

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1382
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Responsible Officer:	Rebecca Englund
Land to be developed (Address):	Lot 24 DP 13457, 104 Prince Alfred Parade NEWPORT NSW 2106
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Gary Malcolm Smith
Applicant:	Gary Malcolm Smith

Application lodged:	21/08/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	29/08/2018 to 14/09/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,422,000.00
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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 - C1.19 Incline Passenger Lifts and Stairways

Pittwater 21 Development Control Plan - C1.23 Eaves

Pittwater 21 Development Control Plan - D10.1 Character as viewed from a public place

Pittwater 21 Development Control Plan - D10.7 Front building line (excluding Newport Commercial Centre)

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

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

SITE DESCRIPTION

Property Description:	Lot 24 DP 13457 , 104 Prince Alfred Parade NEWPORT NSW 2106
Detailed Site Description:	The site is legally referred to as Lot 24 in Deposited Plan 13457 and is commonly known as 104 Prince Alfred Parade, Newport. The site has a 13.54m wide frontage to Prince Alfred Parade to the south, direct frontage to the Pittwater Waterway to the north, and a total area of 597.6m ² . The site currently contains an existing two storey dwelling, with an attached carport at the frontage of the site and a detached boatshed at the rear. A timber ramp and jetty are located on Crown Land, below MHWL. The site contains existing significant vegetation, including mature Eucalyptus within the foreshore area and at the frontage of the site. The site is surrounded by dwellings of varying age, character and scale.

Map:



SITE HISTORY

On 23 February 2017, Development Application N0429/16, which sought consent for a new dwelling at the subject site, was approved by Council.

On 21 August 2018, the subject development application was lodged with Council.

On 23 October 2018, the assessing officer undertook an inspection of the site.

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for alterations and additions to the existing dwelling.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan ('P21 DCP') applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	Division 8A of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters

Section 4.15 Matters for Consideration'	Comments
	<p>can be addressed via a condition of consent.</p> <p>Clause 92 of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter can be addressed via a condition of consent.</p> <p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter can be addressed via a condition of consent.</p> <p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter can be 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 P21 DCP 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	No submissions were received in response to the notification of this application.
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 of the application Council received no submissions.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>In terms of landscape outcomes there are no objectives to the development application subject to the preservation of existing landscaping and protection of existing trees.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls: B4.22 Protection of Trees and Bushland C1.1 Landscaping</p>
NECC (Bushland and Biodiversity)	<p>The proposal will not result in a substantial impact to existing soft open space, native vegetation and trees, or wildlife habitat. It is therefore considered that the proposal can comply with relevant Natural Environment controls.</p>
NECC (Coast and Catchments)	<p>The property at 104 Prince Alfred Parade, Newport has been identified as being affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. The Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.</p> <p>Based upon the survey and foreshore images provided with the DA, the foreshore edge treatment type for the subject site appears to be a vertical seawall with a variable crest height around RL 1.4m AHD. As such, in accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), an estuarine planning level (EPL) of RL 2.64m AHD has been adopted by Council for this property.</p> <p>As the site plan indicates that no works are proposed at the foreshore (including to the existing boat shed) and proposed additions and alterations are shown as occurring above the 7.00m contour i.e. above the EPL, the development proposal is able to satisfy the relevant requirements of the Policy and associated controls subject to conditions.</p>
NECC (Development Engineering)	<p>The proposed driveway crossing and parking area has been assessed and is satisfactory subject to conditions. The stormwater design is also acceptable. The submitted Geotechnical report addresses the relevant DCP controls. No objection to approval, subject to conditions as recommended.</p>

Internal Referral Body	Comments
NECC (Riparian Lands and Creeks)	This application is recommended for approval with conditions. Water quality controls are not triggered as impervious area decreases on the lot. Sediment controls must be installed prior to any work starting on the site and maintained for the duration of work.

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.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A312351_04 dated 14 August 2018). A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes

zone objectives of the LEP?	Yes
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Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.5m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.8 Limited development on foreshore area	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	Nil (existing)	100%	No
Rear building line	FSBL	19m	-	Yes
Side building line	2.5m	1.18m	52%	No
	1m	0.97m	0.03%	No
Building envelope	3.5m	Within envelope	-	Yes
	3.5m	Within envelope	-	Yes
Landscaped area	60%	41.9%	30%	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.20 Protection of Estuarine Water Quality	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.4 Stormwater Harvesting	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.11 Stormwater Discharge into Waterways and Coastal Areas	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	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	No	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.19 Incline Passenger Lifts and Stairways	Yes	Yes
C1.23 Eaves	No	Yes
D10.1 Character as viewed from a public place	No	Yes
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D10.8 Side and rear building line (excluding Newport Commercial Centre)	No	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	Yes	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	No	Yes
D10.14 Fences - General	Yes	Yes
D10.16 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D10.18 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

C1.5 Visual Privacy

and C1.7 Private Open Space

The application proposes considerable amendments to the design and layout of the living area and primary area of open space, which are both located on Level 1 (the lowest level) of the dwelling. The design proposes operable windows/doors comprising fluted glazing along both side elevations, which can be opened to 45 degrees (to screen the view to/from adjoining dwellings) or 90 degrees to allow access in and out. This design feature then spills out onto the adjacent terrace, where timber shutters of the same size project and enclose half the depth of the space.

When closed, these windows/doors and screens maintain adequate levels of visual privacy for both occupants of the proposed development and adjoining dwellings. However, if open at 90 degrees, the proposed windows/doors and screens result in technical non-compliance with these controls, which identify that living rooms and areas of private open space should be oriented towards the front and rear of the dwelling (not towards the side), to minimise impacts upon adjoining properties. Whilst it is appreciated that the amount/extent of windows on the adjoining dwelling are currently limited, and those that currently exist comprise frosted or mirror tint glazing, this may not always be the case and as such, it is considered appropriate to limit the openings of these windows/doors and screens to 45 degrees as shown on the architectural plans.

The application also proposes terraces on both side setbacks, adjacent to the living/dining rooms (the east and west terraces). As above, these side terraces are also inconsistent with the provisions of these controls. The impact of the east terrace is considered to be reasonably mitigated by the proposed inclusion of a 1.8m boundary fence immediately adjacent to this area. However, given the slight cross fall of the site, the boundary fence does not ameliorate potential impacts with regard to the eastern terrace. A balustrade is currently proposed along the edge of the terrace, with a gate to access the existing inclinator. A condition of consent is recommended to increase the height of the balustrade to 1.8m to ensure adequate amenity for both properties.

C1.19 Incline Passenger Lifts and Stairways

The application seeks to maintain the existing inclinator, with no change to its design or location.

C1.23 Eaves

The proposed dwelling has been designed with both eaves and parapet walls, which is technically non-

compliant with the provisions of this control that require 450mm eaves to all elevations. However, the proposal comprises eaves where necessary, and has been accompanied by a BASIX Certificate demonstrating that the thermal efficiency of the development is otherwise adequate. Furthermore, the design of the dwelling is considered to reflect the character of the Newport locality. As such, the proposal is able to be supported, despite non-compliance with this development control.

D10.1 Character as viewed from a public place

The proposed development is inconsistent with the provisions of this clause which prescribe that parking areas shall be setback behind the front building line, preferably behind the front facade of the dwelling. However, the location of the parking area is consistent with that which currently exists on the site, just elevated slightly higher above ground to provide compliant driveway gradients. Subject to conditions of consent limiting the height of the 'new tensioned canvas screen' in order to maintain visibility through the structure, the proposed car parking structure is not considered to detract from consistency with the desired future character of Newport Locality, or result in inconsistency with the outcomes of this control.

D10.7 Front building line (excluding Newport Commercial Centre)

The application proposes to retain an existing carport situated with a nil setback to Prince Alfred Parade, albeit at a slightly elevated height, which is situated forward of the 6.5m minimum setback prescribed by this control. However, the control provides variations to this minimum setback requirement for parking structures on sloping sites and in consideration of the established building line, subject to consistency with the outcomes of the control.

The application of these variations is considered to be warranted in the circumstances of this application, as the relevant outcomes are achieved, as follows:

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

Comment: The bulk and scale of the proposed development is appropriately minimised, and the development has been designed to step down the slope of the site and sit below the tree canopy. Overall, the proposal is considered to be consistent with the desired character of the Newport Locality.

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

Comment: Subject to maintenance of visibility through the open structure, the proposal will equitably preserve views of Pittwater from the street.

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

Comment: This outcome is not considered to be applicable, as the site does not adjoin a main road.

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

Comment: The proposal does not alter the footprint of the development within the front building line, and existing significant vegetation is to be retained.

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

Comment: The proposal does not facilitate vehicle manoeuvring in a forward direction. However,

the proposed access arrangements will be improved compared to that which currently exist, noting that the driveway is to be raised and levelled to comply with current design standards, improving visibility to and from the street.

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

Comment: The proposal seeks to largely maintain the existing visual appearance of the site, with a minor increase to the height of the development to provide for compliant driveway gradients. However, the proposal remains a single storey development as seen from the street, maintained below the height of the surrounding canopy trees and adjoining built form.

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

Comment: Subject to maintenance of the view of Pittwater through the open carport structure, the proposal is considered to maintain an attractive street frontage, and pedestrian amenity will be improved by increased visibility for vehicles entering and exiting the site.

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

Comment: The proposed development is in keeping with the scale and alignment of built form along this particular stretch of Prince Alfred Parade, noting that several other properties have been designed with carports and parking structures built to the front boundary.

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

The proposed development seeks to maintain the setbacks of the existing dwelling, which are technically non-compliant with the minimum setbacks prescribed by this control. However, the control provides a variation which allows for the retention and intensification of existing setbacks, subject to consistency with the outcomes of the control. This variation is considered to be warranted, as the relevant outcomes of the side setbacks are considered to be achieved, as follows:

- *To achieve the desired future character of the Locality.*

Comment: The desired future character statement is quite broad and does not specifically relate to setbacks or spatial separation between buildings. However, the proposal is considered to be consistent with the desired future character of the Newport Locality, as the bulk and scale of the proposal has been reasonably minimised, and the proposal presents as a contemporary building that is appropriately modulated.

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

Comment: Despite technical non-compliance with the 1m and 2.5m minimum setbacks prescribed by this control along minor sections of the resultant development, the proposal is well refined and the bulk and scale of the development has been appropriately minimised.

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

Comment: The side setbacks of the development to not result in any unreasonable impacts upon views to or from the street of adjoining properties.

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

Comment: As above, the side setbacks of the development to not result in any unreasonable impacts upon views to or from the street of adjoining properties. Furthermore, the siting of the building is considered to be a responsive design to the context of the site.

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

Comment: Subject to conditions of consent (as discussed with regard to visual privacy), the proposal will not result in any unreasonable impacts upon the amenity of adjoining properties.

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

Comment: The proposal retains and compliments the existing significant landscaping on the site, and the resultant development will enhance the amenity of the streetscape.

- *Flexibility in the siting of buildings and access.*

Comment: The application seeks to retain elements of the existing building that are sited in closer proximity to the boundary than that anticipated by this development control. Noting that these elements do not attribute to any unreasonable impacts upon adjoining sites or the public domain, the retention of these existing structures despite technical non-compliance with this development control demonstrates a flexible approach to the siting of the building.

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

Comment: Significant vegetation is retained and the landscaped outcome will be enhanced to ensure that the visual impact of the development is reduced as seen from the public domain.

D10.13 Landscaped Area - Environmentally Sensitive Land

The proposal will result in technical non-compliance with this development control, with a landscaped area calculation of 41.9% of the total site. However, the proposed development seeks to increase the landscaped area calculation, and enhance the quality of landscaping on the site, ensuring that the development achieves consistency with the outcomes of the landscaped area control, as follows:

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

Comment: The bulk and scale of the development, in addition to the extent of site disturbance, is consistent with that anticipated by the desired future character statement for the Newport Locality.

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

Comment: The built form of the proposed development has been stepped down the slope of the site and is well articulated, such that the bulk and scale of the development is appropriately minimised.

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

Comment: The landscaped area non-compliance does not attribute to any unreasonable impacts upon adjoining properties or impinge upon the amenity of the dwelling for future occupants. If anything, it could be said that any further loss of hard surfaces on the site may unreasonably affect the amenity of the dwelling.

- *Vegetation is retained and enhanced to visually reduce the built form & conservation of natural vegetation and biodiversity.*

Comment: The proposed landscaped area non-compliance does not result in the removal of any vegetation on the site. Rather, landscaping is enhanced compared to that which currently exists.

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

Comment: The proposed development comprises on-site stormwater detention to ensure that stormwater runoff is appropriately managed. Subject to conditions of consent, the proposal will also comprise appropriate water quality devices to ensure that stormwater entering the waterway is of appropriate quality.

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

Comment: As above, the proposal will enhance landscaping on the site. Furthermore, the proposed colours and finishes will ensure that the development blends with surrounding landscaping so that the bushland character of the site is the dominant feature, when seen from the waterway.

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

Comment: The proposal seeks to convert a number of existing hard surface areas into raised planters, which will assist in minimising run-off on the site.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

S94 Contributions are not applicable to this application.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1382 for Alterations and additions to a dwelling house on land at Lot 24 DP 13457, 104 Prince Alfred Parade, NEWPORT, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site and Roof Plan TH DA 50, issue 1	17 August 2018	Peter Stutchbury Architecture
Level 3 Demolition Plan TH DA 101, issue 1	6 August 2018	Peter Stutchbury Architecture

Level 3 Carport Plan TH DA 100, issue 1	17 August 2018	Peter Stutchbury Architecture
Level 2 Demolition Plan TH DA 111, issue 1	17 August 2018	Peter Stutchbury Architecture
Level 2 Bedrooms TH DA 110, issue 1	17 August 2018	Peter Stutchbury Architecture
Level 1 Demolition Plan TH DA 121, issue 1	7 August 2018	Peter Stutchbury Architecture
Level 1 Living Dining TH DA 120, issue 1	17 August 2018	Peter Stutchbury Architecture
Level 1 Demolition Plan DA 131, issue 1	7 August 2018	Peter Stutchbury Architecture
Level 0 Sub-Floor Plan TH DA 130, issue 1	17 August 2018	Peter Stutchbury Architecture
North, South and West Elevation TH DA 200, issue 1	17 August 2018	Peter Stutchbury Architecture
East Elevation and Section 1 TH DA 201, issue 1	17 August 2018	Peter Stutchbury Architecture

Engineering Plans		
Drawing No.	Dated	Prepared By
Stormwater Management Plans DR-000, DR-001, DR-002 and DR-003, all revision 1	20 August 2018	GZ Consulting Engineers Pty Ltd
Driveway Plan and Long Sections CV-001, revision 1	20 August 2018	GZ Consulting Engineers Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate A312351_04	14 August 2018	Don Edgar Pty Ltd
Geotechnical Risk Management Report, reference 2018-114	15 August 2018	Crozier Geotechnical Consultants

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

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

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

2. **Amendments to the approved plans**

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

- The tensioned canvas screen at the rear of the carport and surrounding the upper

inclinor station/landing shall not exceed 1.5m in height above the FFL of the adjacent area.

- Where opposite F1.04, F1.05 and F1.06, the balustrade and gate along the western elevation of the West Terrace is to be increased in height to 1.8m above the FFL of the west terrace, and is to be designed to prevent overlooking of the adjoining property at 102 Prince Alfred Parade.

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

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

3. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

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

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative Requirement.

4. **General Requirements**

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that

occurs on Council's property.

- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Crozier Geotechnical Consultants dated 15 August 2018 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

7. **Stormwater Disposal**

Stormwater shall be disposed of to an existing approved system or in accordance with clause B5.11 of *Pittwater 21 Development Control Plan*.

A certificate is to be provided to the Principal Certifying Authority with the Construction Certificate application by a qualified experienced practicing Civil Engineer, with Corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a Corporate member and has appropriate experience and competence in the related field that the existing approved system can accommodate the additional flows or provide drainage plans demonstrating compliance with Council's requirements.

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

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

8. **Submission Roads Act Application for Civil Works in the Public Road**

An Application for Works to be approved within Council Roadway, including engineering plans is to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The application is to include four (4) copies of Civil Engineering plans for the design of the suspended driveway crossing through the nature strip which is to be generally in accordance with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and/ or Council's Minor Works Policy. The plan shall be prepared by a qualified structural engineer. The design must include the following information:

1. Structural details for the supporting structure and suspended slab.
2. A barrier along either side of the suspended slab in accordance with AS/NZS 2890.1:2004 Section 2.4.5
3. Location of all existing public utility services. Note where any services are to be impacted as part of the works, a letter from the relevant authority outlining their consent is to be provided with the application.
4. Traffic Management Plan.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges. An approval from Council is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the driveway design and construction is in accordance with Council's requirements.

9. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

(a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and

(b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

10. **Shoring of Adjoining Property**

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

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

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

11. **Estuarine Hazard Design Requirements**

All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes; they will not reduce public access to or diminish the amenity of adjoining public foreshore land.

Reason: To minimise potential risk associated with estuarine hazards for development in the coastal zone.

12. **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.

13. **External Colours and Finishes**

The proposal is to be consistent with the Schedule of Colours and Finishes referenced in this

consent, as amended by the following:

- Roof sheeting is to be finished in a colour equivalent to or darker than Colorbond 'Woodland Grey',
- Glazing within windows F1.04, F1.05, F1.06, F1.08, F1.09 and F1.10, as shown on the approved plans referenced in this consent, are to comprise fluted glass, and
- the canvas used is any tensioned canvas screens is to be a dark and earthy colour.

Details demonstrating compliance in this regard is to be submitted to the certifying authority prior to the issuance of a construction certificate.

Reason: To ensure that the impacts of the development are appropriately minimised.

14. Landscape Plan

Prior to the issuance of a construction certificate, a landscape plan is to be prepared to demonstrate consistency with approved plans referenced in this consent and the following:

- a detailed plant schedule, detailing the pot size and quantities of all plantings proposed within all raised planters,
- the two trees shown within the planters on either side of the North Terrace are to be locally native species, with a minimum pot size of 75L,
- a minimum of 4 locally native shrubs, with a minimum pot size of 45L and a minimum maturity height of 4m, are to be provided adjacent to the northern facade of the North Terrace and rainwater tank to screen the resultant block wall.

Reason: To minimise the visual impact of the development as seen from the waterway, and to ensure that landscaping on the site is enhanced.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

16. Installation and Maintenance of Sediment and Erosion Control

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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

17. **Vehicle Crossing**

The provision of one vehicle crossing 6 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/5 EL and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

18. **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.

19. **Tree and vegetation protection**

A) Existing trees and vegetation shall be retained as follows:

- i) all trees and vegetation within the site shall be protected during all construction stages,
- iii) all other trees and vegetation located on adjoining properties,
- iv) all road reserve trees and vegetation.

B) Tree protection shall be generally 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,
- ii) any tree roots exposed during any works with a diameter greater than 25mm within the TPZ must be assessed by an Arborist,
- 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 existing trees and vegetation 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 a AQF Level 5 Arborist on site,
- vi) should either or both iv) and v) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures provided,
- vii) details including photographic evidence of works undertaken shall be submitted by the

Arborist to the Certifying Authority should either of the above events occur.

Reason: to retain and protect significant planting on development sites.

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

20. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

21. **Certification Elevated Parking Facility Work**

An appropriately qualified and practicing Structural Engineer shall certify to the Council / Principal Certifying Authority that the elevated parking facility was constructed in accordance with this consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure compliance of the driveway works with Council's requirements.

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

23. **Installation of rainwater tanks**

Rainwater tanks shall comply with the following:

- a) Be fitted with a first-flush device that causes initial rainwater run-off to bypass the tank and must drain to a landscaped area. The first flush device will not be permitted to connect to the stormwater system
- b) Have a sign affixed to the tank stating the contents is rainwater
- c) Be constructed or installed in a manner that prevents mosquitoes breeding, such as the use of mesh to protect inlets and overflows
- d) Have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners
- e) Pumping equipment must be housed in a soundproof enclosure
- f) Where the rainwater tank is interconnected to a reticulated water supply, it must be installed in accordance with Plumbing Code of Australia, particularly backflow/cross connection prevention requirements

A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To conserve potable water.

24. **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 Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Proper identification of buildings.

25. **Consistency with Landscape Plan**

Prior to the issuance of any occupation certificate, a suitably qualified landscaper is to provide certification that all landscaping has been completed in accordance with the Landscape Plan required by this consent.

Reason: To minimise the visual impact of the development as seen from the waterway, and to ensure that landscaping on the site is enhanced.

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

26. **Dead or Injured Wildlife**

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

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

27. **External Colours and Finishes**

The proposal is to remain consistent with the External Colours and Finishes schedule referenced in this consent, as amended by any conditions of consent.

Reason: To ensure that the impacts of the development are appropriately minimised.

28. **Visual Privacy**

When open, the windows and screens labelled F1.03, F1.04, F1.05, F1.06, F1.08, F1.09, F1.11 and F1.11 on the approved plans referenced in this consent are to be fixed at an angle of 45 degrees, to minimise overlooking of the adjoining dwellings at 102 and 106 Prince Alfred Parade. Fixing points are to be provided in the ground to ensure consistency in this regard.

Reason: To minimise overlooking of the adjoining properties.

29. **Consistency with Landscape Plan**

The development is to remain consistent with the Landscape Plan required by this consent for the life of the development.

Reason: To minimise the visual impact of the development as seen from the waterway, and to ensure that landscaping on the site is enhanced.

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

Signed



Rebecca Englund, Principal Planner

The application is determined on 05/12/2018, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments