

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0343
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Responsible Officer:	Adam Urbancic
Land to be developed (Address):	Lot 10 DP 6462, 10 Powderworks Road NORTH NARRABEEN NSW 2101
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Judith Beryl Watson
Applicant:	Novam Design Studio

Application lodged:	09/04/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	18/04/2019 to 02/05/2019
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 170,000.00
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ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest

- groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - A4.11 North Narrabeen Locality
 Pittwater 21 Development Control Plan - B8.3 Construction and Demolition - Waste Minimisation
 Pittwater 21 Development Control Plan - B8.6 Construction and Demolition - Traffic Management Plan
 Pittwater 21 Development Control Plan - D11.1 Character as viewed from a public place
 Pittwater 21 Development Control Plan - D11.6 Front building line
 Pittwater 21 Development Control Plan - D11.7 Side and rear building line
 Pittwater 21 Development Control Plan - D11.9 Building envelope
 Pittwater 21 Development Control Plan - D11.13 Fences - Flora and Fauna Conservation Areas

SITE DESCRIPTION

Property Description:	Lot 10 DP 6462 , 10 Powderworks Road NORTH NARRABEEN NSW 2101
Detailed Site Description:	The subject site consists of one (1) allotment located on the southern side of Powderworks Road. The site is irregular in shape with an overall frontage of 15.52m along Powderworks Road and an average depth of 74.87m. The site has a surveyed area of 1,149.5m². The site is located within the E4 Environmental Living zone and accommodates a three (3) storey brick, clad and rendered dwelling house with a tiled roof located in the northern portion of the site, along with a shed located near the centre of the site and a detached brick garage with a concrete roof located at the street frontage. The site has an overall slope of 32.71% and falls 24.11m from the rear of the site towards the street frontage. The site contains a number of trees within the rear yard along with garden beds and turf across the site. A site inspection was conducted on 15 May 2019. Detailed Description of Adjoining/Surrounding Development Adjoining and surrounding development is characterised by one (1) to three (3) storey dwelling houses of varying architectural styles within a landscaped setting to the north-west, east, south and west of the site, as well as light industrial and commercial premises to the north of the site.

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:

17 January 2019

Pre-Lodgement Meeting PLM2018/0309 for the demolition of the existing garage and construction of a double garage, driveway, stairs and retaining walls was held with Council.

9 March 2015

Development Application T0113/15 for the removal of a Norfolk Island Pine located in the front yard was granted consent.

PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for alterations and additions to an existing dwelling house, specifically the following works:

- demolition of the existing garage, access ramp and retaining wall adjacent to the northern boundary;
- demolition of the posts to the existing balcony on the northern elevation of the dwelling house;
- construction of a new double garage with storage area and associated earthworks adjacent to the northern boundary;
- construction of a new crossover and internal driveway from Powderworks Road;
- construction of a bin storage area in the north-eastern corner of the subject site;
- construction of access staircases and associated retaining walls on the eastern and southern sides of the proposed garage connecting the existing dwelling house to Powderworks Road;
- construction of a new balcony on Level 3 of the existing dwelling house to the same extent as the existing Level 2 balcony, including the installation of new steel support posts and balustrade to the existing balcony on Level 2;
- removal of the existing door and two (2) windows on the northern elevation of Level 3 of the

dwelling house and installation of two (2) new sliding doors (D1 & D2) opening onto the new balcony on Level 3;

- construction of a masonry retaining wall and front entry gate along the northern boundary; and
- landscaping works, including the construction of retaining walls to create a terraced garden in the north-western corner of the front yard.

Amended Plans

Amended plans were received during the assessment process to address a number of areas of non-compliance and insufficient information raised by Council in formal correspondence, dated 7 August 2019, which included the following:

- submission of additional information, including a full survey plan and site plan, to clarify aspects of the development application;
- reduction in the size and relocation of the proposed double garage and storage area to reduce the extent of excavation and to provide a greater setback from the northern boundary; and
- reduction in the height of the retaining wall along the northern boundary and deletion of the proposed front entry gate.

As per the provisions of Clause A5.1 of the Pittwater Development Control Plan 2014, the requirement for notification of the amended plans was dispensed with, as Council is of the opinion that the amended application differs only in minor respects from the original application, and does not result in a greater environmental impact.

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)	<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. <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. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000,

Section 4.15 Matters for Consideration'	Comments
	Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. <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. <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. <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. <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. <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.
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	(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. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (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.
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 Matters for Consideration'	Comments
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The works incorporate the construction of a new garage and terracing in the front of the site. The front of the site is steep and somewhat degraded. The proposal to address the slope with terraces and planting is considered as an improvement and is not objected to, subject to conditions.
NECC (Bushland and Biodiversity)	The site is mapped as Biodiversity (Clause 7.6 Pittwater LEP 2014) and P21DCP Control B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor also applies. The development will not significantly impact on biodiversity values and therefore complies with clause 7.6 of the LEP. As the development does not remove native vegetation the DCP control does not apply except for conditioning of tree planting, landscaping with appropriate native vegetation and removal/ control of noxious and environmental weeds. <u>Planner Comment:</u> The recommended condition requiring the provision of three (3) canopy trees, being two (2) within the front yard and one (1) within the rear yard, has been reviewed. Due to the limited space within the front yard and the extensive tree canopy which already exists in the rear yard, it is not considered necessary to enforce this requirement. The recommended condition from Council's Landscape Officer requiring the planting of one (1) Sydney Red Gum (<i>Angophora costata</i>) within the front yard will be enforced and will further enhance the tree canopy on the subject site, particularly within the front yard where

Internal Referral Body	Comments
	existing vegetation is sparse. As a revised landscape plan was not submitted with the amended development application, a further condition of consent has been added to ensure that the landscape plan originally provided is amended to be entirely consistent with the approved architectural plans and that at least 60% of any new planting comprises locally native species to meet the requirements of Clause B4.4 of PDCP 2014. Standard conditions requiring the completion of landscaping prior to the issue of the Occupation Certificate and also requiring the approved landscaping to be maintained for the life of the development have also been added.
NECC (Coast and Catchments)	12 Development on land within the coastal vulnerability area <i>Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:</i> (a) <i>if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</i> (b) <i>the proposed development:</i> (i) <i>is not likely to alter coastal processes to the detriment of the natural environment or other land, and</i> (ii) <i>is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and</i> (iii) <i>incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</i> (c) <i>measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</i> <u>Comment:</u> The subject land has not been included on the Coastal Vulnerability Area Map under State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) and in regard to CM SEPP the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.
NECC (Development Engineering)	The proposed development does not require OSD. The geotechnical Engineer certifies that an acceptable risk can be achieved for the development. No objection to approval, subject to conditions.

Internal Referral Body	Comments
	<u>Planner Comment:</u> It has been confirmed with Council's Development Engineer that the amended plans received during the assessment process do not alter the original comments or recommended conditions.
NECC (Riparian Lands and Creeks)	This application is recommended for approval with conditions. This property is located within the Coastal Environment Area nominated under the Coastal Management SEPP 2018. The proposed development must not impact on the water quality of the marine estate - in this case the property drains to Mullet Creek and Narrabeen Lagoon, a priority catchment for recreation and wildlife. The change in impervious area does not trigger water quality controls, however great care must be taken to control sediment during construction. Sediment and erosion controls must be installed prior to any work on site and maintained until all work is complete and groundcover re-established. Given that soil is currently exposed on the steep front of the site, sediment and erosion controls should be installed immediately. In addition to the sediment control proposed (sandbag barrier), sediment socks should be placed in the gutter upstream of any curb inlets and cleaned out regularly. Consider staging the work so that work sites further up the slope can be contained with a sediment fence until the slope is stabilised.
Traffic Engineer	There is no objection in relation to the traffic generating impacts of the proposal on the road network.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response in a letter (Ref: TRIM 2017/31/257, dated 17/04/2019) stating that the proposal is acceptable subject to recommended conditions. These conditions will be enforced as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been submitted with the application (see Certificate No. A342754, dated 8 April 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 who provided a response in a letter (Ref: TRIM 2017/31/257, dated 17/04/2019) stating that the proposal is acceptable subject to recommended conditions. These conditions will be enforced as a condition of consent.

SEPP (Coastal Management) 2018

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

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*

- (b) *the proposed development:*
- (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
 - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
 - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.*

Comment:

There is currently no adopted Coastal Vulnerability Area Map under SEPP Coastal Management (2018), however, Council's Coastal Engineer has reviewed the proposed development in light of the requirements of Clause 12 and is satisfied that the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land.

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a*

- disability,*
- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*

Comment:

The proposed development is unlikely to cause an adverse impact to the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, coastal environmental values and natural coastal processes, the water quality of the marine estate, or to marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms. The proposed development is also unlikely to cause an adverse impact to existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability. The subject site has not been identified to contain any Aboriginal cultural heritage, practices or places, however, a recommended condition will be placed with the consent to ensure that if any Aboriginal engravings or relics are unearthed as part of the proposed development, works will cease immediately and the relevant authorities will be notified. Furthermore, the proposed development is unlikely to cause an adverse impact on the use of the surf zone.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

As detailed above, the proposed development has been designed, sited and will be managed to avoid an adverse impact on the cultural and environmental aspects referred to in Subclause 1.

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

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

Comment:

The land has not been identified as being affected by any coastal hazards and is not likely to cause increased risk of coastal hazards on other land.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

Pittwater Local Environmental Plan 2014

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

zone objectives of the LEP?	Yes
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Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Balcony: 8.5m Garage: 3.25m	N/A N/A	Yes Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	Nil to Bin Storage Area	100% (6.5m)	No
		1.66m - 1.75m to Garage	74.46% (4.84m)	No
		10.73m to Balcony	N/A	Yes
Rear building line	6.5m	61.77m	N/A	Yes
Side building line	2.5m (W)	2.1m to Staircase	16% (0.4m)	No
		3.21m to Balcony	N/A	Yes
		6.89m to Garage	N/A	Yes
	1m (E)	Nil to Bin Storage Area	100% (1m)	No
		1m to Staircase	N/A	Yes
		2.01m to Garage	N/A	Yes
		3.1m to Balcony	N/A	Yes
Building envelope	3.5m (W)	Garage: Within envelope	N/A	Yes
		Balcony: Outside envelope	N/A	No
	3.5m (E)	Garage: Within envelope	N/A	Yes
		Balcony: Outside envelope	N/A	No
Landscaped area	60% (686.4m ²)	68.35% (781.92m ²)	N/A	Yes

***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
A4.11 North Narrabeen Locality	No	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
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	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
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	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
C1.23 Eaves	Yes	Yes
D11.1 Character as viewed from a public place	No	Yes
D11.3 Building colours and materials	Yes	Yes
D11.6 Front building line	No	Yes
D11.7 Side and rear building line	No	Yes
D11.9 Building envelope	No	Yes
D11.11 Landscaped Area - Environmentally Sensitive Land	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D11.13 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D11.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D11.15 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

A4.11 North Narrabeen Locality

The dwelling house, as existing, is more than the desired maximum two (2) storeys in any one place, which is particularly evident on the northern, eastern and western elevations. The proposed development does not seek to add any additional storeys to the dwelling house, but rather seeks to construct a new balcony structure on the northern elevation of the building, including a new balcony to Level 3, which will increase the prominence of the building's three (3) storey appearance, particularly when viewed on the northern elevation from Powderworks Road.

As the new balcony structure has been designed to relate to the existing dwelling house, is of minimal overall size, and is within the permitted height limit, the inconsistency with this aspect of the desired future character has been deemed to be acceptable in this particular instance.

Whilst the proposed development does not achieve the desired future character in its entirety, it is consistent with the overall intention of the desired future character of the North Narrabeen Locality and is therefore acceptable.

B8.3 Construction and Demolition - Waste Minimisation

A detailed Waste Management Plan has not been submitted with the development application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a Construction Certificate.

B8.6 Construction and Demolition - Traffic Management Plan

Due to varying factors, including the extent of excavation, the location of the proposed works within the front yard of the subject site, the location of the subject site within close proximity to the signalised intersection of Powderworks Road and Garden Street, and the narrowing road carriageway and signposted 'No Stopping' zone directly in front of the subject site on Powderworks Road, a condition of consent will be placed requiring the submission of a Construction Management Program prior to the issue of the Construction Certificate, in order to ensure that site access, storage and the operation of the site is appropriately managed during all phases of construction. This program will need to be prepared by a suitably qualified person in accordance with RMS standards and submitted to Council for approval.

A condition of consent has also been placed to ensure that traffic control is provided during works to maintain traffic movement in both directions along Powderworks Road, as well as vehicular access to surrounding properties.

D11.1 Character as viewed from a public place

Description of non-compliance

The proposed garage is located forward of the front building line and in front of the existing dwelling house on the subject site.

The control states that parking structures must be located behind the front building line, preferably set back further than the primary building.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

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

Comment

The proposed development does not achieve the desired future character in its entirety, however, it is consistent with the overall intention of the desired future character of the North Narrabeen Locality and is considered to be acceptable.

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

Comment

The proposed development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment by being located in a similar location to the existing garage on the subject site, as well as other parking structures on adjoining and surrounding residential properties. The proposed development also retains all existing significant vegetation within the subject site, which is to be further enhanced through additional vegetation within the front yard of the subject site, to ensure that the landscaped character of Powderworks Road is maintained.

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

Comment

The proposed garage enhances the existing streetscape of Powderworks Road by being located at street level within an excavated portion of the slope, therefore minimising the overall visual impact of the structure. The proposed development promotes a scale and density that is in scale with the height of the natural environment by being located below the height of the existing vegetation within the subject site, as well as on adjoining and surrounding properties.

- *The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)*

Comment

The visual impact of the built form will be secondary to landscaping and vegetation upon completion of the additional landscaping, including the planting of a new canopy tree, within the front yard of the subject site. As the proposed development is located within a residential area, the aspect of the outcome relating to commercial areas and the like is not applicable.

- *High quality buildings designed and built for the natural context and any natural hazards. (En, S)*

Comment

The proposed garage has been designed and will be built for the natural context by retaining and enhancing vegetation within the subject site. The proposed garage has also been designed and will be built to respond to the geotechnical hazard that affects the subject site.

- *Buildings do not dominate the streetscape and are at human scale. Within residential areas, buildings give the appearance of being two-storey maximum. (S)*

Comment

The proposed garage is located within an excavated portion of the slope of the front yard and is of an appropriate scale for the subject site, therefore ensuring that the building does not dominate the streetscape of Powderworks Road, and is at human scale by being single storey in height. The proposed development maintains the existing three storey appearance of the existing dwelling house on the northern, eastern and western elevations, which despite exceeding the maximum two storey requirement under this outcome, will be minimised through additional landscaping to soften the visual impact of the dwelling house, particularly the ground floor.

- *To preserve and enhance district and local views which reinforce and protect Pittwater's natural context.*

Comment

The proposed garage is located within an excavated portion of the slope of the front yard, with the balcony structure being of the same width of the existing dwelling house, therefore, preserving and enhancing district and local views which reinforce and protect Pittwater's natural context.

- *To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures being a secondary component.*

Comment

The proposed development retains all existing significant vegetation within the subject site, which will be further enhanced through additional landscaping and a new canopy tree within the front yard, to enhance the bushland vista of Pittwater as the predominant feature of the landscape, with the built form, including the proposed garage, being a secondary component.

- *To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)*

Comment

The proposed development will compliment the landscape character of the adjacent public domain, specifically Powderworks Road, through the retention and enhancement of vegetation within the front yard. As the proposed development is located wholly within private land, there will be no impacts on the public use and enjoyment of Powderworks Road.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D11.6 Front building line

Description of non-compliance

The proposed development provides a nil setback to the bin storage area and a varying setback between 1.66m and 1.75m to the garage from the northern front boundary.

The control requires a 6.5m front building line, however, the control allows for a variation to be considered for a reduced or nil setback for parking structures on steeply sloping sites, where all other structures on the site satisfy or exceed the minimum building line applicable and where the outcomes of the control are achieved. In this case, the front portion of the site has an overall slope of 76.09%, falling 4.87m over a distance of 6.4m from the top of the bank to the street frontage, and the existing dwelling house exceeds the minimum 6.5m building line.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the

control, as below.

- *Achieve the desired future character of the Locality. (S)*
Comment
 The proposed development does not achieve the desired future character in its entirety, however, it is consistent with the overall intention of the desired future character of the North Narrabeen Locality and is considered to be acceptable.
- *Equitable preservation of views and vistas to and/or from public/private places. (S)*
Comment
 The proposed garage is located at street level, with the timber balcony located to the same width of the existing dwelling house, therefore ensuring the equitable preservation of views and vistas to and/or from both public and private places.
- *The amenity of residential development adjoining a main road is maintained. (S)*
Comment
 The subject site adjoins a local road, therefore, this outcome is not applicable.
- *Vegetation is retained and enhanced to visually reduce the built form. (En)*
Comment
 The proposed development retains all existing significant vegetation on the site, which will be further enhanced through additional planting at each level of the terraced garden, as well as a new canopy tree within the front yard, to visually reduce the built form.
- *Vehicle manoeuvring in a forward direction is facilitated. (S)*
Comment
 The proposed garage does not facilitate vehicle manoeuvring in a forward direction, however, due to the site constraints, including the site topography, this would be difficult to achieve without additional environmental and visual impacts. The proposed development has been reviewed by Council's Development Engineer, who has not raised concern over the proposed vehicle manoeuvring. In this case, it is not deemed necessary to facilitate vehicle manoeuvring in a forward direction.
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
Comment
 The proposed development enhances the existing streetscape of Powderworks Road by providing a visually attractive building facade, as well as additional landscaping within the front yard. The proposed development promotes a scale and density that is in keeping with the height of the natural environment by being located generally below the height of the existing trees and vegetation on adjoining properties.
- *To encourage attractive street frontages and improve pedestrian amenity.*
Comment
 The proposed development encourages an attractive street frontage through the use of natural sandstone cladding on the front retaining wall and garage, and improves pedestrian amenity by providing new access staircases to replace the existing steep ramps.
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*
Comment
 The proposed development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment by being located in a similar location to the

existing garage on the subject site, and in a consistent location to other garages and hardstand parking areas on Powderworks Road.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D11.7 Side and rear building line

Description of non-compliance

The proposed development provides a 2.1m setback from the western side boundary to the proposed staircase, and a nil setback from the eastern side boundary to the proposed bin storage area.

The control requires a 2.5m setback to at least one side, and a 1.0m setback to the other side. Based on the compliance of the other proposed structures, the 2.5m setback is taken to apply to the western boundary, while the 1.0m setback is taken to apply to the eastern boundary.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

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

Comment

The proposed development does not achieve the desired future character in its entirety, however, it is consistent with the overall intention of the desired future character of the North Narrabeen Locality and is considered to be acceptable.

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

Comment

The proposed staircase will be located close to existing ground level and the bin storage area is generally an open structure, with low walls provided to screen the bins, therefore, the bulk and scale of the built form is minimised.

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

Comment

As above, the proposed staircase is to be located close to existing ground level and the bin storage area is located at street level, therefore ensuring the equitable preservation of views and vistas to and/or from both public and private places.

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

Comment

The proposed development encourages view sharing by locating the proposed garage within an excavated portion of the slope in the front yard, with the majority of the remaining structures located close to existing ground level, therefore demonstrating the complimentary siting of buildings and responsive design. The proposed landscaping within the terraced garden is well-positioned within the front yard to encourage view sharing.

- *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

The proposed development ensures that a reasonable level of privacy, amenity and solar access is provided within the development site, and is also maintained to adjoining and

surrounding residential properties, by being located close to existing ground level and being excavated within the slope of the land.

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

Comment

The proposed development will include substantial landscaping within the front yard and will retain the existing mature tree canopy at the rear of the subject site. The proposed development provides an attractive streetscape through the use of natural sandstone cladding on the front retaining wall and the garage to provide a visual point of interest.

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

Comment

The proposed development demonstrates flexibility in the siting of buildings and access by locating the proposed bin storage area within the footprint of the existing garage at street level, which also provides convenient and level access to the street for waste services.

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

Comment

The proposed development retains all existing significant vegetation on the site, which will be further enhanced through additional planting at each level of the terraced garden, as well as a new canopy tree within the front yard, to visually reduce the built form.

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

Comment

The subject site is located within an environment protection zone, and is surrounded by residential, industrial and business zones. The proposed development provides a landscaped buffer between the subject site and the industrial development located the northern side of Powderworks Road through the provision of shrubs and trees within the front yard.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D11.9 Building envelope

Description of non-compliance

The proposed balcony structure protrudes from the prescribed building envelope to a maximum extent of 1.4m on the eastern elevation, and to a maximum extent of 1.76m on the western elevation, when measured from the top of the roof of the structure.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

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

Comment

The proposed development does not achieve the desired future character in its entirety, however, it is consistent with the overall intention of the desired future character of the North Narrabeen Locality and is considered to be acceptable.

- *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 development enhances the existing streetscape of Powderworks Road through the inclusion of the balcony structure to the dwelling house, as well as the construction of the new garage and landscaping within the front setback area. The proposed development promotes a building scale and density that is below the height of the trees of the natural environment, specifically those located within the subject site and on adjoining and surrounding properties.

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

Comment

The proposed development responds to, reinforces and sensitively relates to the spatial characteristics of the existing natural environment by retaining all existing significant vegetation within the subject site and by further enhancing vegetation through additional planting within the front yard, including the provision of a new canopy tree, which is consistent with the landscaped character of Powderworks Road.

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

Comment

The proposed balcony structure is generally open and is of minimal overall size, therefore, the bulk and scale of the built form is minimised.

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

Comment

The proposed balcony structure is of the same width of the existing dwelling house, therefore ensuring the equitable preservation of views and vistas to and/or from both public and 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

The proposed balcony structure ensures that a reasonable level of privacy, amenity and solar access is provided within the development site, and is maintained to adjoining and surrounding residential properties, by being located at the front of the building with a primarily northward outlook over the industrial buildings, with the siting of the existing buildings and vegetation mitigating any adverse privacy impacts to the adjoining dwelling houses at 8 and 12 Powderworks Road.

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

Comment

The proposed development retains all existing significant vegetation on the site, which will be further enhanced through additional planting at each level of the terraced garden, as well as a new canopy tree within the front yard, to visually reduce the built form.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D11.13 Fences - Flora and Fauna Conservation Areas

As the subject site is located within the Flora and Fauna Category 2 area under PDGP 2014, no front fences are permitted. Although the proposed retaining wall is located on the northern boundary, this is required for the containment of the land and is not considered to form a front fence. Similarly, the 1.2m

high masonry wall forming the northern side of the bin storage area has been assessed as being part of the bin storage area and not part of a front fence, therefore, the proposed development is compliant with the requirement for no front fencing under this control.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

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

A monetary contribution of \$ 850 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 170,000.

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 DA2019/0343 for Alterations and additions to a dwelling house on land at Lot 10 DP 6462, 10 Powderworks Road, NORTH NARRABEEN, 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
A01 Site Plan	20/08/2019	Novam Design Studio
A02 Existing Garage - Demolition	20/08/2019	Novam Design Studio
A03 Existing North Elevation - Demolition	20/08/2019	Novam Design Studio
A04 Proposed Garage	20/08/2019	Novam Design Studio
A05 Site General Arrangement	20/08/2019	Novam Design Studio
A06 Proposed Roof Plan	20/08/2019	Novam Design Studio
A07 Proposed Vehicle Crossing	20/08/2019	Novam Design Studio
A08 Proposed Sections - Sheet 1	20/08/2019	Novam Design Studio
A09 Proposed Sections - Sheet 2	20/08/2019	Novam Design Studio
A10 Proposed North Elevation	20/08/2019	Novam Design Studio
A11 Proposed Elevations East & West	20/08/2019	Novam Design Studio
A17 Proposed Level 3 Floor Plan	20/08/2019	Novam Design Studio

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
A15 Material Finishes	20/08/2019	Novam Design Studio
BASIX Certificate (Cert No. A342754)	08/04/2019	Novam Design Studio
Geotechnical Risk Analysis & Management Report (Ref: MQ 30024A)	02/04/2019	Jack Hodgson Consultants Pty Limited

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
A3-46/1 Landscape Plan	undated	Environment Peninsula

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

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

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Referral - Ausgrid - DA2019/0343 - 10 Powderworks Road North Narrabeen	17 April 2019

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's.

3. Prescribed Conditions

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

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

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

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

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

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

Reason: Legislative Requirement

4. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not

commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

- (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

5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$850.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$170,000.00.

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

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

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

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

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

6. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security 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

7. **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 Jack Hidgson Pty Ltd dated 2 April 2019 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.

8. **Structural Adequacy and Excavation Work**

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

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

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

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

Reason: To provide public and private safety.

9. **Shoring of Adjoining Property**

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

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

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

10. **Vehicle Crossings Application**

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

Approval of the application by Council is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

11. **Construction Management Program**

An application for Traffic Management Plan is to be submitted to Council for approval. The Traffic Management Plan shall be prepared to RMS standard by an appropriately certified person. An approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community

12. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

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

Reason: To ensure the development is constructed in accordance with appropriate standards.

13. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

14. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or

easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

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

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

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

15. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan. Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

16. Submission of Amended Landscape Plan

The landscape plan is to be amended to be entirely consistent with the approved architectural plans.

At least 60% of all new planting shall comprise vegetation from the Shale Slopes Locality, as per the 'Pittwater Native Gardening Booklet' available on Council's website.

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

Reason: To ensure that the landscape plan is consistent with the approved architectural plans and that the majority of new planting comprises locally native species as per the requirements of Clause B4.4 of PDCP 2014.

17. Survey

All works are to be contained wholly within the subject site.

A survey, prepared by a Registered Surveyor, identifying the boundaries of the subject site and all existing structures/buildings, it to be prepared.

The plans submitted for the construction certificate are to accurately reflect the boundaries as shown on the survey.

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

Reason: To ensure all approved works are constructed within the subject site.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. Tree protection

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relev

ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless a
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed ot
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on devi
- iv) All tree pruning within the subject site is to be in accordance with AS 4373 Pruning c
- v) All tree protection measures, including fencing, are to be in place prior to commence

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

19. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

20. **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.

21. **Removing, Handling and Disposing of Asbestos**

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

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

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

22. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during

the works

Reason: Public Safety

23. Vehicle Crossings

The provision of extra high vehicle crossing 5.0 metres wide at the kerb and 6.0 metres wide at the boundary in accordance with Northern Beaches Council Drawing No A4-3330/ 4 and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

24. Protection of rock and sites of significance

- a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.
- b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

25. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development. Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

26. Approved Landscape Plan

Landscaping is to be implemented in accordance with the Landscape Plan (A3-46/1 Landscape Plan, undated and prepared by Environment Peninsula Landscape Architects) and any associated conditions. The new landscaping is to be approved as completed by the Certifying Authority upon the issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed.

This landscaping is to then be maintained for the life of the development.

Reason: To ensure the built form is softened and complemented by landscaping, reflecting the scale and form of development.

27. 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.

28. **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.

29. **Required Planting**

Trees shall be planted in accordance with the following schedule:

Minimum No. of Trees Required.	Species	Location	Minimum Pot Size
1	<i>Angophora costata</i>	Front yard	200mm

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

Reason: To maintain environmental amenity.

30. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

31. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

32. **Landscape Maintenance**

Any existing landscaping required to be retained together with any additional landscaping required by this Consent is to be maintained for the life of the development.

Landscape works shall be maintained for a minimum period of 12 months following practical completion. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: To maintain local environmental amenity and ensure landscaping continues to soften the built form.

33. **Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website

http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Reason: Weed management.

34. **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.

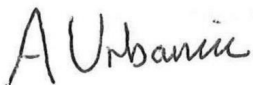
35. **Works to cease if item found**

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.

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

Signed



Adam Urbancic, Planner

The application is determined on 19/09/2019, under the delegated authority of:



Rodney Piggott, Manager Development Assessments