

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/1206
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Responsible Officer:	Kent Bull
Land to be developed (Address):	Lot H DP 396772, 21 Waterview Street MONA VALE NSW 2103
Proposed Development:	Alterations and additions to a dwelling house including a secondary dwelling and swimming pool
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Daniel Robert Cheetham Amy Cheetham
Applicant:	Marcus Edward Betts

Application Lodged:	30/09/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New second occupancy
Notified:	07/10/2020 to 21/10/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 291,500.00
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PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the alterations and additions to a dwelling house including a secondary dwelling and swimming pool. In particular the works include:

Ground Floor

- Construct an internal staircase accessing the upper level and create a study.

First Floor

- Construct an upper level addition to an existing single storey dwelling comprising of a master bedroom with a walk-in wardrobe and ensuite and an internal staircase leading to the ground floor; and
- Construction of a secondary dwelling above an attached double garage (approved, but yet to be constructed), with a balcony and external stair access to the front of the site.

Swimming Pool

- Install an above ground swimming pool and elevated deck and pool surrounds at the rear of the dwelling.

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 Local Environmental Plan 2014 - 5.4 Controls relating to miscellaneous permissible uses
Pittwater Local Environmental Plan 2014 - 5.10 Heritage conservation
Pittwater 21 Development Control Plan - B1.4 Aboriginal Heritage Significance
Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
Pittwater 21 Development Control Plan - C1.1 Landscaping
Pittwater 21 Development Control Plan - C1.5 Visual Privacy
Pittwater 21 Development Control Plan - C1.6 Acoustic Privacy
Pittwater 21 Development Control Plan - C1.11 Secondary Dwellings and Rural Worker's Dwellings
Pittwater 21 Development Control Plan - D9.3 Building colours and materials
Pittwater 21 Development Control Plan - D9.6 Front building line

SITE DESCRIPTION

Property Description:	Lot H DP 396772 , 21 Waterview Street MONA VALE NSW 2103
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Detailed Site Description:

The subject site is known as 21 Waterview Street, Mona Vale and is legally referred to as Lot H DP 396772.

The site consists of one (1) allotment located on the northern side of Waterview Street. The site is regular in shape with a frontage of 26.2m along Waterview Street and a depth of 49.475m. The site has a surveyed area of 1296m².

The site is located within the R2 Low Density Residential zone and accommodates a single storey dwelling house towards the front of the site.

The land is mapped within the Northern Beaches Council Flood Hazard Map, the Pittwater Biodiversity Map and is on land in the vicinity of a heritage item. A watercourse, identified as 'creek' runs along the north-western side of the property and appears to have outflows to Pittwater.

The slope of the site is measured at 16%, with a fall of approximately 8m from the road frontage to the rear boundary.

The site contains a number of established native trees including a Turpentine and Cabbage Tree Palms. Towards the rear of the dwelling house is a lawned turf area.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by dwelling houses within a landscaped/bushland setting.

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:

20 July 2017

Development Application No. N0237/17 for the alterations and additions to dwelling including retaining walls and fences was granted consent by Council.

8 June 2018

Modification Application No. Mod2018/0204 for the Modification of Development Consent N0237/17 granted for alterations and additions to dwelling including retaining walls and fence was approved by Council.

26 March 2020

Pre-lodgement meeting PLM2020/0044 between the Applicant and Council held to discuss construction of a secondary dwelling at 21 Waterview Street, Mona Vale. The proposal was not acceptable and required significant redesign prior to submission.

APPLICATION HISTORY

27 November 2020

Site inspection undertaken by the assessing officer. Property owners present at the time of the inspection.

14 December 2020

Request made under BLD2020/02357 to investigate the gravel area and siting of a caravan within the road reserve forward of the subject site.

15 December 2020

The Applicant submits a supplementary long section plan of the proposed development to Council. This plan was accepted by Council and forms the basis of the following assessment.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on

Section 4.15 Matters for Consideration'	Comments
	13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(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)	<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>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to providing Council with a long-section plan of the proposed development.</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 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 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>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 07/10/2020 to 21/10/2020 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.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate stage.</p>
Landscape Officer	<p>The development application is for alterations to an existing dwelling including the construction of a secondary dwelling and above ground swimming pool.</p> <p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP Controls:</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • C1.11 Secondary Dwellings and Rural Workers Dwellings • D9 Mona Vale Locality <p>The existing site currently contains existing trees and vegetation to satisfy the landscape controls of Pittwater 21 DCP, including</p>

Internal Referral Body	Comments
	<p>indigenous Turpentine and Cabbage Tree Palms. The Statement of Environmental Effects states that all trees are proposed to be retained.</p> <p>Landscape Referral raise no issues subject to conditions of consent, including protection of existing trees within the site, within the road verge and within adjoining properties.</p>
NECC (Bushland and Biodiversity)	<p>The proposed development has been assessed against the following biodiversity planning legislation and controls:</p> <ul style="list-style-type: none"> • PLEP 2014 cl. 7.6 Biodiversity • P21 DCP B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor • State Environmental Planning Policy (Coastal Management) - Littoral Rainforest Proximity Area <p>The proposed development is largely located within the footprint of the existing dwelling. As such, no native vegetation is required for removal, and will result in no significant onsite loss of canopy cover or net loss in native canopy trees. The development is considered to have been designed and sited to avoid any significant adverse environmental impact.</p> <p>Any future landscaping associated with the development application is to ensure that at least 60% of any new planting incorporates native vegetation (as per species listed in the <i>Native Plant Species Guide - Pittwater Ward</i>, which is located on the Council Website https://www.northernbeaches.nsw.gov.au/node/34932). Landscaping should not include the planting of any environmental weeds.</p>
NECC (Development Engineering)	<p>The proposed additions are over the existing footprint and the pool decking is not impervious and as such OSD for this proposal is not required and connection of stormwater in accordance with the previous approval is satisfactory. The proposed driveway crossing widening is too wide and must be limited to 4 metres at the kerb which has been conditioned. The pool is above ground and does not require excavation.</p> <p>No objection to approval, subject to conditions as recommended.</p>
NECC (Riparian Lands and Creeks)	<p>This application has been assessed against relevant legislation for the protection of waterways.</p> <p>Impervious surfaces are not significantly increased, therefore a stormwater quality improvement device is not required. However, in order to prevent the migration of sediment offsite, the applicant must ensure standard sediment and erosion controls are installed prior to commencement. These controls must be maintained and removed only once sufficient groundcover has been established.</p>

Internal Referral Body	Comments
	<p>With the application of these conditions it is considered unlikely that the proposal will have an adverse impact on the integrity and resilience of the biophysical, ecological and hydrological environment.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The proposed DA generally meets the flood controls in the LEP and DCP. The DA involves an upper level addition to an existing dwelling and the construction of a secondary dwelling above an approved garage. An above ground swimming pool with a deck level 20.11m AHD is proposed. A new retaining wall is proposed with a top of wall RL 19.80m AHD. The Flood Report notes that the proposed wall will not affect the neighbouring property.</p>
Strategic and Place Planning (Heritage Officer)	<p>HERITAGE COMMENTS</p>
	<p>Discussion of reason for referral</p>
	<p>The proposal has been referred to Heritage as the subject property adjoins a heritage item</p> <p>Andriesse House - 25 Waterview Street</p>
	<p>Details of heritage items affected</p>
	<p>Details of the item as contained within the Pittwater inventory is as follows:</p> <p><u>Statement of significance:</u> Andriesse House at 25 Waterview Road, Mona Vale, was designed in 1947 and built in 1950 for the photographer James Andriesse. It has historic and aesthetic significance as a good example of Late Twentieth-Century Sydney Regional architecture presenting the key modernist features of the style including free asymmetrical massing, low pitched roof, exposed structure, open plan layout, horizontal structural emphasis, retention and adaptation to the natural setting and use of natural materials.</p> <p><u>Physical description:</u> The house is formed of stone at the west end, white-painted bagged brick to the south and timber-framed weatherboard is used elsewhere. Like aspects of the Kingsford-Smith roof plan of 1938, the Andriesse House was initially designed with a flat roof. Baldwinson's job files show that his formula for a flat roof consisted of hardwood beams, covered with Woodtex, and then three layers of bituminous felt laid in hot bitumes. This felt was then to be covered with protective gravel.</p> <p>The Andriesse House was turned away from the road axis and used a monumental stonework wall for an elevation that shielded the house from the street. The massive stonework has affinities with the Dobell project. Unlike the houses of earlier artists, this design used a retaining wall to form the footings for much of the ground level of the house and suspends approximately 20 percent or more of the concrete slab on steel piers overlooking bushland</p>

Internal Referral Body	Comments		
	with a studio underneath. The northern elevation is formed almost entirely of glass panes, some fixed into French doors. The partial aerial suspension of the house and the contrast between white-painted bagged brick, weatherboard and sandstone is important design element to note.		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
	Consideration of Application		
	<p>The proposal seeks consent for alterations and additions to the existing dwelling. This include a new pool and an upper level extension with master suite and secondary dwelling at the front of the property. The heritage item is located to the rear of the subject property due to the bend in Waterview Street. As the proposed works are located in the front and middle section of the property there is a large landscaped setback to the common boundary with the heritage item. This means the proposal is considered to not impact upon the heritage item or its significance.</p> <p>Therefore Heritage raises no objections and requires no conditions.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p>		
	Further Comments		
	COMPLETED BY: Brendan Gavin, Principal Planner		
	DATE: 9 October 2020		

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response

External Referral Body	Comments
	stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Affordable Rental Housing) 2009

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

Division 2: Secondary dwellings

Clause 19: Definition

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

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

Note: The standard instrument defines secondary dwelling as follows:

"secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*

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

Comment:

The proposed use is defined under PLEP 2014 as a "secondary dwelling":

"secondary dwelling means a self-contained dwelling that—

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

Note—

See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of residential accommodation—see the definition of that term in this Dictionary."

Clause 20: Land to which this Division applies:

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but <i>only if</i> development for the purposes of a dwelling house is permissible on the land:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or (d) Zone R4 High Density Residential, or (e) Zone R5 Large Lot Residential.	Consistent. The site is located within the R2 Low Density Residential and, as such, the proposed use is permissible with consent under PLEP 2014.

Clause 21: Development to which this Division applies

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

Clause 22: Development may be carried out with consent

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

Requirement	Comment
(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	The proposed secondary dwelling is located on the same land as the principal dwelling. There are no other dwellings apparent on the land.

<p>(3) A consent authority must not consent to development to which this Division applies unless:</p> <p>(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and</p> <p>(b) the total floor area of the secondary dwelling is no more than 60m² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.</p>	<p>The floor area of the proposed secondary dwelling is less than 60m².</p>
<p>(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:</p> <p>(a) site area if:</p> <p>(i) the secondary dwelling is located within, or is attached to, the principal dwelling, or</p> <p>(ii) the site area is at least 450 square metres.</p> <p>(b) parking if no additional parking is to be provided on the site.</p>	<p>The proposed development is not recommended for refusal on the grounds of site area.</p> <p>The proposal is not being refused on the basis of no additional parking being provided on site.</p>

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

Clause 24: No subdivision

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

Conclusion

The proposed secondary dwelling is consistent with the above clauses of SEPP AHR. In this regard, the development is supported.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1099441S_03, dated 15 September 2020).

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

Commitment	Required Target	Proposed
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Water	40	53
Thermal Comfort	Pass	Pass
Energy	50	65

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

A referral to Ausgrid was not considered necessary for the proposes of this particular application.

SEPP (Coastal Management) 2018

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

10 Development on certain land within coastal wetlands and littoral rainforests area

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
 - the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
 - the carrying out of any of the following:*
 - earthworks (including the depositing of material on land),*
 - constructing a levee,*
 - draining the land,*
 - environmental protection works,*
 - any other development.*

Comment:

The subject development application has received comments from Council's Biodiversity team, which

raised no objections to supporting the proposal subject to conditions. It should also be noted that no trees are being removed as part of this application and that the majority of works are above ground thereby requiring minimal excavation. Therefore, the proposed development is not considered to significantly impact upon the matters identified in this clause.

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

The subject development application has received comments from Council's Biodiversity team, which raised no objections to supporting the proposal subject to conditions. . Therefore, the proposed development is not considered to significantly impact upon the matters identified in this clause.

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

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

Comment:

It is considered that the proposed development is not likely to cause increased risk of coastal hazards on the subject site or other land.

As such, it is considered that the application does/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	8.1m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

Detailed Assessment

5.4 Controls relating to miscellaneous permissible uses

The floor area of the proposed secondary dwelling is measured at 40m².

5.10 Heritage conservation

The subject site is located within the vicinity of a heritage item listed in Schedule 5 of the PLEP 2014. In accordance with clause 5.10(4) of the PLEP 2014, the consent authority must consider the effect of the proposed development of the heritage significance of the item or area concerned prior to granting consent to the proposal. In this regard, the proposal has been considered by Council's Heritage Advisor (Principal Planner) who is satisfied that the proposal is considered to not impact upon the heritage item or its significance. No conditions have been recommended in this regard. Detailed commentary from Council's Heritage Advisor is provided in the 'Referrals' section of this report.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Variation	Complies
Front building line	6.5m	4.3m to the balcony of the Secondary Dwelling 6m to the outerwall of the Secondary Dwelling	33% (2.2m) 8% (0.5m)	No
Rear building line	6.5m	18.9m	-	Yes
Side building line	2.5m	9.3m (West)	-	Yes
	1m	1.75m (East)	-	Yes
Building envelope	3.5m	Within envelope (West)	-	Yes
	3.5m	Within envelope (East)	-	Yes
Landscaped area	60%	65.5% (848.4m ²)	-	Yes

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
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	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
B6.7 Transport and Traffic Management	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
C1.1 Landscaping	No	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.11 Secondary Dwellings and Rural Worker's Dwellings	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	No	Yes
D9.6 Front building line	No	Yes
D9.7 Side and rear building line	Yes	Yes
D9.9 Building envelope	Yes	Yes
D9.11 Landscaped Area - Environmentally Sensitive Land	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

B1.4 Aboriginal Heritage Significance

Due to the age of existing development and the associated level of site disturbance, it is considered unlikely that the site would be of aboriginal heritage significance. Regardless, standard conditions of consent are to be applied; this would require work to be halted and relevant authorities notified in the event that aboriginal relics are discovered during any excavation/construction.

B6.3 Off-Street Vehicle Parking Requirements

The subject site is to contain a total of three (3) vehicle spaces on the property, being a double garage and a single carport. The parking arrangement was approved under development consent no. N0237/17 and is currently undergoing construction in accordance with Construction Certificate No. CC2018/0786. The resultant development is therefore seen to accommodate three (3) vehicle spaces as required under this clause.

C1.1 Landscaping

Whilst Council's Landscape Officer has assessed the proposal against the requirements of the clause and raised no issues subject to conditions, the application is technically non-compliant with the requirement for two (2) trees to be provided within the front yard. In this regard, it should be acknowledged that no trees are proposed for removal as part of this application. Further, at least four existing canopy trees are located within the rear yard and are to be retained. These include indigenous tree species such as a Turpentine and Cabbage Tree Palms. The site is therefore considered to maintain and enhance the long-term retention of Mona Vale's locally native tree canopy. Consideration is also given that existing landscaping exists forward of the dwelling, including shrubs and an established tree within the road reserve. The provision of these plantings assist with softening the built form associated with the proposed development. Compliance with a requirement for two (2) trees to be planted within the front yard would be difficult to achieve, given the siting of the existing building, associated retaining walls and minimum dimensions necessary to allow for unrestricted root growth.

Based on the above, the proposed development is considered to meet the outcomes of this clause and is supported on merit.

C1.5 Visual Privacy

Description of non-compliance

The proposed swimming pool and associated decking is seen to be technically non-compliant with the control that requires direct views of any private open space or any habitable room window within 9m to be restricted by appropriate privacy measures. The control also states to elevated swimming pools and decks should incorporate privacy screens were necessary.



Figure 1: Image taken from the existing rear deck looking towards No. 19 Waterview Street.

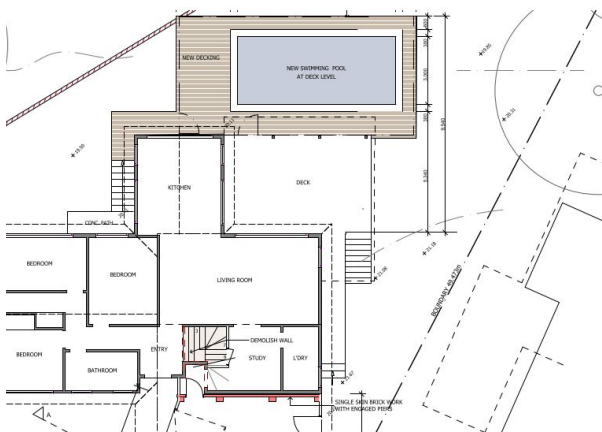


Figure 2: Ground Floor Plan detailing the location of the proposed swimming pool in relation to the existing deck.

Merit consideration:

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

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

Comment:

In order to optimise visual privacy between the occupants of No. 21 Waterview Street and No. 19 Waterview Street, the Applicant has agreed to accommodate a fixed privacy screen along the length of the north-eastern side of the proposed pool deck (coping). This change is seen to be an effective measure to limit the extent of privacy impacts between the bedroom and deck at No. 19 Waterview Street and the proposed swimming pool at the subject site.

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

Comment:

The proposed privacy measure discussed above, is considered to help ensure a sense of territory and safety is provided for residents.

Based on the above, the proposed development is considered acceptable in merit and consistent with the outcomes of this clause in this particular instance.

C1.6 Acoustic Privacy

To ensure the protection of acoustic amenity, a condition is to be placed to ensure that the maximum noise level associated with the pool filter does not exceed 5dB(A) above ambient background level when measured from any adjoining premises.

C1.11 Secondary Dwellings and Rural Worker's Dwellings

A control under this clause states that "A secondary dwelling above a detached garage is not supported". In this regard, consideration has been given that the proposed secondary dwelling is located above a double garage (undergoing construction) that is attached to the existing dwelling house and therefore is not seen to be inconsistent with this control. Notwithstanding this, the overall building height of the proposed development is compliant with the height of buildings development standard under the PLEP 2014 and an assessment has been undertaken against Clause D9.6 (Front building line) of the P21 DCP to determine whether the breach to the front building line is acceptable.

D9.3 Building colours and materials

A schedule of external finishes and materials was not submitted with this development application. The Applicant has agreed to a condition being imposed for finishes to be in natural timber or painted in a dark and earthy tone equivalent to or darker than Colorbond "Windspray". Compliance with this control ensures that the visual prominence of the development is minimised from Waterview Street and neighbouring properties. This has been considered particularly relevant given the breach to the front building line control. Further, noting the subject site is within the Pittwater Biodiversity Map and the vegetated nature of the property, it is considered appropriate for darker colours and materials are utilised to ensure the finishes of the development harmonise with the surrounding natural environment.

Subject to compliance with these conditions, the proposed development is considered acceptable in merit and consistent with the outcomes of this clause in this particular instance.

D9.6 Front building line

Description of non-compliance:

The proposal is seen to be technically non-compliant with the 6.5m front building line requirement, being 4.3m to the balcony of the secondary dwelling and 6m to the outerwall (southern elevation) of the secondary dwelling.

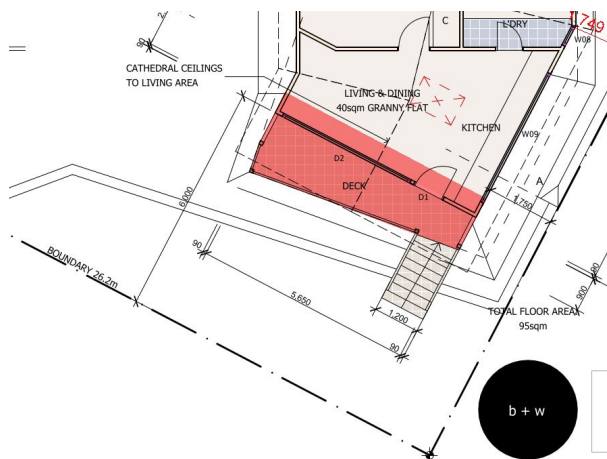


Figure 3: Area shaded red depicting the extent of the non-compliance with the 6.5m front building line control.

Merit consideration:

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

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

Comment:

The desired future character statement for the Mona Vale locality makes specific reference to secondary dwellings stating:

"Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations."

In this regard, the proposed secondary dwelling is located above an approved double garage (under construction) and therefore will result in minimal environmental impact. The development will not exceed a maximum of two storeys and is seen to be integrated with the landform and landscaping on site.

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

Comment:

The proposed development is not seen to restrict any existing views or vistas from Waterview Street or neighbouring properties.

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

Comment:

Waterview Street is not considered to be a main road under RMS classifications. Notwithstanding this, the proposed secondary dwelling is sufficiently separated away from street edge with landscaping including established hedging providing a level of privacy and amenity for future occupants.

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

Comment:

As detailed above, the proposed secondary dwelling is sited above an approved double garage (under construction). Consideration has been given that despite the overall lot size being 1296m², that suitable areas to build a detached secondary dwelling are limited due to environmental constraints relating to the natural watercourse and protection of trees. Existing hedging forward of the proposed secondary dwelling is also seen to visually reduce the built form associated with the development.

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

Comment:

Not applicable for this development application.

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

Comment:

Due to the site sloping from the road frontage to the rear boundary, the visual dominance and scale of the resultant development is perceived as lesser from Waterview Street. Further, the overall height of the proposal will be below the existing canopy level of nearby trees.

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

Comment:

The proposal is largely seen to incorporate design elements such as an entry feature, a front facing balcony and a recessed south facing wall to the secondary dwelling, to ensure that the development has an attractive street presence. Existing landscaping and the conditional requirement for the use of dark and earthy tone will also ensure that the resultant development blends into its surroundings. The new pathway and associated access stairs to the proposed secondary dwelling are also seen to improve the pedestrian amenity for the occupants of the site.

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

Comment:

Consideration has been given to the existing setbacks of properties either side of the subject site. In this regard, No. 19 Waterview Street is measured at 6.2m from the front boundary and No. 23 Waterview Street is indicated as being approximately 3.8m from the front boundary. As such, the proposed development being measured at 4.3m to the balcony and 6m to the outerwall (southern elevation) of the secondary dwelling to the front boundary is not seen to be inconsistent with the prevailing setback. Whilst there are a number of examples of single storey dwelling houses along the northern side of Waterview Street, there is an increasing emergence of two storey dwelling houses within the immediate vicinity of the site.

Based on the above, the proposed development is considered acceptable in merit and consistent with the outcomes of this clause in this particular instance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

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

A monetary contribution of \$2,915 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$291,500.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/1206 for Alterations and additions to a dwelling house including a secondary dwelling and swimming pool on land at Lot H DP 396772, 21 Waterview Street, 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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
1916 DA 1, Rev. E, 1/7 (Site Plan)	15/09/20	b + w
1916 DA 1, Rev. E, 2/7 (Ground Floor Plan)	15/09/20	b + w
1916 DA 1, Rev. E, 3/7 (First Floor Plan)	15/09/20	b + w
1916 DA 1, Rev. F, 4/7 (Section A-A)	14/12/20	b + w
1916 DA 1, Rev. E, 5/7 (South East Elevation, North East Elevation)	15/09/20	b + w
1916 DA 1, Rev. E, 5/7 (North West Elevation, South West Elevation)	15/09/20	b + w

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Flood Report, Ref. D-11-265205	21 October 2016	Civil & Structural Engineering Design Services Pty. Ltd.
BASIX Certificate, Ref. 1099441S_03	15 September 2020	Marcus Betts

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. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department,	EDMS Reference	Dated
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Authority or Service		
Ausgrid	Response Ausgrid Referral	3/11/20

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal 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) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

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

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

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa

area.

- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$2,915.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$291,500.00.

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.

6. 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 are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

7. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the proposed buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the proposed connection approved in consent N0237/17.

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 the development.

8. Amendments to the approved plans

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

- A privacy screen to a height of 1.7m from the finished floor level (R.L 22.29) is to be located along the length of the north-eastern side of the proposed pool deck (coping). The privacy screen is to be set so that no more than 25% of overlooking will result when viewed from a midpoint of the screen perpendicular to the side boundary with No. 19 Waterview Street, Mona Vale.

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.

9. Fire Separation - Separating walls

The new building that is proposed to be constructed as a secondary dwelling is required to comply with Part 3.7.3.2 of the Building Code of Australia – 'Separating Walls'.

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

Reason: To ensure adequate provision is made for fire safety and for building occupant safety.

10. 3.7.4.3 Separating Floors (a)

- Where parts of a Class 1a dwelling are located above or below a Class 10a garage that is not associated with the Class 1a dwelling, any floor separating the Class 1a dwelling from the Class 10a garage not associated with the dwelling must—

(i)

- be a floor/ceiling or floor/soffit system incorporating a ceiling or soffit which has a resistance to the incipient spread of fire to the space above itself of not less than 60 minutes; or

(ii)

- have an FRL not less than 30/30/30 when tested from the underside; or

(iii)

- have a fire-protective covering on the underside of the floor, including beams incorporated in it, if the floor is combustible or of metal.

(b)

- Where a floor subject to (a)(ii) depends on direct vertical or lateral support from another part to maintain its FRL, that supporting part must have an FRL of not less than 30/-/-.

(c)

- Where a service passes through a floor the penetration must not reduce the fire performance of the floor or covering.

Reason: To ensure adequate provision is made for fire safety and for building occupant safety.

11. **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.

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. **Laundry facilities**

The layout of the bathroom area is to be designed to incorporate clothes washing facilities, comprising of at least one washtub and space in the same room for a washing machine in accordance with Part 3.8.3.2 of Volume 2 of the Building Code of Australia –'Required Facilities'.

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

Reason: To ensure adequate provision is made for building occupant health and amenity.

14. **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.

15. Schedule of External Finishes

The external finishes of the development are to be consistent with the following:

- a. All joinery and supporting posts are to be finishes in natural timber or painted/finished in a dark and earthy tone equivalent to or darker than Colorbond "Windspray";
- b. All external cladding are to be painted/finished in a dark and earthy tone equivalent to or darker than Colorbond "Windspray";
- c. All new roofing is to be a colour equivalent to or darker than Colorbond "Windspray", and
- d. With the exception of the underside of eaves, ceilings and trim to windows and doors, the use of white on any external finish is not permitted.

The schedule of external finishes is to be submitted to the Certifying Authority, prior to the issue of the Construction Certificate.

Reason: To minimise the visual impact of the resultant development.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

16. Tree protection fencing

Tree protection fencing shall be installed at the base of the retaining wall between the proposed pool and existing tree and vegetation area. The fencing shall be set at least 1 metre from the base of the retaining wall, shall continue for the full length of the retaining wall, and shall be in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings and Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

Reason: tree and vegetation protection.

17. 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

18. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

19. 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.

20. 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 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.

21. Vehicle Crossings

The Applicant is to reconstruct the vehicle crossing 4 metres wide at the kerb to 5.5 metres wide at the boundary in accordance with Northern Beaches Council Drawing No A4-3330/5 EL 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 kerb, and 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.

22. Tree and vegetation protection

a) Existing trees and vegetation shall be retained and protected, including:

i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,

- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree (s) is prohibited.

Reason: tree and vegetation protection.

23. **Wildlife protection and rehabilitation**

If construction activity associated with this development results in the 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.

24. Aboriginal Heritage

Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Aboriginal Heritage Protection.

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

25. 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.

26. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in NSW WeedWise website <https://weeds.dpi.nsw.gov.au/WeedBiosecurities?Areald=3>) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

27. Removal of gravel area along the front boundary

The gravel area located along the front boundary is to be removed and reverted to appropriate landscaping such as turf grass.

Reason: Landscape amenity and safety.

28. External Finishes

The external finishes of the as-built development are to be consistent with the Schedule of External Finishes required by Condition 15 of this consent.

Documented evidence of consistency with this requirement is to be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure that the visual impact of the development is minimised.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**29. Pool Filter Noise**

The maximum noise level associated with the pool filter does not exceed 5dB(A) above ambient background level when measured from any adjoining premises.

Reason: To protect the amenity for adjoining properties.

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

Signed



Kent Bull, Planner

The application is determined on 16/12/2020, under the delegated authority of:



Catriona Shirley, Acting Development Assessment Manager