



## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/0575
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<b>Responsible Officer:</b>	Georgia Quinn
<b>Land to be developed (Address):</b>	Lot 8 DP 7410, 12 Lake Park Road NORTH NARRABEEN NSW 2101
<b>Proposed Development:</b>	Construction of a secondary dwelling
<b>Zoning:</b>	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>	Marcus Peter Van Haren Georgia Rose Bennett
<b>Applicant:</b>	Drafting Help

<b>Application Lodged:</b>	02/06/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - New second occupancy
<b>Notified:</b>	11/06/2020 to 25/06/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 120,000.00
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### PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for the construction of a detached secondary dwelling and associated landscaping works.

### 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 - B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land

Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements

Pittwater 21 Development Control Plan - B8.3 Construction and Demolition - Waste Minimisation

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - C1.6 Acoustic Privacy

Pittwater 21 Development Control Plan - C1.12 Waste and Recycling Facilities

Pittwater 21 Development Control Plan - D14.3 Building colours and materials

Pittwater 21 Development Control Plan - D14.7 Front building line

Pittwater 21 Development Control Plan - D14.8 Side and rear building line

Pittwater 21 Development Control Plan - D14.12 Landscaped Area - General

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 8 DP 7410 , 12 Lake Park Road NORTH NARRABEEN NSW 2101
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the northern side of Lake Park Parade and the eastern side of Darius Avenue, being a corner allotment. Vehicular access is obtained via Lake Park Parade.</p> <p>The site is regular in shape with a frontage of 15.2m along Lake Park Parade and a length of 30.5m along Darius Avenue. The site has a surveyed area of 464.5m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a single storey dwelling and a detached garage.</p> <p>The site has a minor cross fall from the southwest to the northeast of approximately 0.4m.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by similar low density residential development within landscaped settings.</p>

Map:



## SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

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

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

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</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 clause is not relevant to this application.</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 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 the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited 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:
Mr Stephen Dampf	2 Darius Avenue NORTH NARRABEEN NSW 2101

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

- **Height of Structure;**
- **Bulk and Scale;**
- **Tree Removal;**
- **Flooding; and**
- **Parking.**

The matters raised within the submissions are addressed as follows:

### Height of Structure

Concern is raised in regards to the proposed height being 7.99m and the impact this will create in relation to solar access, reduction in breezes and increased noise to the property directly north.

#### Comment:

The proposed development is 6.1m in height as measured from existing ground level. The objector appears to have mistaken the roof RL for the height of the structure. Notwithstanding this error, the proposal being single storey in nature and located to the south of the objecting property is not likely to impose unreasonable solar impacts to this property. Further, as the development is single storey and appropriately sized, it is not likely to significantly reduce the degree of breezes obtained at No. 2 Darius Avenue. The matter of privacy has been addressed elsewhere within this report (refer to Clauses 1.5 Visual Privacy and 1.6 Acoustic Privacy). In summary, the development is not considered likely to result in unreasonable visual or acoustic privacy considering the low density residential nature of the development in conjunction with its siting, orientation and landscape treatment that is to border it.

Therefore this matter does not warrant the refusal of the application.

### Bulk and Scale

Concern is raised in regard to the length of the secondary dwelling being 10.6m which is said to span the length of the objector's front lawn and in turn will be seen from the front of the house at No. 2 Darius Street.

#### Comment:

The secondary dwelling complies with the numeric side setback requirements, and it also complies with the boundary envelope requirement and the height of buildings development standard. The development is also largely offset from the dwelling house at No. 2 Darius Avenue such that the building will not result in an overbearing visual dominance. In turn, the development is considered to be of an appropriate bulk and scale.

Therefore this matter does not warrant the refusal of the application.

### Tree Removal

Concern is raised in regard to the removal of trees without any replacement species along the northern elevation, as this is said to create a pathway for flood waters to the objecting property. Further concern is raised in regard to potential damage to the Norfolk Pine Tree located within the front yard of No. 2 Darius Ave.

#### Comment:

The application is supported with an Arboricultural Impact Assessment (prepared by The Ents Tree Consultancy, dated 19 May 2020) which has assessed trees that are on and adjoining the subject site which may be impacted upon by the works. The report concludes that four trees are to be removed (three of which are exempt species and the fourth was assessed as being structurally compromised). All other trees are to be retained and protected for the duration of the works using certain protection methods. The recommendations made within this report have been included as conditions of consent. The proposal has also been reviewed by Council's Landscape Officer and Flooding Engineer who have raised no objection subject to conditions included in the recommendation of this report. One of such conditions relates to a replanting schedule, of which requires screen planting along the eastern and western boundaries as well as two canopy trees within the site.

Therefore this matter, as conditioned, does not warrant the refusal of the application.

### Flooding

Concern is raised that the proposed development will exacerbate the velocity of flooding at No. 2 Darius Ave, particularly as the land slopes toward such property.

#### Comment:

The proposal has been reviewed by Council's Food Engineer having regard to provisions for Flood Management and has raised no objection subject to conditions. In turn, Council can be satisfied that the proposal is appropriately designed and sited such that water management and amenity for adjoining and surrounding properties is reasonable.

Therefore this matter, as conditioned, does not warrant the refusal of the application.

### Parking

Concern is raised that no additional parking provisions have been provided as part of this application.

#### Comment:

Clause 22 of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* stipulates that a consent authority must not refuse consent to a development for the purpose of a secondary dwelling on the grounds of parking; specifically if no additional parking is proposed to be provided on site. The application is therefore supported in its current form, pursuant to *SEPP ARH*.

Therefore this matter does not warrant the refusal of the application.

### REFERRALS

Internal Referral Body	Comments
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Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p> <p><b>Planner Comment:</b> The imposed condition of consent from this referral body related to the converting of an existing building to a secondary dwelling. This is not proposed as part of this application (given the secondary dwelling is a new build) therefore such condition has been removed from the consent.</p>
Landscape Officer	<p>The Arborist's Report submitted with the application is noted. The report indicates that four trees are to be removed to accommodate the proposed works. Three of these are exempt species and the fourth is indicated to be structurally compromised. The trees are not considered significant and no objections are raised to removal in this instance, subject to replanting conditions.</p> <p>The Arborist's Report indicates that subject to Arboricultural supervision, impacts on a tree on the adjoining property can be managed. As such, conditions have been included requiring appointment of a Project Arborist prior to commencement of works.</p> <p>The location of the secondary dwelling does not enable screen planting at the rear of the site, however in the absence of a landscape plan it is recommended that screen planting be provided along the eastern and western boundaries adjacent to the secondary dwelling to provide a buffer to the adjoining property and the streetscape. Relevant conditions have been included.</p> <p>No objections are raised to approval subject to conditions as recommended.</p>
NECC (Development Engineering)	No objection to approval, subject to conditions as recommended.
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed DA generally meets the flood controls in the LEP and DCP. The FPL is 3.53m AHD and PMF is 4.85m AHD. The proposed secondary dwelling has a first floor level of 3.53m AHD and shelter in place is provided above the PMF level. The dwelling is built on piers which will allow water to flow underneath it.

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 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

### SEPP (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

### Division 2: Secondary dwellings

#### Clause 19: Definition

Development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

**Note:** The standard instrument defines secondary dwelling as follows:

**"secondary dwelling means a self-contained dwelling that:**

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling."*

#### Comment:

The proposed use is defined under PLEP 2014 as follows:

**"secondary dwelling means a self-contained dwelling that:**

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling."*

#### Clause 20: Land to which this Division applies:

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but <i>only if</i> development for the purposes of a dwelling house is permissible on the land:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or	<b>Consistent.</b> The site is located within the R2 Low Density Residential zone and, as such, the proposed use is



(d) Zone R4 High Density Residential, or (e) Zone R5 Large Lot Residential.	permissible with consent under PLEP 2014.
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#### Clause 21: Development to which this Division applies

Requirement	Comment
This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.	<b>Consistent.</b> The development involves the construction of a secondary dwelling, as defined by the Standard Instrument. Therefore, this Division applies.

#### Clause 22: Development may be carried out with consent

Development to which this Division applies may be carried out with consent.

Requirement	Comment
(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	The proposed development will result in there being on the land the principal dwelling and secondary dwelling only.
(3) A consent authority must not consent to development to which this Division applies unless:  (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and  (b) the total floor area of the secondary dwelling is no more than 60m <sup>2</sup> or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.	The proposed secondary dwelling has a total floor area of 54.9m <sup>2</sup> , in accordance with Clause 5.4(9) of PLEP 2014.
(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:  (a) site area if:  (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or (ii) the site area is at least 450 square metres.  (b) parking if no additional parking is to be provided on the site.	The proposed secondary dwelling is wholly separate from the principal dwelling. The subject site has an area of 464.5m <sup>2</sup> . No additional parking is proposed as part of the application.

**Note:** A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

#### Clause 24: No subdivision

Requirement	Comment
A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	<b>Consistent.</b> This application does not propose any subdivision of the existing allotment.

## Conclusion

The proposed development is in accordance with the *State Environmental Planning Policy (Affordable Rental Housing) 2009* and is therefore supported for approval.

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

A BASIX certificate has been submitted with the application (see Certificate No. 1095784S, dated 27 April 2020).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	50

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.

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

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

#### **13 Development on land within the coastal environment area**

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*

- (b) *coastal environmental values and natural coastal processes,*
- (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*

Comment:

The proposed development is not likely to cause any adverse impacts as listed above due to the relatively minor scale of the works, in conjunction with the secondary dwelling being sited above ground on piers.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
  - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1).

#### **14 Development on land within the coastal use area**

- (1)
  - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
    - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
    - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
    - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
    - (iv) Aboriginal cultural heritage, practices and places,
    - (v) cultural and built environment heritage, and
  - (b) is satisfied that:
    - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
    - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
    - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
  - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

Due to the scale of the works as well as it being sited above ground on piers, no adverse impacts as listed above in subclause (a) are considered likely to arise. The development has been designed, sited and will be managed to avoid such impacts referred to above in subclause (a).

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

#### **15 Development in coastal zone generally—development not to increase risk of coastal hazards**

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The development is not likely to cause increased risk of coastal hazards on that land or other land.

#### 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	Complies
Height of Buildings:	8.5m	6.1m	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	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 <i>West</i>	3.0m	53.9% (3.5m)	No
	6.5m <i>South</i>	22.0m	N/A	Yes
Side building line	2.5m <i>East</i>	2.5m	N/A	Yes
	1m <i>North</i>	1.0m	N/A	Yes
Building envelope	3.5m <i>East</i>	Within envelope	N/A	Yes
	3.5m <i>North</i>	Within envelope	N/A	Yes
Landscaped area	50% (232.3m <sup>2</sup> )	45.9% (213.2m <sup>2</sup> )	8.2% (19.1m <sup>2</sup> )	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood 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
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
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	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.11 Secondary Dwellings and Rural Worker's Dwellings	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes
D14.3 Building colours and materials	No	Yes
D14.7 Front building line	No	Yes
D14.8 Side and rear building line	Yes	Yes
D14.11 Building envelope	Yes	Yes
D14.12 Landscaped Area - General	No	Yes
D14.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D14.18 Scenic Protection Category One Lands	Yes	Yes

Detailed Assessment**B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land**

The proposed development requires the removal of four (4) trees, three (3) of which are exempt species. The tree to be removed is classified within the supporting Arborist Report to be structurally compromised. In turn, Council's Landscape Officer has reviewed the proposal and imposed conditions of consent that require additional planting within the site as well as the retention of the remaining trees. The development, as conditioned, satisfies this Clause.

### B6.3 Off-Street Vehicle Parking Requirements

The subject site currently contains a single garage only in terms of formal parking provisions, thereby contravening the numeric requirement of the Control. This is an existing situation however and is not proposed to be altered as a result of this application.

Given the proposal comprises a secondary dwelling with one (1) bedroom, one (1) additional on-site parking space would be required in accordance with the requirements of this Control. However, Clause 22 of SEPP (Affordable Rental Housing) 2009 stipulates that a consent authority must not refuse consent to a development for the purpose of a secondary dwelling on the grounds of parking; specifically if no additional parking is proposed to be provided on site. It is acknowledged that there is an inconsistency between the requirements of the SEPP and those prescribed within P21DCP, however in accordance with Clause 8 of SEPP ARH, such Policy prevails to the extent of the inconsistency. In turn, the application is supported in its current form.

### B8.3 Construction and Demolition - Waste Minimisation

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

### C1.5 Visual Privacy

#### Description of non-compliance

The Control requires private open space areas and living rooms of proposed and existing adjoining dwellings to be protected from direct overlooking within 9 metres.

Notwithstanding the central siting of the secondary dwelling within the *rear* yard, the development is unable to attain a spatial separation in excess of 9m to both adjoining properties (being No. 2 Darius Avenue and No. 14 Lake Park Road).

#### Merit consideration

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

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

#### Comment:

The secondary dwelling is sited such that sufficient spatial separation is afforded between buildings, being setback a minimum of between 3.3 and 5.6m from the northern adjoining property and 5.0m from the eastern adjoining property. Such spatial separation is reasonable considering the established residential nature of the area. Further, the northern elevation contains only one window which is small scale and services the bathroom. A condition of consent has been imposed which requires such window to be finished in a translucent or opaque glazing so as to maximise visual privacy. It is also noted that the dwelling of this adjoining property is situated further east than the secondary dwelling, therefore the buildings will remain offset from one another. The secondary dwelling contains two windows along its eastern elevation which service the bedroom and living room. Such windows remain offset from those of the adjoining dwelling. In order to optimise visual privacy and soften the visual impact of the built form, Council's Landscape Officer has imposed a condition of consent that requires screen planting of a minimum 2.5m height along the eastern and western boundaries. Furthermore, the small entrance deck is oriented toward the principal dwelling and subsequently the primary frontage of the allotment, as prescribed within the Control.

In this respect, the proposed development is considered to provide reasonable amenity for the dwelling

occupants and those of adjoining and surrounding properties.

- *A sense of territory and safety is provided for residents.*

Comment:

It is assumed the sense of territory and safety will continue to be provided for residents.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / 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, subject to conditions, in this particular circumstance.

### **C1.6 Acoustic Privacy**

The proposed secondary dwelling is largely offset the adjoining dwelling houses, and the entrance decking is oriented toward the principal dwelling. No unreasonable acoustic privacy impacts are considered likely to arise given the low-density residential nature of the development in conjunction the established residential area of which it is located within.

### **C1.12 Waste and Recycling Facilities**

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

### **D14.3 Building colours and materials**

Description of non-compliance

The provided *Finishes Schedule* demonstrates that the cladding of the secondary dwelling is to be painted white and the roofing is to be colourbond 'Surf Mist', which in turn contravene the requirements of the Control. The Control stipulates that external colours and materials are to be dark and earthy in tone, and that white, light coloured, red or orange roofs and walls are not permitted. The site is however located within Area 3 of the landscaped area map which allows for lighter coloured external walls (excluding white) for residential development.

Merit consideration

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

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

Comment:

The proposed development is of an appropriate bulk and scale such that it will not present as an overbearing visual dominance as viewed from the streetscape or adjoining properties. It is considered appropriate to enable the external colours and finishes of the secondary dwelling to remain consistent and complimentary with the principal dwelling. In this regard, the desired future character of the locality is considered to be achieved.

- *The development enhances the visual quality and identity of the streetscape.*

Comment:

It is acknowledged that the principal dwelling is finished in a light blue colour, therefore in order to maintain visual consistency within the site and the wider streetscape, the secondary dwelling may be finished in a colour that is complimentary and consistent with that of the principal dwelling. Further, many of the dwellings within Lake Park Road and Darius Avenue are finished in white and light colours therefore the proposal will be in keeping with the existing streetscape identity. The roofing however is required to have a medium to dark range in order to minimise solar reflections to neighbouring properties. Relevant conditions of consent will be imposed to ensure compliance with the above.

- *To provide attractive building facades which establish identity and contribute to the streetscape.*

Comment:

The proposed development will not appear as a visually dominant feature as viewed from the streetscape due to its compliant height and appropriate bulk and scale. Further, a condition of consent has been imposed which requires screen planting along the western boundary, that at maturity achieves a minimum height of 2.5m. The external finishes will also remain consistent with the that of the principal dwelling and various other developments within the streetscape and wider locale to retain the existing identity.

- *To ensure building colours and materials compliments and enhances the visual character of its location with the natural landscapes of Pittwater.*

Comment:

The development will remain visually consistent and complimentary of the existing principal dwelling and others within the streetscape. The development will furthermore contribute to the surrounding natural landscapes.

- *The colours and materials of the development harmonise with the natural environment.*

Comment:

The external colours and finishes will remain consistent with the development on-site as well as various other developments within the streetscape and wider locale such that the coastal characteristics of the area is maintained.

- *The visual prominence of the development is minimised.*

Comment:

The development will be appropriately screened and softened as a result of the complimentary exterior finishes in conjunction with the provision of additional landscape treatment.

- *Damage to existing native vegetation and habitat is minimised.*

Comment:

The exterior colours and finishes of the development will not hinder the health or structural stability of native vegetation and habitat. Further, the application is supported with an Arborist Report which has been reviewed by Council's Landscape Officer who raised no objection to the proposal subject to certain conditions. In turn, no significant vegetation is required to be removed in order to facilitate the proposal.



Having a regard to the above assessment it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposed is supported, subject to conditions, in this particular circumstance.

#### **D14.7 Front building line**

##### Description of non-compliance

The Control requires structures to be setback a minimum of 6.5m from the front boundary. Given the subject site is a corner allotment, both the southern and western boundaries are considered to be front boundaries. In this regard, the proposed development satisfies the front setback requirement as taken from the southern boundary, however is setback 3.0m from the western frontage. This represents a variation of 53.9% (3.5m).

It is noted the variations provision of the Control allows for a front setback to a secondary street of half the prescribed requirement (ie. 3.25m), provided the underlying objectives are achieved. Whilst it is acknowledged the proposal fails to satisfy the variation by 0.25m, it is not considered to result in a discernible contrast as viewed from the streetscape.

##### Merit consideration

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

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

##### Comment:

The secondary dwelling remains compliant with the height of buildings development standard, and complies with the side setback and building envelope requirements which in turn result in a built form that is articulated and minimised. A condition of consent has been imposed that requires screen planting along the western boundary so as to screen the building as viewed from the public domain. In turn, the development is considered to achieve the desired future character of the locality.

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

##### Comment:

No views or vistas will be hindered as a result of this application, given the single storey nature of the development in conjunction with the sufficient setbacks provided.

- *The amenity of residential development adjoining a main road is maintained.*

##### Comment:

Not applicable, as the subject site does not adjoin a main road.

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

##### Comment:

The proposed development requires the removal of four (4) trees, three (3) of which are exempt species whilst the fourth tree is described to be structurally compromised. Therefore, Council's Landscape Officer

has concluded that no significant species will be lost and additional landscape treatment has been imposed via conditions of consent. In turn, the on-site provision of vegetation will be enhanced to assist in the visual reduction of the built form.

- *Vehicle manoeuvring in a forward direction is facilitated.*

Comment:

Not applicable, given there are no proposed changes to the existing parking provisions or arrangements on-site.

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

Comment:

The vegetation within the front setback area of the site will not be altered as a result of this application, however the planting of additional vegetation has been imposed via conditions of consent which will increase the on-site provision. The introduction of medium shrubs in conjunction with the conditioned canopy trees will serve to visually soften the built form of the development.

- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

Comment:

As above, the existing vegetation within the front setback area will be retained. However, as a result of the application and the subsequent imposed conditions of consent, the on-site landscape provision will be enhanced particularly along the secondary frontage along Darius Avenue. The introduction of small and medium shrubs in conjunction with the conditioned canopy trees, will serve to visually soften the built form of the development to promote a scale and density that is in keeping with the height of the natural environment and subsequently enhance the streetscape.

- *To encourage attractive street frontages and improve pedestrian amenity.*

Comment:

The development will remain largely unseen as viewed from the primary street frontage (Lake Park Road) and will also be sufficiently screened from view from Darius Avenue as a result of the height and setbacks provided in conjunction with the imposed condition of consent requiring screen planting along the western boundary. In this regard, the proposed development will provide for an attractive street frontage without hindering the current pedestrian amenity of the streetscape.

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

Comment:

The surrounding urban environment consists of similar-scale residential developments of varying ages and architectural styles within landscaped settings. The design of the proposed development will in turn respond to such characteristics, in that it comprises a modern, minimalist design that sensitively relates to the directly adjoining dwellings by way of ensuring reasonable amenity can be maintained for all occupants.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / PDCP 21 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.

#### **D14.8 Side and rear building line**

Given the subject site is a corner allotment, the property is assessed as having two (2) frontages i.e. the southern and western boundaries and (2) side boundaries being the northern and eastern boundaries. In this respect, the side setback numeric requirements of 1.0m to one side boundary and 2.5m to the other are applicable to the northern and eastern boundaries. The secondary dwelling is sited 1.0m from the northern boundary and 2.5m from the eastern boundary, thereby complying with the numeric requirements of the Control.

#### **D14.12 Landscaped Area - General**

##### Description of non-compliance

The Control requires a minimum of 50% (232.3m<sup>2</sup>) of the site area to be provided as landscaped area.

The proposal provides for a total of 45.9% (213.2m<sup>2</sup>) of the site as landscaped area, which represents a variation of 8.2% (19.1m<sup>2</sup>).

However, in accordance with the variations provision of the Control, impervious areas less than 1 metre in width and up to 6% of other impervious areas that provide for outdoor recreational purposes may be included as part of the landscaped area calculation. In this respect, the site is provided with 50.4% (234.3m<sup>2</sup>) of its total area as landscaped area thereby complying with the numeric requirement.

##### Merit consideration

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

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

##### Comment:

The proposed development will provide for additional housing, whilst maintaining reasonable amenity for the dwelling occupants and those of adjoining and surrounding properties. The site will remain afforded with sufficient landscaped area and the on-site provision of vegetation will be enhanced as a result of imposed conditions of consent. In turn, the development is considered to achieve the desired future character of the locality.

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

##### Comment:

The built form of the development is minimised, given it remains well within the maximum allowable building height and it complies with the side setback and building envelopment requirements. Council's Landscape Officer has reviewed the proposal and imposed additional planting conditions along the eastern and western boundaries which will in turn serve to screen and soften the built form.

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

Comment:

The matter of privacy has been addressed elsewhere within this report (refer to Clause C1.5 Visual Privacy). In summary, the development has been sited such that it is offset from both adjoining dwelling houses, and the entrance decking is oriented toward the principal frontage of the site. Further, the windows are offset from those of adjoining dwellings such that opportunities for overlooking are mitigated. Additional landscape treatment has also been imposed via conditions of consent. In turn, reasonable amenity is considered to be provided and maintained for the dwelling occupants and those of adjoining and surrounding properties.

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

Comment:

The proposed development does not require the removal of significant vegetation, and conditions of consent have been imposed that require additional screen planting and canopy trees within the site to visually reduce the built form of the development.

- *Conservation of natural vegetation and biodiversity.*

Comment:

As above, no significant vegetation is required to be removed to facilitate the proposed works. Further, the provided Arborist Report recommends protection works for significant species within proximity of the development so as to protect and conserve such vegetation. These recommendations have been included as conditions of this consent.

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

Comment:

The proposed development has been reviewed by Council's Development Engineer, having regard to provisions for stormwater management and has raised no objections subject to conditions included in the recommendation of this report. Therefore Council can be satisfied that stormwater runoff will be appropriately reduced and managed, preventing soil erosion and siltation of natural drainage channels.

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

Comment:

The landscaped area within the site is sufficient, such that it can facilitate additional plantings and canopy trees which in turn contributes to the existing character of the area.

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

Comment:

As above, the proposal has been assessed by Council's Development Engineer having regard to stormwater management and has raised no objection subject to conditions. In this regard, the soft surface provided within the site will provide for infiltration of water to the water table, minimise run-off and also assist

with stormwater management.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / 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 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 Section 7.12 Contributions Plan 2019**

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

A monetary contribution of \$ 600 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 120,000.

## **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 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

## **RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2020/0575 for Construction of a

secondary dwelling on land at Lot 8 DP 7410, 12 Lake Park Road, NORTH NARRABEEN, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

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

#### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A102 - Site Plan	22 April 2020	Drafting Help
A103 - Floorplan - Proposed	22 April 2020	Drafting Help
A201 - East - Elevations	22 April 2020	Drafting Help
A202 - South - Elevations	22 April 2020	Drafting Help
A203 - West - Elevations	22 April 2020	Drafting Help
A204 - North - Elevations	22 April 2020	Drafting Help
A205 - Sections	22 April 2020	Drafting Help
A206 - Roof Plan	22 April 2020	Drafting Help

<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 (Cert. No. 1095784S)	27 April 2020	LivSmart Solutions
Arboricultural Impact Assessment	19 May 2020	The Ents Tree Consultancy

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

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

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

### 2. 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) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the

issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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



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

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

## FEES / CHARGES / CONTRIBUTIONS

### 4. Policy Controls

#### Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$600.00 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 2019. The monetary contribution is based on a development cost of \$120,000.00.

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

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

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

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

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

### 5. Security Bond

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

prior to the issue of the Construction Certificate.

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

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Clause B5.10 of PITTWATER DCP21 Stormwater from the site shall be disposed of to Council's Stormwater pit directly if possible.

Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

### 7. Amendments to the approved plans

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

- Window 5 (servicing the bathroom) is to be finished in a translucent or opaque glazing.

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

Reason: To ensure the development maximises amenity for surrounding land.

### 8. Flooding

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

#### Building Components and Structural Soundness – C1

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

#### Building Components and Structural Soundness – C2

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

#### Building Components and Structural Soundness – C3

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

#### Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning

Level unless adequately protected from floodwaters in accordance with industry standards.

#### Flood Emergency Response – E2

Appropriate access to the shelter in place refuge should be available from all areas of the new development.

#### Floor Levels – F1

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

#### Floor Levels – F2

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

#### Fencing – H1

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

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

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

### 9. **Compliance with Standards**

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

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

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

### 10. **External Finishes**

The external colours and finishes of the secondary dwelling shall be consistent to those on the dwelling house on the site. The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure visual consistency with the buildings on site, and that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

### 11. **Fencing**

All plans that indicate low picked-style fencing are to be amended to delete any reference to such boundary fencing. No fencing is approved as part of this application as no owners consent has been provided from adjoining property owners.

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

Reason: To ensure compliance with the Dividing Fences Act.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT****12. Tree Protection**

- a) Existing trees and vegetation shall be retained as follows:
- i) all trees and vegetation within the site, nominated on the plans and as recommended in the Arboricultural Impact Assessment & Tree Protection Plan prepared by <insert>, shall be protected during all construction stages, excluding exempt trees under the relevant planning instruments or legislation,
  - ii) all other trees and vegetation located on adjoining properties,
  - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and according to the Arboricultural Impact Assessment prepared by The Ents Tree Consultancy dated 19 May 2020 ,
  - ii) any tree roots exposed during excavation with a diameter greater than 25mm within the TPZ must be assessed by the Project Arborist. Details including photographic evidence of works undertaken shall be submitted by the Project Arborist to the Certifying Authority,
  - iii) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
  - iv) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorized by the Project Arborist on site,
  - v) all structures are to bridge tree roots greater than 25mm diameter unless directed by the Project Arborist on site,
  - vi) should either or both iv) and v) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures provided. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

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

**13. Project Arborist**

- i) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the Arboricultural Impact Assessment prepared by The Ents Tree Consultancy dated 19 May 2020 and AS4970-2009 Protection of trees on development sites.
- iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: to ensure protection of vegetation proposed for retention on the site.

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK****14. Survey Certificate**

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

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

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

**15. Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

**16. 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.

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

**17. Landscape completion certification**

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

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

**18. Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- a) Compliance to Arborist recommendations for tree protection and excavation works.
- b) Extent of damage sustained by vegetation as a result of the construction works.
- c) Any subsequent remedial works required to ensure the long term retention of the vegetation.

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

**19. 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 the Final Occupation Certificate.

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

**20. Required Planting**

- a) Screen planting is to be provided in garden beds along the western and eastern boundaries of the site along the length of the secondary dwelling.
- b) The garden bed is to be prepared with a suitable free draining planter soil mix, mulched and

planted with evergreen species capable of attaining a minimum height of 2.5 metres at maturity.

c) Plants are to be planted at minimum 1.5 metre centres (except where retained planting is located) and be of a minimum pot size of 25 litres at planting.

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

d) Trees shall be planted in accordance with the following schedule:

Minimum No.Trees	Species	Location
Minimum Pot Size		
2	Trees capable of attaining a minimum	Grounds of property
200mm	height of 5 metres at maturity	

e) 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.

## 21. Prior to Occupation Cert: Certification of the Structural Stability of the Building

A suitably qualified structural engineer is to certify the structural stability of the shelter in place considering lateral flood flow, buoyancy, suction effects, wave action and debris load impact of the Probable Maximum Flood (4.85m AHD) design flood depths and velocities. Details demonstrating compliance are to be submitted to the Certifying Authority for approval.

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

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

**Signed**



**Georgia Quinn, Planner**

The application is determined on 02/07/2020, under the delegated authority of:



**Matthew Edmonds, Manager Development Assessments**