

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/1458
<b>Responsible Officer:</b>	Kent Bull
<b>Land to be developed (Address):</b>	Lot 5 DP 11096, 10 Watkins Road AVALON BEACH NSW 2107
<b>Proposed Development:</b>	Alterations and additions to a dwelling house
<b>Zoning:</b>	E4 Environmental Living
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Mark Edmund Turner Janice Helen Taylor Turner
<b>Applicant:</b>	Mark Edmund Turner
<b>Application lodged:</b>	04/09/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	07/09/2018 to 25/09/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	2
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 400,000.00

### 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 - 7.8 Limited development on foreshore area

Pittwater 21 Development Control Plan - B3.4 Coastline (Bluff) Hazard

Pittwater 21 Development Control Plan - C1.3 View Sharing

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - D1.5 Building colours and materials

Pittwater 21 Development Control Plan - D1.9 Side and rear building line

Pittwater 21 Development Control Plan - D1.11 Building envelope

Pittwater 21 Development Control Plan - D1.14 Landscaped Area - Environmentally Sensitive Land

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 5 DP 11096 , 10 Watkins Road AVALON BEACH NSW 2107
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the eastern side of Watkins Road.</p> <p>The site is regular in shape with a frontage of 15.24m along Watkins Road and a depth of 55.47m. The site has a surveyed area of 834.1m<sup>2</sup>.</p> <p>The site is located within the E4 Environmental Living zone and accommodates a two storey dwelling, detached garage and swimming pool.</p> <p>The site falls 6m from the northeastern corner to the southwestern corner with an average slope of approximately 10.5%.</p> <p>The vegetation on site is predominately low lying shrubs and turf, with the two palms within the front yard being the only canopy trees.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by low density residential dwellings within a landscaped setting.</p>

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:

### 02 September 2008

Development Application N0282/08 for the construction of alterations and additions to the existing dwelling was granted consent.

## **PROPOSED DEVELOPMENT IN DETAIL**

The application seeks consent for the alterations and additions to the dwelling which includes the following:

### Ground Floor

- Extension of the existing kitchen, dining room and decking
- Demolition of existing paved area to the northwest of the dwelling
- Minor internal changes

### First Floor

- Extension to floor including bathroom, closet and extension of living room
- New balcony adjacent to living room

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

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

are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan 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>Division 8A of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p>Clause 50(1A) of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p>Clauses 54 and 109 of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p>Clause 92 of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p>Clauses 93 and/or 94 of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p>Clause 98 of the EP&amp;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>Clause 98 of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p>Clause 143A of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction</p>

Section 4.15 Matters for Consideration'	Comments
	Certificate. This clause is not relevant to this application.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Robert Wells	8 Watkins Road AVALON BEACH NSW 2107
Mr Ross Gary Woodward	12 Watkins Road AVALON BEACH NSW 2107

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

- View sharing

- Visual privacy

The matters raised within the submissions are addressed as follows:

- View sharing

Comment:

Concerns were raised from the residents of the neighbouring property at 12 Watkins Road in regards to the potential loss of views. Please see further discussion under Clause C1.3 of P21 DCP.

- Visual privacy

Comment:

Concerns were raised by the residents of the neighbouring property at 8 Watkins Road in relation to the visual privacy impact created by the proposed first floor windows along the southern elevation and the balcony adjoining the first floor living room. Please see further discussion under Clause C1.5 of P21 DCP.

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	<p>The site is located adjacent to Geotechnical Hazard H1 Area, an "Acceptable Risk Management" Level can be achieved in accordance with the geotechnical report prepared by Crozier Geotechnical Consultant.</p> <p>The proposed DA is for a minor internal/external changes to an existing dwelling. The stormwater management Control codes do not require provision of OSD.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>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.</p>

## 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. A314352\_03, dated 27/07/2018).

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

### **SEPP (Infrastructure) 2007**

#### Ausgrid

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

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

#### Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

### **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	8.3m	N/A	N/A

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.5 Coastal risk planning	Yes
7.8 Limited development on foreshore area	No
7.10 Essential services	Yes

#### Detailed Assessment

##### 7.8 Limited development on foreshore area

Based on the plans provided, a portion of the proposed additions including a minor portion of the paved area adjacent to the dining room on the ground floor and the pergola above falls within the Foreshore Building Line (FBL). Subclause 7.8(2) permits only the following types of development within the FBL:

*(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:*

- (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,*
- (b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

As the existing dwelling does not extend into the FBL and the type of development proposed does not fall into any of the above categories, the development proposed within the current application is prohibited within the foreshore. This was discussed with the owners and applicant and they were supportive of a condition being included within the consent, if granted, to ensure that the plans are updated prior to the Construction Certificate to show that no new works were proposed seaward of the FBL.

#### Pittwater 21 Development Control Plan



### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	31m	N/A	Yes
Rear building line	N/A - FBL applies	Work within FBL	5%	No
Side building line	2.5m	2.37m	5.2%	No
	1m	1.9m	N/A	Yes
Building envelope	3.5m	Within envelope	N/A	Yes
	3.5m	Outside envelope	12.7%	No
Landscaped area	60%	47.7%	20.5%	No

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

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.4 Coastline (Bluff) Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B5.13 Development on Waterfront Land	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	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.23 Eaves	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.4 Scenic protection - General	Yes	Yes
D1.5 Building colours and materials	No	Yes
D1.8 Front building line	Yes	Yes
D1.9 Side and rear building line	No	Yes
D1.11 Building envelope	No	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	No	Yes
D1.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

#### Detailed Assessment

### **B3.4 Coastline (Bluff) Hazard**

The coastal bluff hazard assessment has been undertaken as part of the Geotechnical Assessment Report. The proposed development complies with the control requirement.

### **C1.3 View Sharing**

Concerns were received from the neighbouring property at 12 Watkins Road, to the north of the subject site, in relation to the potential loss of views caused by the proposed development. The issues relate to the proposed extension of the subject dwelling to the east (foreshore), to compensate for the recently approved development at 8 Watkins Road, which is likely to obscure views to Avalon Headland to the south when viewed from the rear balcony, kitchen and first floor master bedroom of the subject dwelling at 10 Watkins Road.

However in the submission, the neighbour identifies that discussions were held with the owner of the subject site regarding the design and arrangement of the proposed development prior to the application being lodged, to ensure that the 'iconic' views of Avalon Headland are able to be preserved should the development be granted consent. The following conditions were agreed upon:

1. The restraining walls (balustrade) must be transparent - such as transparent glass or steel wire;
2. No pergola or roof be permitted on the balcony
3. No privacy screen be permitted on the balcony

The neighbour commented that should these conditions be included, no objection to the development as a whole would be raised. Based on the plans provided, the first floor decking/balcony does not include a roof or privacy screens. The balustrade additionally has been identified as clear glazing, by the materials schedule (Drawing A-05, dated 24/08/2018). This arrangement is considered acceptable. Further discussion has been raised in relation to visual privacy with the lack of privacy screens provided to the first floor decking under P21 DCP Clause C1.5.

### **C1.5 Visual Privacy**

A submission was received from the neighbour at No. 8 Watkins Road in relation to the visual privacy impact by the proposed first floor windows along the southern elevation and the balcony adjoining the

first floor living room. The concerns raised were with regards to visual impacts on the approved additions at No. 8 Watkins Road that have yet to be constructed. The requirements of the control are that private open space area including living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking. Along the southern elevation, the proposed first floor living room windows (W09 and W08) measured at a sill height of R.L. 33.55m are within 9m and directly opposite the approved first floor transparent en-suite windows at No. 8 Watkins Road which are measured at a sill height of R.L. 33.76m. Existing first floor habitable room windows such as those along the southern elevation of the master bedroom (W11) at No. 10 Watkins Road have privacy screens installed. It is therefore recommended a condition be placed in order to maintain privacy between the occupants of each property for solid vertical louvre screens on the exterior of window frames of W09 and W08 with a maximum opening angle of 45 degrees be installed. It should be noted that the proposed first floor living area will have water views towards the Tasman Sea and Avalon Headland, particularly from the proposed balcony area. The proposed first floor living room window (W14) and balcony area is setback 5.7m from the southern side boundary, providing for reasonable spatial separation for the occupants of No.8 Watkins Road. Privacy screens are not recommended to form part of the proposed first floor balcony in order maintain views towards Avalon Headland for neighbouring properties directly north (See clause C1.3 View Sharing for further discussion). Along the northern elevation a bathroom window on the first floor (W16) is proposed within 9m of the existing neighbouring deck at 12 Watkins Road that is at a similar level. A condition has therefore been recommended that this window has a minimum sill height raised to 1.7m above the finished floor level. Subject to compliance with these conditions, the proposed development is considered to meet the objectives of the clause in this instance and is therefore supported on its merits.

#### **D1.5 Building colours and materials**

The applicant seeks consent to maintain an existing non-compliant colour scheme for the proposed development. It is recommended that a variation to the control which requires external colours and materials to be of dark and earthy tones, be supported as the proposed colours and materials and finishes will match the existing colour scheme which is complimentary to the visual character of developments along Watkins Road when viewed from Bangalley Park. While there remains a non-compliance, the proposal in this instance is considered to satisfy the objectives of this clause and is supported on its merits.

#### **D1.9 Side and rear building line**

The application intends to maintain the existing side setbacks of 1.97m to the northern boundary and 2.36m to the southern boundary, which although results in a minor non-compliance, the impact is negligible as the works that are non-compliant are almost entirely located within the existing building, where as all new works including the most major change, being the addition to the first floor, are located entirely within the 2.5m and 1m minimum required side setbacks.

The non-compliant element includes the minor extension to the existing decking at the rear/foreshore side of the property and as it is entirely at ground level, the amenity and built form impact is minimal. A variation in this instance is therefore acceptable.

#### **D1.11 Building envelope**

The development results in a slight envelope breach along the northern boundary where the proposed closet adjacent to the master bedroom is located. All other elements of the works are within the envelope parameters.

As the closet is located towards the western portion of the dwelling and is situated in-front of the existing first floor, looking from the perspective of 12 Watkins Road to the north of the subject site, this

portion of the development is unlikely to result in any unreasonable amenity impact to this neighbouring property. The development maintains a healthy setback of 1.97m to this boundary to ensure a reasonable spatial separation between the two dwellings. As a window (W16) is proposed within 9m of the existing neighbouring deck at a similar level, it is recommended that this window have its minimum sill height raised to 1.7m above the finished floor level as previously discussed. No other amenity or bulk and scale issues are considered to arise from the envelope non-compliance. A variation to the control is therefore supported in this instance.

#### **D1.14 Landscaped Area - Environmentally Sensitive Land**

The proposed development is technically non-compliant with the control that requires a minimum of 60% of the site area to be dedicated towards landscaping. It should be noted that the development will only be reducing the existing landscape area by approximately 2m<sup>2</sup> due to the removal of a 12m<sup>2</sup> area of paving at the northeastern corner of the dwelling. The existing amenity to adjoining property owners is unlikely to be affected by the proposed first floor addition with adequate solar access being provided and reasonable levels of privacy continuing to be provided. The proposed landscape area is not considered inadequate, in so far as it will not unreasonably impact on stormwater runoff or the infiltration of water. On merit, the overall landscape area is considered to meet the objectives of the clause and is therefore supported.

#### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

#### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

#### **POLICY CONTROLS**

##### **Pittwater Section 94 Development Contributions Plan**

#### **CONCLUSION**

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

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

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1458 for Alterations and additions to a dwelling house on land at Lot 5 DP 11096, 10 Watkins Road, AVALON BEACH, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

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

#### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A-01 Site Plan, Rev 0	2 August 2018	MCA Architects
A-03 Ground Floor Plan, Rev 0	23 August 2018	MCA Architects
A-04 First Floor Plan, Rev 0	23 August 2018	MCA Architects
A-05 Section, Landscape Areas and Materials Board, Rev 1	24 August 2018	MCA Architects
A-09 Elevations	2 August 2018	MCA Architects
A-10 Elevations	2 August 2018	MCA Architects

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Geotechnical Report No. 2822.1	8 June 2018	Crozier Geotechnical Consultants
BASIX Certificate, A314352-03	27 July 2018	Malone Campbell-Allen

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.	Dated	Prepared By
Waste Management Plan	August 2018	Nolan Planning Consultants

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. (DACPLB01)

## 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 (DACPLB09)

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

change. The applicable fee at the time of payment of the Long Service Levy will apply.

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

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

- (k) 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. (DACPLB10)

4. **Amendments to the approved plans**

The following amendment to the approved plans:

- (i) Plans are to be amended demonstrating no new works seaward of the Foreshore Building Line.
- (ii) First floor living room windows marked 'W09' and 'W08' shall comprise of vertical louvred privacy screens affixed to the exterior frames with the louvres being solid and having a maximum opening angle of 45 degrees.
- (iii) First floor bathroom window marked 'W16' is to have a minimum sill height of 1.7m from the finished floor level.

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

Reason: To ensure no new works seaward of the Foreshore Building Line and to reduce impacts on visual privacy.

## FEES / CHARGES / CONTRIBUTIONS

5. **Security Bond**

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

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

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

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

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

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

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

The recommendations of the risk assessment required to manage the hazards as identified in

the Geotechnical Report prepared by Crozier Geotechnical consultants (2822.1) dated June 2018 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

**7. Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

**8. 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 Council prior to any works being finalized.

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

**9. Road Reserve**

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

Reason: Public Safety.

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

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

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

**Signed**



**Kent Bull, Planner**

The application is determined on 04/01/2019, under the delegated authority of:



**Adam Mitchell, Manager Development Assessments**