

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/1104
Responsible Officer:	Nick Keeler
Land to be developed (Address):	Lot 45 DP 13457, 143 Prince Alfred Parade NEWPORT NSW 2106
Proposed Development:	Alterations and additions to a dwelling house including a swimming pool
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Slavko Nikola Rezo Caroline Diana Rezo
Applicant:	Rama Architects Pty Ltd
Application Lodged:	04/10/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	22/10/2019 to 05/11/2019
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 80,500.00

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to the existing dwelling including the installation of a lift on the southern elevation, the lowering of the floor level of the garage with reconfiguration of the garage layout and driveway profile change, new excavation beneath the dwelling to form a basement storage area and construction of an in-ground swimming pool and associated decking, stairs, landscaping and retaining walls in the rear yard.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

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

Pittwater 21 Development Control Plan - D10.11 Building envelope (excluding Newport Commercial Centre)

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

SITE DESCRIPTION

Property Description:	Lot 45 DP 13457 , 143 Prince Alfred Parade NEWPORT NSW 2106
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Prince Alfred Parade.</p> <p>The site is irregular in shape with a frontage of 16.355m along Prince Alfred Parade and a depth of 51.325m. The site has a surveyed area of 628.6m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates two-storey residential dwelling with basement garage.</p> <p>The site falls approx. 15m from the eastern (rear) boundary towards the western (front) boundary. The average grade of the site is 28.8%.</p> <p>The site contains large grassed and garden areas at the front and rear of the dwelling. Hedging vegetation is located along the southern side boundary in the rear yard. A number of canopy trees are located close to the site boundaries on adjacent lots.</p> <p>Detailed Description of Adjoining/Surrounding</p>

Development

Adjoining and surrounding development is characterised by low density residential dwellings with ancillary development.

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:

Application **N0976/03** for Alterations and Additions to an existing sole occupancy dwelling, and new swimming pool was approved on 05/07/2004 by Council staff under delegated authority.

Application **N0595/07** for alterations and additions to the existing house was approved on 16/11/2007 by Council staff under delegated authority.

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	None applicable.

Section 4.15 Matters for Consideration'	Comments
planning agreement	
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact 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</p>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mrs Christine Anne Campbell	2 De Lauret Avenue NEWPORT NSW 2106

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

- Noise from pool pump
- Tree planting leading to view loss

The matters raised within the submissions are addressed as follows:

- *While I have no problems with the additions and swimming pool, as long as the pump won't be running at night or early hours of the morning.*

Comment:

A condition has been included to require the pool pump be enclosed in an acoustically treated

structure so that no noise is audible from habitable rooms of neighbouring dwellings.

- *My only concern is that they may intend planting tall plants or trees - I would like some sort of assurance that this won't be the case.*

Comment:

The scope of the proposed development does not include planting of any large or tall trees or vegetation on the site.

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>Updated comments 21/11/2019</p> <p>The applicant has provided an Arboricultural Impact Report (Landscape Matrix Pty Ltd. 19/11/2019) which assesses 5 trees within the vicinity of the works. T1 <i>Eucalyptus umbra</i>, T2 <i>Corymbia maculata</i>, T3 <i>Eucalyptus umbra</i>, T4 <i>Eucalyptus paniculata</i>, will incur a major encroachment into the TPZ (>10% of TPZ). T5 is not a prescribed tree. The Arborist has assessed these impacts as being acceptable subject to tree protection measures.</p> <p>Council's Natural Environment - Biodiversity section raises no objections, subject to conditions.</p> <p>Original comments 29/10/2019</p> <p>This application was assessed against Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP B4.7 Pittwater Spotted Gum EEC. The site is also mapped as Wetland Proximity Area and Littoral Rainforest Proximity Area within the Coastal Management SEPP 2018.</p> <p>The proposal is for the alterations and additions to the existing dwelling including driveway leveling, a new lift, swimming pool, and landscaping. There are no native trees within the site, however the site survey shows there are four large native trees within neighbouring properties which will be within 5 metres of soil excavation works. Two are in the front yard (one tree is north of the driveway, one is south of the hardstand to be converted to soft landscaping) and two are south of the proposed new level lawn in the rear yard.</p> <p>The Coastal Management SEPP objectives are addressed in the SEE. The proposal is acceptable subject to neighbouring large native canopy trees not being impacted by the works in accordance with biodiversity controls.</p> <p><i>Information required</i></p> <p>An Arborist Report is required to be prepared and submitted to support the application in accordance with the following:</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • must identify the location, species, health and size of all trees within 5m of the proposed development (including any trenches for utilities); • Prepared by a suitably qualified arborist with minimum AQF Level 5; • Prepared based on the actual plans and documentation submitted in support of the DA; • Take into account all above- and below-ground works and structures that are ancillary to the development, including any changes in soil/ground level around the base of canopy trees; • A tree protection and management plan with specific tree protection measures to enable safe retention of all trees proposed for retention, including mapping Tree Protection Zones, Structural Root Zones and any encroachments. <p>Council Natural Environment - Biodiversity section cannot complete this assessment until further information is provided.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Coastal Management) 2018 As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Proximity to Coastal Wetlands and Littoral Rainforest Area', 'Coastal Environment Area' and 'Coastal Use Area' maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 11, 13, 14 and 15 of the CM SEPP apply for this DA.</p> <p>Assessments to the requirements of the Clause 11 is being carried out at a different section of the Council.</p> <p>Comment:</p>

Internal Referral Body	Comments
	<p>The Statement of Environmental Effects (SEE) report prepared by Vaughan Milligan Development Consulting Pty. Ltd. dated September 2019 has concluded that the proposed development is consistent with the matters for consideration under the SEPP (Coastal Management) 2018.. Council accepts the assessment, the DA satisfies requirements under clauses 13, 14 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>No coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>
NECC (Development Engineering)	The submitted Geotechnical report addresses the relevant DCP controls and certifies that an acceptable risk is achievable for the development. The driveway grade and parking slab is acceptable. No OSD will be required. No objection to approval, subject to conditions.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A354022_02 dated 1 October 2019).

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

SEPP (Coastal Management) 2018

See Coast & Catchments referral comments for SEPP assessment.

Pittwater Local Environmental Plan 2014

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

zone objectives of the LEP?	Yes
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Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	5.4m	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	10.2m	N/A	Yes
Rear building line	6.5m	Dwelling - 24m (existing)	N/A	Yes, as existing
		Deck - 9.3m	N/A	Yes
Side building line	N - 2.5m	Lower ground floor - 0.5m (existing)	80%	No, as existing
		Ground floor balcony - 0.1m (existing)	96%	No, as existing
		Pool deck - Nil	100%	No
	S - 1m	Dwelling - 2m (existing)	N/A	Yes, as existing
		Lift - 0.6m	40%	No
		Pool deck - 1.7m	N/A	Yes
Building envelope	N - 3.5m	Outside envelope (existing)	Up to 52.6%	No, as existing
	S - 3.5m	Dwelling - Outside envelope (existing)	Up to 1.8%	No, as existing
		Lift - Outside envelope	31.7%	No
Landscaped area	60% (377.16m ²)	40.7% (255.6m ²)	32.2%	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
A4.10 Newport Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	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	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	Yes	Yes
D10.8 Side and rear building line (excluding Newport Commercial Centre)	No	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	No	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D10.15 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D10.16 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D10.18 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

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

Description of non-compliance

The lift proposed on the southern elevation encroaches into the 1m side boundary setback area. The lift is to be set back 0.6m from the boundary.

The proposed works associated with the swimming pool encroach into the 2.5m northern side boundary setback area. The pool is to be set back 1.4m from the boundary and the pool deck is to have a nil setback.

For swimming pools and spas a 1 metre minimum setback from the boundary to the pool coping may be permitted subject to the following:

- satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and
- Council is satisfied that the adjoining properties will not be adversely affected, and
- the pool or spa is not more than 1 metre above ground level (existing), and
- that the outcomes of this clause are achieved without strict adherence to the standards, and
- where the site constraints make strict adherence to the setback impractical, and
- where strict compliance with these requirements will adversely impact on the views of adjoining residential properties.

Merit consideration

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

To achieve the desired future character of the Locality.

Comment:

The proposal is modest in size, and does not require the removal of high-retention valued species. No unreasonable amenity impacts are likely to arise as a result of the minimised building height and scale of the addition, therefore it is considered the proposed works achieve the desired future character of the Newport locality.

The bulk and scale of the built form is minimised.

Comment:

The overall built form of the existing dwelling is to be retained. No additional bulk is expected to be caused by the swimming pool and deck as it is located at the existing ground level. Additional bulk is expected from due to the proposed lift, however the scale of the structure is insignificant and is not considered to unreasonably impact the adjacent dwelling or public domain.

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

Comment:

No views or vistas will be hindered as a result of the proposal, given the built form remains below the building height Control. Adequate building separation will be maintained between adjoining and surrounding properties which will contribute to the equitable preservation of views and vistas to and/or from public/private places.

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

Comment:

As above, no views or vistas will be hindered as a result of the proposal. The structure has been appropriately sited and designed so to ensure amenity is protected in addition to providing for maximum retention of significant vegetation.

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

Comment:

Subject to condition, no additional impact on existing levels of privacy, amenity and solar access to adjoining properties are expected. Existing boundary fencing and hedging vegetation provide adequate screening of the swimming pool and deck area.

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

Comment:

The proposal is not expected to detract from the streetscape and will not impact upon existing significant vegetation.

Flexibility in the siting of buildings and access.

Comment:

No unreasonable amenity impacts are considered likely to arise as a result of the proposal. The current access arrangement is to be maintained therefore satisfying this objective.

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

Comment:

No significant vegetation is proposed to be removed. Existing vegetation is considered to adequately reduce the visual bulk of the built form.

To ensure a landscaped buffer between commercial and residential zones is established.

Comment:

Not applicable, as the subject site does not adjoin a commercial zone.

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

D10.11 Building envelope (excluding Newport Commercial Centre)

Description of non-compliance

The control requires development to be within a building envelope projected at 45 degrees at a height of 3.5m above the side boundary. The proposed lift and a portions of the existing dwelling does not comply with this clause.

The slope of the land at the building footprint is approx. 35%. Where the building footprint has a slope is situated on a slope over 16.7 degrees (i.e.; 30%), variation to this control will be considered on a merits basis.

Merit consideration

With regard to the consideration of the variation, the development is considered under the outcome of the control below

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

Comment:

The proposed development is consistent with the desired future character of the Newport locality.

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

Comment:

The proposed non-compliance will not impact on the streetscape or result in a building scale or density that is below the height of trees.

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

Comment:

No change to the existing dwelling built form is proposed apart from the installation of the lift on the southern elevation. The proposal appropriately relates to the spatial characteristics of the natural environment.

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

Comment:

As noted above, the overall built form of the existing dwelling is to remain. The extent of the proposed development is not expected to unreasonably increase the bulk and scale of the built form.

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

Comment:

No views or vistas will be hindered as a result of the proposal, given the built form remains below the building height Control. Adequate building separation will be maintained between adjoining and surrounding properties which will contribute to the equitable preservation of views and vistas to and/or from public/private places.

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

Comment:

Subject to condition, no additional impact on existing levels of privacy, amenity and solar access to adjoining properties are expected.

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

Comment:

No significant vegetation is proposed to be removed. Existing vegetation is considered to adequately reduce the visual bulk of the built form.

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

D10.13 Landscaped Area - Environmentally Sensitive Land

Description of non-compliance

The Control requires a minimum of 60% (377.16m²) of the site to be landscaped area.

The proposed development provides 40% (255.6m²) of the total site area as landscaped area which represents a variation of 32.2%.

Provided the outcomes of this control are achieved, impervious areas less than 1 metre in width (21.2m²) and up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (37.72m²) may be permitted on the landscaped proportion of the site.

When applying the above variations the total landscaped area becomes 314.52m², 50% of site area.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying

objectives of the Control as follows:

Achieve the desired future character of the Locality.

Comment:

The proposed development is consistent with the desired future character of the Newport locality.

The bulk and scale of the built form is minimised.

Comment:

The proposal remains within the prescribed 8.5m building height Control and is generally consistent with the relevant front, rear and side setback objectives.

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

Comment:

The proposal remains consistent with most built form controls, thereby ensuring no unreasonable amenity impacts to arise as a result of the development. Reasonable amenity and solar access will be provided and maintained for surrounding and adjoining properties.

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

Comment:

No significant vegetation is required to be removed to facilitate the proposed development. Existing surrounding vegetation will not be impacted by this development. The built form will continue to be sufficiently screened and visually reduced as a result.

Conservation of natural vegetation and biodiversity.

Comment:

No significant vegetation is required to be removed to facilitate the proposed works. The conservation of natural vegetation and biodiversity will therefore be achieved.

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

Comment:

It is considered the site contains a reasonable amount of permeable surface which will contribute to the prevention of soil erosion and siltation of natural drainage channels.

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

Comment:

The bushland character of the area will be maintained as no significant vegetation is required to be removed as a result of the proposed development.

Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist

with stormwater management.

Comment:

Sufficient permeable surfacing is provided on-site which will enable the infiltration of water to the water table, whilst minimising run-off and assisting with stormwater management.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

CONCLUSION

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

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

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

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs

- Consistent with the objects of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/1104 for Alterations and additions to a dwelling house including a swimming pool on land at Lot 45 DP 13457, 143 Prince Alfred Parade, NEWPORT, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-001	24 September 2019	Rama Architects
DA-100	24 September 2019	Rama Architects
DA-101	24 September 2019	Rama Architects
DA-102	24 September 2019	Rama Architects
DA-300	24 September 2019	Rama Architects
DA-301	24 September 2019	Rama Architects
DA-302	24 September 2019	Rama Architects
DA-303	24 September 2019	Rama Architects
DA-400	24 September 2019	Rama Architects
DA-401	24 September 2019	Rama Architects
DA-800	24 September 2019	Rama Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
DA-502	24 September 2019	Rama Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A354022_02	1 October 2019	Daniel Raymond Architect
Geotechnical Investigation Report - J2282 & J2282A	7 August 2019 & 27 September 2019	White Geotechnical

		Group
Arboricultural Impact Report	19 November 2019	Landscape Matrix

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:

Landscape Plans		
Drawing No.	Dated	Prepared By
DA-500	24 September 2019	Rama Architects

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	7 August 2019	Rama Architects

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

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

2. Prescribed Conditions

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

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

- A. the name of the owner-builder, and
- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

3. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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.

FEES / CHARGES / CONTRIBUTIONS

4. **Security Bond**

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

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

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

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

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

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

5. **Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Pittwater DCP21 Clause B5.10. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

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 White Geotechnical Group dated 07/08/19 and 27/09/19 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. **Amendments to the approved plans**

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

- The southern facade of the lift must fully incorporate translucent or opaque materials.

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.

8. **Vehicle Driveway Gradients**

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

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

Reason: To ensure suitable vehicular access to private property.

9. **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.

10. **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.

11. 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.

12. Mechanical plant associated with pool

Any mechanical plant associated with the swimming pool shall be enclosed in an acoustically treated structure and located appropriately so the noise from the machinery is not audible from habitable rooms of neighbouring dwellings.

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

Reason: To ensure the acoustic amenity of the neighbouring residents.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

13. Compliance with Arborist's Recommendations – Pre-construction

All pre-construction tree protection measures specified in Section 5 of the submitted Arboricultural Impact Report (Landscape Matrix Pty Ltd. 19/11/2019) and these conditions of consent are to be implemented at the appropriate stage of development. Compliance with pre-construction measures is to be certified in writing by the project arborist and provided to the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

14. Vehicle Crossings

The Applicant is to construct one extra high vehicle crossing 5.0 meters wide in accordance with Northern Beaches Council Drawing No A4-3330/4 and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Authority.

Reason: To facilitate suitable vehicular access to private property.

15. **Compliance with Arborist's Recommendations – During Construction**

All tree protection measures to be implemented during construction, as specified in Section 5 of the submitted Arboricultural Impact Report (Landscape Matrix Pty Ltd. 19/11/2019) and these conditions of consent are to be implemented at the appropriate stage of development. Compliance with these measures is to be certified in writing by the project arborist, including photographic evidence, and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

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

16. **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.

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

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

18. **Compliance with Arborist's Recommendations – During and Post-construction**

All tree protection measures to be implemented following construction, as specified in Section 5 of the submitted Arboricultural Impact Report (Landscape Matrix Pty Ltd. 19/11/2019) and these conditions of consent, are to be implemented. Written certification of compliance is to be prepared by the project arborist and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

19. **Swimming Pool Requirements**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

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

- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

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

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

Reason: To protect human life (DACPLF09)

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

20. **No Planting Environmental Weeds**

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

Reason: Weed management.

21. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

22. **Dead or Injured Wildlife**

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

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

23. **Domestic Animals Exclusion**

For the life of the development, cats are to be kept in a cat run and/or inside the dwelling such

that they are prevented from entering wildlife habitat areas at all times. Dogs are to be kept in an enclosed area such that they cannot enter areas of bushland, unrestrained, on surrounding properties.

Reason: Wildlife protection

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

Signed



Nick Keeler, Planner

The application is determined on 27/11/2019, under the delegated authority of:



Anna Williams, Manager Development Assessments