

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/1099
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Responsible Officer:	Nick England
Land to be developed (Address):	Lot 35 DP 6195, 37 Grandview Parade MONA VALE NSW 2103
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Samantha Anne Ryan
Applicant:	Vaughan Milligan Development Consulting Pty Ltd

Application Lodged:	04/10/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	21/10/2019 to 04/11/2019
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 488,753.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal consist of the significant alteration and additions to an existing dwelling house. In summary, the works consist of:

- excavation for storage area to the existing lower ground level to the rear of the dwelling;
- additions to the rear of the existing lower ground, upper ground and 1st floor;
- new significant alterations to the existing ground floor, including demolition of the existing carport and replacement with new attached garage; and
- demolition of existing 1st floor and replacement with new 1st floor.

Amended plans were provided on 11 February 2020. The amendments made consisted of the portion of the 1st floor incorporating Bedroom 3 and 4, specifically:

- reduction in the width of the floor plan by 300mm;
- an increased setback of 3.9m from the east boundary, from the previous 2.9m; and
- a decreased setback from the west boundary of 1.2m from the previous 1.9m.

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 - C1.3 View Sharing
 Pittwater 21 Development Control Plan - D9.7 Side and rear building line
 Pittwater 21 Development Control Plan - D9.9 Building envelope
 Pittwater 21 Development Control Plan - D9.10 Landscaped Area - General

SITE DESCRIPTION

Property Description:	Lot 35 DP 6195 , 37 Grandview Parade MONA VALE NSW 2103
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Grandview Parade.</p> <p>The site is regular in shape with a frontage of 15.67m along Grandview Parade and a depth varying between 70 and 74m. The site has a surveyed area of 1101m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a two storey dwelling house, swimming pool and tennis court.</p> <p>The site has a southerly aspect, with a moderate slope</p>

falling down from the front boundary to the rear.

The site has no significant vegetation.

Adjoining and surrounding development is characterised by dwelling houses.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

3686/80: Consent granted for dwelling house on 16 October 1980.

4178/80: Consent granted for swimming pool 19 November 1980.

4466/80: Consent granted for tennis court (and associated shed) on 15 December 1980.

DA2019/0346: Application for "alterations and addition to a dwelling house" was withdrawn by the applicant on 22 July 2019. Council did not support the application based on: view sharing, solar access; and non-compliance with side boundary envelope control.

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	None applicable.

Section 4.15 Matters for Consideration'	Comments
draft environmental planning instrument	
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p>

Section 4.15 Matters for Consideration'	Comments
	<p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

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 2 submission/s from:

Name:	Address:
Mrs Susanne Marie Chapman	48 Grandview Parade MONA VALE NSW 2103
Mr Peter Brenan Atkinson	46 Grandview Parade MONA VALE NSW 2103

During the notification period, a total of two (2) submissions were received from adjoining properties.

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

- *The proposal will result in an adverse loss of views from the adjoining property at No.48 Grandview Parade.*

Comment: A detailed consideration of the view-sharing principles is provided elsewhere in this

report. In summary, the proposed development will not result in an unreasonable loss of views to this property and refusal of the application based on this issue is not warranted.

- *The proposal will result in an adverse loss of views from the adjoining property at No.46 Grandview Parade.*

Comment: A detailed consideration of the view-sharing principles is provided elsewhere in this report. In summary, the proposed development will not result in an unreasonable loss of views to this property and refusal of the application based on this issue is not warranted.

- *The proposed works are not consistent with the streetscape of the adjoining area.*

Comment: The proposed dwelling is largely consistent with the development standards and built form controls contained within Council's policies. The non-compliances with the numerical standard are relatively minor and do not represent a significant departure from the standard nor result in an adverse impact on any adjoining property. The contemporary style of the dwelling is not dissimilar to many newer dwellings in the area. Refusal of the application based on this issue is not warranted.

- *The current application does not address the issues that were present in the previous application.*

Comment: The application has been amended since the previous application, to reduce the extent of the side boundary envelope non-compliances on the east and west elevations. Council's responsibility is to objectively assess any development application consistent with the relevant legislation and policies, rather than issues raised in previous applications. Notwithstanding, the current application has demonstrated that all previous matters are no longer relevant reasons to refuse the application.

- *Survey certified height poles of the proposal should be erected on the site and the affected properties inspected by the Council officer assessing the application.*

Comment: Height poles were erected on the eastern elevation of the site and certification provided by a registered surveyor to demonstrate that the poles were at the maximum height of the proposed works. The adjoining properties at No.46 and No.48 Grandview Place were inspected in the presence of the owners on 17 December 2019, to assess the potential impact on views.

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>Council's Natural Environment - Biodiversity section raises no objections to the proposed development, subject to conditions.</p> <p>This application was assessed against Pittwater DCP B4.5 Landscape and flora and fauna enhancement category 3 land. This site is also</p>

Internal Referral Body	Comments
	<p>mapped as Littoral Rainforest Proximity Area within the Coastal Management SEPP 2018.</p> <p>The proposal is for alterations and additions to the existing dwelling including a new detached double garage and driveway. No native trees or vegetation are to be impacted by the proposed works. The Coastal Management SEPP was not addressed within the SEE, however the proposal is consistent with the objectives.</p>
NECC (Development Engineering)	No objection to approval, subject to conditions as recommended.

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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.A345076_02B dated 10 September 2019). The BASIX Certificate indicates that the development will achieve the requirements of the State policy.

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 relevant provisions of 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 works relate to an existing dwelling house and are unlikely to result in any adverse impact on the environmental, heritage and cultural values and objectives stated above.

- (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 proposed works have been designed to comply with this requirement.

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: The proposed works have been designed to comply with this requirement.

As such, it is considered that the application does not comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	5.8-8.3m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
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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
7.1 Acid sulfate soils	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	8.5 - 9.4m	N/A	Yes
Rear building line	6.5m	40.3m	N/A	Yes
Side building line	2.5m	1-3.9m (east)	60	No
	1m	1.2-3.7m (west)	N/A	Yes
Building envelope	3.5m	Breach of 0.3-1.5 (height) x 4.8 and 6.1m (length)	N/A	No
	3.5m	Breach of 1.5m (height) x 5.9m (length)	N/A	No
Landscaped area	50%	436m ² or 39%	20	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 x 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
A4.9 Mona Vale Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	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
C1.1 Landscaping	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	No	Yes
D9.9 Building envelope	No	Yes
D9.10 Landscaped Area - General	No	Yes
D9.12 Fences - General	Yes	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

C1.3 View Sharing

Two (2) submissions were received from the following adjoining properties:

- No.46 Grandview Parade; and
- No.48 Grandview Parade.

The submissions claimed loss of existing views enjoyed from these properties. Hence the development (as amended) is considered against the underlying Outcomes of the Control as follows:

- *A reasonable sharing of views amongst dwellings.*

Comment:

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

1. Nature of the views affected

"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly

than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

Comment to Principle 1:

A site visit was conducted on both properties, in which it was established that the properties had views of the following landmarks:

No.46: Mona Vale Beach; Mona Vale rockpool and associated natural rock platform; Long Reef; and North Head. The submission from this property specifies that their views include those of the breaking waves to the south of the rock pool and platform.

No.48: Mona Vale Beach; Mona Vale rockpool and associated natural rock platform; Long Reef; North Head and district views to the south across to Collaroy Plateau.

2. What part of the affected property are the views obtained

"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".

Comment to Principle 2:

The views described above are enjoyed from the following parts of the property:

No.46: All views are obtained across a side boundary, to No.48. The rooms where the views are present include a dining room, a living room and a kitchen. Views from the deck on the eastern side are obscured by vegetation. All views are obtained in both a seated and standing position, with the exception of the kitchen, which is from a standing position.

No.48: All views, with the exception of the south district views, are obtained across a side boundary with No.50. The parts of the property where the views are enjoyed include a living room, dining room and a deck on the southern elevation. All views are obtained in both a standing and seated position.

3. Extent of impact

"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating".

Comment to Principle 3:

For both of the properties affected, the loss of views will be caused by the north-east corner of the works. The landmark affected by this loss is the land / water interface of Mona Vale Beach, for both the properties at No.46 and No.48. Views to all other landmarks will remain unaffected. The submission from the owner at No.46 asserts that there will be a loss of views to the waves

at the northern end of Mona Vale, a popular surf-break.

For both properties, the effective loss will be a small area of the beach and water, an existing view corridor, between the properties at No.37 (the subject site) and No.39. However, all other views to Mona Vale Beach will be retained. Also, as a result of the greater setback on the west boundary, there will some opportunity to create new views of the beach further to the south. Further, the height pole erected demonstrates that not all of this existing view corridor will be lost, in relation to the property at No.48. However, this corridor will be lost from the living room of No.46, with a small portion being retained from the kitchen window.

In regard to the loss of views of the breaking waves, this is an impact that can be easily determined, given the ephemeral nature of surf conditions. This matter is discussed further in the consideration of Principle 4.

Based on the consideration of the factors above, the extent of the loss is considered minor.

4. Reasonableness of the proposal that is causing the impact

"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."

Comment to Principle 4:

The proposed works represents a non-compliance with both the side setback and side boundary envelope controls of Pittwater DCP 21.

The non-compliance with the side setback control has no effect on view loss. This relates to the ground floor garage on the east boundary and the existing dwelling adjoining at No.39 would already obscure any views to the beach.

In regard to the side boundary envelope breach, this relates to the rear section of the dwelling towards its north elevation. The view loss is caused by the south elevation of the proposed works, specifically its north-east corner. This part of the works are compliant with the standards and controls of Council. Hence, the breach of the side boundary envelope makes no effective contribution to view loss in the context of the loss that the compliant parts of works will cause.

In specific consideration of the particular views that will be lost, it has been established that this relates to the existing view corridor between No.37 and 39 Grandview Parade. Parts of this corridor will be retained when viewed from No.48 and mostly lost when viewed from No.46.

The impact on No.46 has been emphasised by the owner as being devastating given that they will not be able to assess surf conditions from their communal living areas. As stated previously, this is an impact that is not easy to determine given that surf conditions are not constant and relate to a number of variables including: wind, swell, currents and sand formation. Impacts on other landmarks such as buildings and geographical features can be easily determined given their static nature, however an ocean phenomenon cannot. In simple terms, whilst some waves break uniformly, the environment they break in is random and cannot be predicted. Hence, no

significant weight should be given to this as a landmark in this view loss assessment.

Nonetheless, based on the site inspection conducted, and the amendments made to increase the east boundary setback of the 1st floor, it is the planner's opinion that the majority of the surfbreak at North Mona Vale will still be visible and there will not be a total or devastating loss of this "view" from the property at No.46.

In summary, the extent of view loss to both properties is consider minor and therefore reasonable.

- *Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced.*

Comment: There will be no adverse loss of views as a result of the proposed development when viewed from these areas of the public domain.

- *Canopy trees take priority over views.*

Comment: No habitat of canopy trees exist on the site, hence this objective is not applicable to the proposed development.

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

D9.7 Side and rear building line

Description of Non-Compliance

The works on the ground floor are situated at a distance of 1 to 2.3m from the eastern boundary. The non-compliance relates primarily to the garage on the north-east corner of the dwelling. The 1st floor above is setback 3m from this boundary, which is compliant.

This represents up to a 60% variation with the control.

Consideration of Proposal Against the Outcomes

To achieve the desired future character of the Locality. (S)

Comment: The non-compliance with the building line relates to a minor element of the structure. When viewed in their entirety, the works are not dissimilar to other new dwellings in the locality and are hence consistent with the desired future character of the locality.

The bulk and scale of the built form is minimised. (En, S)

Comment: As stated previously, the works relate to the garage, which is a minor part of the proposal and located on the ground floor. A small non-compliance (2.3m) relates to the wall immediately behind the garage. The garage is setback at least 10m from the front boundary of the site and as the land slopes down, the garages visual presence is reduced. The proposal is hence consistent with this Outcome.

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

Comment: The impact of the proposal in relation to views are considered elsewhere in this report. In summary, the proposal will provide equitable preservation of views.

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

Comment: As stated previously, no adverse loss of views will result from the proposed development.

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

Comment: No adverse amenity impact is likely as a result of the proposed development.

Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)

Comment: The proposed works will result in no loss of the existing landscaped area provided on the site.

Flexibility in the siting of buildings and access. (En, S)

Comment: Based on the circumstances of the garage being at ground floor and set well back from the frontage, flexibility in terms of not requiring full compliance in these instances is supported.

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

Comment: As stated previously, the proposed works will result in no loss of the existing landscaped area provided on the site.

To ensure a landscaped buffer between commercial and residential zones is established. (En, S)

Comment: Not applicable to the proposed development.

In conclusion, the proposal has satisfied the Outcomes of the control and full compliance is not considered necessary.

D9.9 Building envelope

Description of Non-compliance

The proposed works are outside of the building envelope, as described below:

East elevation: Length (combined) of 7.1m x height varying between 0.2 - 1.5m.

West elevation: Length (combined) of 10.9m x height varying between 0.2 - 1.5m.

Consideration of the Outcomes

To achieve the desired future character of the Locality. (S)

Comment: The proposed two-storey dwelling is consistent with the predominant built form in the immediate locality, despite the breaches proposed. The development is hence consistent with this Outcome.

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

Comment: The scale and density of the proposed works are consistent with the existing streetscape of the immediate locality, despite the proposed breach.

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

Comment: The wall heights and setbacks of the proposed development are not dissimilar to other development in the immediate area. Hence, this Outcome is achieved.

The bulk and scale of the built form is minimised. (En, S)

Comment: The bulk and scale of the proposed dwelling is minimised through the use of varied setbacks and modulated walls. The development hence satisfies this Outcome.

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

Comment: A detailed consideration of the potential loss of views caused by the proposed development is provided elsewhere in this report, based on objections that have been received from adjoining properties. In summary, any loss of views as result of the proposed works relate to the north-east corner of the 1st floor. This part of the dwelling is within the envelope and the parts of the wall outside of the envelope would be obscured by the front portion of the 1st floor, which is compliant with relevant controls of the DCP. Hence, this objective is achieved.

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

Comment: There is no unreasonable amenity loss (in regard to privacy or solar access) that will be caused as a result of the proposed breach with the side building envelope. Hence, this objective is achieved.

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

Comment: No vegetation will be removed to facilitate the proposed works.

In summary, the proposed development has demonstrated compliance with the Outcomes of the control and full compliance is not considered necessary.

D9.10 Landscaped Area - General

Description of Non-compliance

A total of 436m², or 39% of the site, is set aside as landscaped open space.

A search of Council's records has demonstrated that the existing provision of open space relates to previous consents for the swimming pool and tennis court. As the works will largely retain the existing building footprint and extends over existing paved areas, there will be no net loss in the existing approved area of landscaped open space.

Consideration of the Outcomes

Achieve the desired future character of the Locality. (S)

Comment: The proposed works will result in no net loss of landscaped open space on the site and retain the existing building's footprint. In this regard, the desired future character is achieved.

The bulk and scale of the built form is minimised. (En, S)

Comment: As stated previously, the works will predominantly retain the existing footprint of the dwelling. The total height of the dwelling will be decreased by 0.9 to 1.2m. In this regard, the bulk and scale of the built form is minimised and the Outcome is achieved.

A reasonable level of amenity and solar access is provided and maintained. (En, S)

Comment: Sufficient solar access is provided to adjoining properties.

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

Comment: There is no significant vegetation on the site that needs to be removed as a result of the proposed works.

Conservation of natural vegetation and biodiversity. (En)

Comment: There is no habitat or native vegetation on the site.

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)

Comment: The existing stormwater system is adequate to accommodate the proposed development.

To preserve and enhance the rural and bushland character of the area. (En, S)

Comment: Not applicable to the zone in which the land is located.

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

Comment: As stated previously, the existing stormwater system is adequate to accommodate the proposed development.

In summary, there is sufficient grounds to warrant the non-compliance with the development control.

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 \$4,888 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$488,753.

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 DA2019/1099 for Alterations and additions to a dwelling house on land at Lot 35 DP 6195, 37 Grandview Parade, MONA VALE, 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

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Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A.02 Issue D	7 February 2020	Ian Bennett Design Studio
A.03 Issue B	15 September 2019	Ian Bennett Design Studio
A.04 Issue B	15 September 2019	Ian Bennett Design Studio
A.05 Issue D	7 February 2020	Ian Bennett Design Studio
A.06 Issue D	7 February 2020	Ian Bennett Design Studio
A.07 Issue D	7 February 2020	Ian Bennett Design Studio
A.08 Issue B	15 September 2019	Ian Bennett Design Studio

Reports / Documentation – All recommendations and requirements contained within:		
Report Title / No.	Dated	Prepared By
BASIX Certificate No.A345076_02	4 April 2019	Efficient Living Pty Ltd
Bushfire Risk Assessment Certificate	15 March 2019	Bushfire Planning & Design

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
-	8 April 2019	Vaughan Milligan

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

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

2. 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) 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 \$4,887.53 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 \$488,753.00.

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

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

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

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

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

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).

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

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

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

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

Details demonstrating that the existing approved system can accommodate the additional flows

or compliance with the Northern Beaches Council's Clause B5.10 of Pittwater DCP21 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 the development.

7. Boundary Identification Survey

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

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

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

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

8. Vehicle Driveway Gradients

Driveway gradients within the private property are to comply with AS/NZS 2890.1:2004. The Applicant is to ensure driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent.

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

Reason: To ensure suitable vehicular access to private property.

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 Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

10. Vehicle Crossings Application

The Applicant is to submit an application for driveway levels with Council in accordance with

Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

11. 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.

12. Sydney Water "Tap In"

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

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

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. 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.

14. Removing, Handling and Disposing of Asbestos

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

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

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

15. **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.

16. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 NL and the driveway levels application approval. 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.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

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

17. **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.

18. **Swimming Pool Requirements (existing pool modified by works)**

The existing onsite Swimming Pool / Spa fencing enclosure shall be upgraded to comply with:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the 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.
- (b) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.
- (c) All signage shall be located in a prominent position within the pool area.

Swimming pools and spas must be registered with the *Division of Local Government*.

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

Reason: To protect human life. (DACPLF10)

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

19. **No Planting Environmental Weeds**

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

Reason: Weed management.

20. **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.

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

Signed



Nick England, Planner

The application is determined on 11/02/2020, under the delegated authority of:



Anna Williams, Manager Development Assessments