling house. Any use of the dwelling house outside of the definition within the PLEP 2014, or outside of that allowable as exempt development, is not granted or implied under this development consent.

This issue is not sufficient to warrant refusal of the application.

- **Bulk and Scale / Visual Impact**

The submission raised concerns that the proposal is overbearing, exhibits unreasonable bulk and scale, and has an unacceptable visual impact.

Comment:

The proposal is fully compliant with the height of buildings development standard established by the PLEP 2014. The proposal is also compliant with front setback, side setback, rear setback and landscaped area built form controls established by the P212DCP. The only non-

compliance exhibited by the proposal is a minor breach of the western side building envelope, which is assessed as acceptable on merit within the section of this report on P21DCP Clause D1.11 Building envelope. As such, it is not considered that the proposal is overbearing, exhibits unreasonable bulk and scale, or has an unacceptable visual impact

This issue is not sufficient to warrant refusal of the application.

- **Impact of Lighting**

The submissions raised concerns that the lighting of the proposed development will have an unacceptable visual impact.

Comment:

It must be noted that the subject site and surrounding area is zoned R2 Low Density Residential. It is expected that some level of lighting from surrounding low density residential buildings be visible from adjacent properties. The proposal does not intensify the use of the subject site, remaining a dwelling house within a low density residential environment. Adequate separation is maintained between the extension and surrounding properties, particularly noting that the proposal is compliant with front, side and rear setbacks. The lighting of a dwelling house is not expected to create a unreasonable impact on adjacent properties.

This issue is not sufficient to warrant refusal of the application.

REFERRALS

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	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 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 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 (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. A1733224, issued 23 January 2024).

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 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 raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

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	7m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation	Complies
Front building line	6.5m	6.5m (to upper deck) 8.2m (to garage)	- -	Yes Yes
Rear building line	6.5m	15.4m (to extended ground floor deck) 19.6m (to stairs) 20.9m (to study)	- - -	Yes Yes Yes
Side building line	West: 2.5m	2.5m (to study) 2.8m (to stairs)	- -	Yes Yes
	East: 1m	>1m, additions located to west of existing dwelling	-	Yes
Building envelope	West: 3.5m	Outside envelope, area between 0.1m and 0.4m in vertical height by a horizontal length of 9.1m	N/A	No
	East: 3.5m	Within envelope	-	Yes
Landscaped area	50% (362.3sqm)	50% (362.6sqm)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B5.15 Stormwater	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.4 Scenic protection - General	Yes	Yes
D1.5 Building colours and materials	No	Yes
D1.8 Front building line	Yes	Yes
D1.9 Side and rear building line	Yes	Yes
D1.11 Building envelope	No	Yes
D1.13 Landscaped Area - General	Yes	Yes
D1.15 Fences - General	Yes	Yes
D1.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

C1.5 Visual Privacy

A submission has raised concerns that the proposed development would have a negative visual privacy impact on the adjoining property to the west (5 Coonanga Road). In particular, the privacy impact of proposed window W05 (located on the western elevation of the proposed upper floor study) and proposed window W06 (located on the southern elevation of the proposed upper floor study) were raised, as well as the stairway / landing.

This control of the P21DCP stipulates the following relevant provisions:

- *Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation.*
- *Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.*

In addition the provisions of P21DCP Clause C1.5 Visual Privacy, Planning Principles relating to privacy established in *Meriton v Sydney City Council [2004] NSWLEC 313* are considered. These principles hold that when using judgement to assess privacy, consideration must be given to density, separation, use and design.

Potential privacy impacts are assessed as follows:

W05 (Western Elevation)

This window is located on an upper floor, oriented to the side boundary, and setback from this boundary by 2.5m. The window runs the entire length of the western elevation of the proposed study, making it quite large. Whilst not directly in alignment with existing windows at 5 Coonanga Road, and separated by a distance of approximately 17m from the pool area of 5 Coonanga Road (greater than the required 9m), consideration must be given to the potential for future development at 5 Coonanga Road. A large upper floor window oriented to a side boundary without any privacy mitigation measures would not be the best privacy outcome.

Therefore, it is considered appropriate to include a condition in the recommendations of this report requiring amendments be made to the approved plans. This condition requires the plans be amended so that W05 incorporates one of three available privacy solutions (be high sill, incorporate fixed external privacy screening or be deleted). This will ensure the design of the window promotes privacy between dwellings. As conditioned, this window is considered to meet the requirements outlined in P21DCP Clause C1.5 Visual Privacy and does not cause an unreasonable impact on visual privacy between dwellings.

W06 (Southern Elevation)

This window is located on an upper floor, oriented towards the rear yard, and setback from the rear boundary by 20.9m. The window runs the entire length of the southern elevation of the proposed study, however, this elevation of the study is not as long as the western elevation. This window is oriented towards the rear yard and side garden of the subject site. Views towards the adjoining neighbour to the west are not the primary focus of this window. It should be noted that the area is zoned R2 Low Density Residential. In a suburban area of this density, minor, indirect overlooking from upper areas into the rear yards of neighbouring properties is not unreasonable, especially where it occurs incidentally, over a long distance, and is not the result of the orientation of windows directly towards the side boundary.

This window is considered to meet the requirements outlined in P21DCP Clause C1.5 Visual Privacy and does not cause an unreasonable impact on visual privacy between dwellings.

External Staircase / Landing / Deck

The main elevated external deck proposed is located oriented towards the front boundary, between the existing dwelling and the proposed study. This position and orientation does not create any visual privacy impacts to neighbouring properties, as the sides of the deck are bounded by the dwelling itself. The deck does have an upper landing area and staircase to the ground on the western side of

the dwelling. However, this is a transient area, not used for extended period of time, just to provide access to and from the deck.

These elements of the proposal are considered to meet the requirements outlined in P21DCP Clause C1.5 Visual Privacy and do not cause an unreasonable impact on visual privacy between dwellings.

Merit assessment

For the benefit of a full assessment, the proposal 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:

As discussed above, the proposed development, subject to recommended conditions of consent, will optimise levels of privacy between properties through good design.

A sense of territory and safety is provided for residents.

Comment:

The proposed development is not expected to impact on the existing sense of territory and safety for residents.

Having regard to the above assessment, it is considered 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, subject to conditions.

C1.14 Separately Accessible Structures

The proposed study is a separately accessible structure. P21DCP Clause C1.14 Separately Accessible Structures establishes that "a separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that: i) it is ancillary to a dwelling; ii) it is not designed for separate habitation and does not contain any cooking facilities."

The proposal does not seek to change or intensify the use of the site from the existing use, a dwelling house. This Development Application does not seek permission for a secondary dwelling.

Therefore, to clarify the use and to comply with P21DCP Clause C1.14 Separately Accessible Structures, conditions of consent are included in the recommendations of this report stipulating that no approval is granted or implied under this Development Consent for the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area. The conditions also clarify that the study specifically may not contain any built in cooking facilities.

Subject to these conditions, the proposal complies with the requirements and underlying outcomes of this Clause.

D1.5 Building colours and materials

Clause D1.5 Building Colours and Materials require that buildings are to utilise medium to dark colour ranges with natural and earthy tones.

The proposed development indicates that the primary materials for the extension are to consist of a light colour scheme. It is noted that the existing primary dwelling and some surrounding developments within the immediate vicinity consists of a similar lighter colour scheme, which does not strictly meet the prescribed requirements of this control.

Council may consider lighter coloured external walls for residential development within Area 3 on the Landscaped Area Map and in areas that are not visually prominent. As the colour scheme is to match the existing dwelling, the lighter colour scheme is considered acceptable in this instance.

However, a condition of consent is included in the recommendations of this report to ensure the proposed roof does not cause excessive glare or reflectivity nuance to neighbouring properties, including by prohibiting any roof with a metallic steel or reflective finish.

D1.11 Building envelope

Description of non-compliance

Under Clause D1.11 of the P21DCP, buildings are required to be sited within a building envelope which is measured from a height of 3.5m above ground level and projected 45 degrees at the side boundaries to the maximum building height.

The proposed development encroaches into the side boundary envelope along the west elevation as depicted in *Figure 1*. This breach area has been measured from the ground level existing at the side boundary in accordance with the requirements of this Clause, not from the level of the retaining walls adjacent to the side boundary (which are the subject of EPA2023/0309). The area of the breach is between 0.1m and 0.4m in vertical height, by a horizontal length of 9.1m.

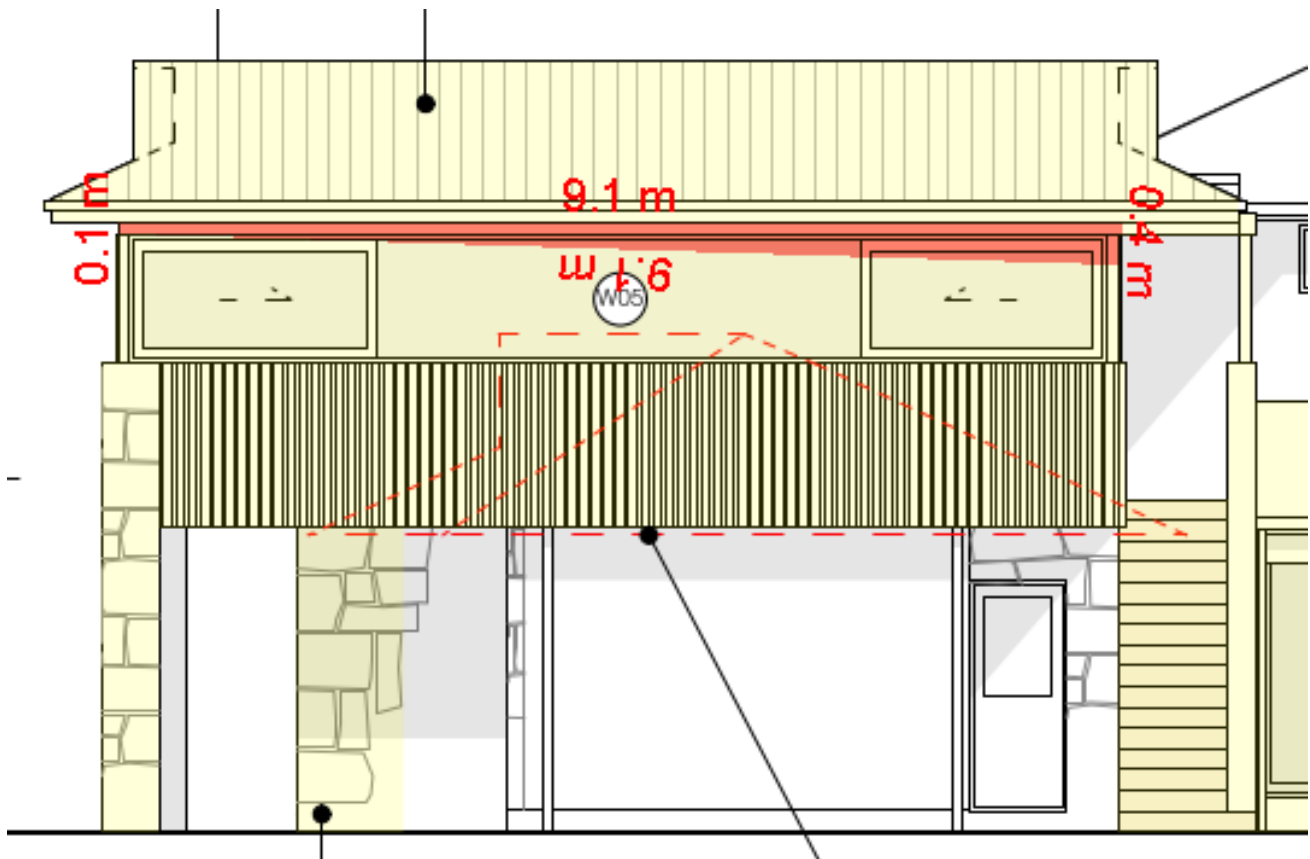


Figure 1 - Extract of West Elevation showing building envelope breach in red.

Merit consideration

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

To achieve the desired future character of the Locality.

Comment:

The proposal is consistent with the desired future character of the Avalon Beach Locality.

To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.

Comment:

The proposed envelope breach is minor in its vertical height. Furthermore, the proposal is fully compliant with the height of buildings development standard established by the PLEP 2014, and with front setback, side setback, rear setback and landscaped area built form controls established by the P21DCP. It is not considered that the proposal is overbearing, exhibits unreasonable bulk and scale, or has an unacceptable visual impact. The design of the alterations and additions compliment the existing building and will enhance the existing streetscape. The proposal also maintains a dwelling house that is of a scale and density that is below the height of the trees of the natural environment.

To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.

Comment:

The proposed development is primarily sited within the footprint of the existing dwelling. The alterations and additions are not considered to cause unreasonable impact to the spatial characteristics of the natural environment. The proposal includes comparable setbacks and bulk and scale to existing and approved developments in the locality. As such, the proposal provides an adequate response and relationship to the spatial characteristics of the existing natural environment.

The bulk and scale of the built form is minimised.

Comment:

As discussed, the proposed development is of comparable building bulk and scale to existing and approved developments in the locality. The proposal is fully compliant with the height of building development standard established by the PLEP 2014, and with front setback, side setback, rear setback and landscaped area built form controls established by the P21DCP. It is not considered that the proposal is overbearing, exhibits unreasonable bulk and scale, or has an unacceptable visual impact.

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

Comment:

The proposed development is not expected to impact views and vistas to and from public and private places.

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

Comment:

Refer to the section of this report on P21DCP Clause C1.5 Visual Privacy for a detailed assessment of visual privacy. In summary, it is considered appropriate to include a condition in the recommendations of this report requiring amendments be made to the approved plans. This condition requires the plans be amended so that W05 incorporates one of three available privacy solutions (be high sill, incorporate fixed external privacy screening or be deleted). This will ensure the design of the window promotes privacy between dwellings. No other unreasonable privacy issues were identified in this assessment of visual privacy. Subject to conditions, the proposal is considered to meet the requirements outlined in P21DCP Clause C1.5 Visual Privacy and does not cause an unreasonable impact on visual privacy between dwellings.

The proposal also maintains a reasonable level of amenity and solar access in accordance with the requirements of the P21DCP.

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

Comment:

Tree or vegetation removal is not proposed as part of this development application. The subject site as existing has been disturbed for low density residential use. Despite a slight decrease in landscaped area, the proposal exhibits a compliant level of landscaped area, as required by P21DCP Clause D1.13 Landscaped Area - General.

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.

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 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$3,950 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$395,000.

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 2021;
- 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 DA2024/0134 for Alterations and additions to a dwelling house on land at Lot C DP 408946, 7 Coonanga Road, AVALON BEACH, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
001	A	Existing & Demolition Plan - Ground	Roost Architecture	23 January 2024

002	A	Existing & Demolition Plan - Upper Level	Roost Architecture	23 January 2024
003	A	Existing & Demolition Plan - Roof	Roost Architecture	23 January 2024
004	A	Site Plan & Analysis, Erosion & Sediment Control, Waste Management	Roost Architecture	23 January 2024
101	A	Proposed Ground Plan	Roost Architecture	23 January 2024
102	A	Proposed Upper Plan	Roost Architecture	23 January 2024
103	A	Proposed Roof Plan	Roost Architecture	23 January 2024
201	A	Proposed North & West Elevations	Roost Architecture	23 January 2024
202	A	Proposed South & East Elevation	Roost Architecture	23 January 2024
301	A	Proposed Sections AA & BB	Roost Architecture	23 January 2024
302	A	Proposed Sections CC	Roost Architecture	23 January 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	A1733224	Roost Architecture	23 January 2024
Waste Management Plan - 7 Coonanga Road, Avalon Beach	-	-	-
Schedule of Colours & Materials	A	Roost Architecture	23 January 2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and

requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	04/03/2024 (on EDMS)

(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 Certifier 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 Certifier 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 Certifier 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 an 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 following is required:

- i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or 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.

5. **Extent of Approved Works**

This Development Consent does not relate to retaining walls and landscaping works that were the subject of Building Information Certificate No. BC2022/0065 and are the subject of EPA2023/0309. No approval is granted or implied under this Development Consent for these works or any unauthorised as-built works.

This Development Consent relates only to proposed alterations and additions to the existing dwelling house as depicted in the approved plans.

Reason: To ensure unauthorised as-built works are not issued development consent retrospectively as development consent can only operate prospectively.

6. **No Approval for Secondary Dwelling**

No approval is granted or implied under this Development Consent for the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those in the designated kitchen area of the existing dwelling.

The study is not to contain built in cooking facilities.

Reason: To ensure compliance with the terms of this consent.

FEES / CHARGES / CONTRIBUTIONS

7. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$3,950.00 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 (as amended).

The monetary contribution is based on a development cost of \$395,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

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

8. 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 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 Certifier 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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9. 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 Certifier 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 Certifier 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.

10. Amendments to the approved plans

Window W05 (on the Western Elevation of the study) on the approved plans is to be amended to incorporate ONE of the following privacy solutions:

- W05 is to be amended to have a sill height of 1.65m above the finished floor level of the study, OR;
- W05 is to be amended to have fixed external privacy screening, which must extend from the bottom of the window up to a height of at least 1.65m above the finished floor level of the study, OR;
- W05 is to be deleted.

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

Reason: In order to maintain privacy to the adjoining / nearby property and to require amendments to the plans endorsed by the consent authority following assessment of the development

11. Boundary Identification Survey

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

12. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:

1. Council's relevant development control plan,
2. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

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

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

13. 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 Certifier prior to the issue of the Construction Certificate.

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

14. External Finishes to Roof

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.46 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties.

Any roof with a metallic steel or reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier 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.

15. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

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

- “Tap in” details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

DURING BUILDING WORK

16. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

17. 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 Certifier when the external structure of the building is complete.

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

18. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

19. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

20. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Proper identification of buildings.

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

21. **No Approval for Secondary Dwelling (On-Going)**

No approval is granted or implied under this Development Consent for the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those in the designated kitchen area of the existing dwelling.

The study is not to contain built in cooking facilities.

Reason: To ensure compliance with the terms of this consent.

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

Signed



Jordan Howard, Planner

The application is determined on 16/04/2024, under the delegated authority of:



Steven Findlay, Manager Development Assessments