

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                            |             |
|----------------------------|-------------|
| <b>Application Number:</b> | DA2018/1921 |
|----------------------------|-------------|

|                                           |                                                            |
|-------------------------------------------|------------------------------------------------------------|
| <b>Responsible Officer:</b>               | Megan Surtees                                              |
| <b>Land to be developed (Address):</b>    | Lot 40 DP 30255, 13 Foxall Street ELANORA HEIGHTS NSW 2101 |
| <b>Proposed Development:</b>              | Alterations and additions to a dwelling house              |
| <b>Zoning:</b>                            | R2 Low Density Residential                                 |
| <b>Development Permissible:</b>           | Yes                                                        |
| <b>Existing Use Rights:</b>               | No                                                         |
| <b>Consent Authority:</b>                 | Northern Beaches Council                                   |
| <b>Land and Environment Court Action:</b> | No                                                         |
| <b>Owner:</b>                             | Renata Micheloti Parkes<br>Michael Leighton Parkes         |
| <b>Applicant:</b>                         | Renata Micheloti Parkes<br>Michael Leighton Parkes         |

|                                  |                                         |
|----------------------------------|-----------------------------------------|
| <b>Application lodged:</b>       | 05/12/2018                              |
| <b>Integrated Development:</b>   | No                                      |
| <b>Designated Development:</b>   | No                                      |
| <b>State Reporting Category:</b> | Residential - Alterations and additions |
| <b>Notified:</b>                 | 11/12/2018 to 18/01/2019                |
| <b>Advertised:</b>               | Not Advertised                          |
| <b>Submissions Received:</b>     | 0                                       |
| <b>Recommendation:</b>           | Approval                                |

|                                 |               |
|---------------------------------|---------------|
| <b>Estimated Cost of Works:</b> | \$ 107,089.00 |
|---------------------------------|---------------|

### ASSESSMENT INTRODUCTION

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

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

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

## SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - B8.3 Construction and Demolition - Waste Minimisation

Pittwater 21 Development Control Plan - D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)

Pittwater 21 Development Control Plan - D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)

Pittwater 21 Development Control Plan - D5.9 Landscaped Area - Environmentally Sensitive Land

## SITE DESCRIPTION

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Property Description:</b>      | Lot 40 DP 30255 , 13 Foxall Street ELANORA HEIGHTS NSW 2101                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Detailed Site Description:</b> | <p>The subject site consists of one (1) allotment located on the northern side of Foxall Street.</p> <p>The site is regular in shape with a frontage of 18.44m along Foxall Street and a depth of 43.7m. The site has a surveyed area of 790.4m<sup>2</sup>.</p> <p>The site is located within the R2 Low density Residential zone and accommodates a one (1) and two (2) storey residential dwelling house, including a swimming pool.</p> <p>The site has a 17.2% slope, in the direction from the south-west corner of the street frontage to the north-east rear corner. The site has a southerly orientation.</p> <p>The site has a large turfed area in the front setback. Small shrubs and small palm trees are located along the front of the dwelling. The rear of the property is currently undergoing construction, therefore there is minimal vegetation.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by one (1) and two (2) storey residential dwellings.</p> <p>A site visit was conducted on 6 February 2019.</p> |

Map:



## SITE HISTORY

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

- Alterations and additions to an existing dwelling, including a front fence; Approved; N0327/13
- Alterations and additions to an existing dwelling; CDC, Private Certifier; CDC2018/1055

## PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for alterations and additions to an existing residential dwelling, including:

- Demolition of carport roof and partial demolition of the dwelling to make way for an enclosed double garage.
- A front entry-way verandah.
- A rear verandah off the first floor with access from Bedroom 1, Bedroom 2 and the Rumpus Room.

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

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

| Section 4.15 Matters for Consideration'                                       | Comments                                                               |
|-------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on "Environmental Planning Instruments" in this report. |

| Section 4.15 Matters for Consideration'                                                                                   | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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)(iiia) – Provisions of any planning agreement                                                         | None applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) | <p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental                                     | <p>(i) <b>Environmental Impact</b></p> <p>The environmental impacts of the proposed development</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Section 4.15 Matters for Consideration'                                                      | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| impacts on the natural and built environment and social and economic impacts in the locality | <p>on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b><br/>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       | No submissions were received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 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.

## MEDIATION

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

## REFERRALS

| Internal Referral Body         | Comments                                                                                                                                                                                                                                                                 |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NECC (Development Engineering) | The proposed development does not require OSD and as the site falls to the rear stormwater is to be in accordance with clause B5.10 which has been conditioned. The proposed driveway crossing and driveway grade has been assessed and is satisfactory. No objection to |

| Internal Referral Body | Comments                                        |
|------------------------|-------------------------------------------------|
|                        | approval, subject to conditions as recommended. |

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

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### SEPP 55 - Remediation of Land

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

### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A335402).

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

### Pittwater Local Environmental Plan 2014

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

### Principal Development Standards

| Standard             | Requirement | Proposed | % Variation | Complies |
|----------------------|-------------|----------|-------------|----------|
| Height of Buildings: | 8.5m        | 6.1m     |             | Yes      |

### Compliance Assessment

| Clause                     | Compliance with Requirements |
|----------------------------|------------------------------|
| 4.3 Height of buildings    | Yes                          |
| 5.10 Heritage conservation | Yes                          |
| 7.1 Acid sulfate soils     | Yes                          |
| 7.2 Earthworks             | 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                            | 6.9m            | N/A          | Yes      |
| Rear building line  | 6.5m                            | 18.3m           | N/A          | Yes      |
| Side building line  | 2.5m<br>(western side boundary) | 1.3m            | 48%          | No       |
|                     | 1m<br>(eastern side boundary)   | 1.5m            | N/A          | Yes      |
| Building envelope   | 3.5m                            | Within envelope | N/A          | Yes      |
|                     | 3.5m                            | Within envelope | N/A          | Yes      |
| Landscaped area     | 60%                             | 41.4%           | 31%          | No       |

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

### Compliance Assessment

| Clause                                                          | Compliance with Requirements | Consistency Aims/Objectives |
|-----------------------------------------------------------------|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted                   | Yes                          | Yes                         |
| A4.5 Elanora Heights Locality                                   | Yes                          | Yes                         |
| A5.1 Exhibition, Advertisement and Notification of Applications | Yes                          | Yes                         |
| B1.3 Heritage Conservation - General                            | Yes                          | Yes                         |
| B1.4 Aboriginal Heritage Significance                           | Yes                          | Yes                         |
| B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land  | 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                         |

| Clause                                                                                  | Compliance with Requirements | Consistency Aims/Objectives |
|-----------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| 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                         |
| 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                         |
| C1.13 Pollution Control                                                                 | Yes                          | Yes                         |
| D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre) | Yes                          | Yes                         |
| D5.2 Scenic protection - General                                                        | Yes                          | Yes                         |
| D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)          | Yes                          | Yes                         |
| D5.5 Front building line (Excluding Elanora Heights Village Centre)                     | Yes                          | Yes                         |
| D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)             | No                           | Yes                         |
| D5.7 Building envelope (Excluding Elanora Heights Village Centre)                       | Yes                          | Yes                         |
| D5.9 Landscaped Area - Environmentally Sensitive Land                                   | No                           | Yes                         |

#### Detailed Assessment

#### **B8.3 Construction and Demolition - Waste Minimisation**

A detailed Northern Beaches Council Waste Management Plan was not submitted to Council at the time of the Development Application lodgement. To ensure proper disposal of demolition and builders' waste, a condition of consent has been included requiring waste management details prior to the issue of a Construction Certificate, during demolition and building work and prior to the issue of an Occupation Certificate.

#### **D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)**

The proposed colours and materials are to match the dwelling's existing colour scheme.

#### **D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)**

*Required:*

2.5m on one side

1m on the other side

*Proposed:*

1.3m (western boundary line)

1.5m (eastern boundary line)

The western side boundary line is numerically non-compliant, however it is an improvement of what is currently on site. Where alterations and additions to an existing building are proposed, Council will provide a variation to allow the maintenance of existing setbacks less than specified where it is shown the outcomes of this Clause can be achieved.

The proposal can achieve the outcomes of the Clause in the following ways:

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

- The proposal maintains the characteristic of dwelling houses within the R2 Low Density Residential zone.

**The bulk and scale of the built form is minimised.**

- The proposal will have minimal impact on the bulk and scale of the existing dwelling.

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

- The proposed development is not expected to obscure any views or vistas.

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

- Any views currently held by the subject site and neighbouring properties are not likely to be impacted.

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

- The removal of the current driveway will provide space for appropriate planting of vegetation.

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

- The proposed development includes an articulated and attractive streetscape.
- No vegetation is proposed to be removed.

**Flexibility in the siting of buildings and access.**

- No unreasonable amenity impacts will arise from the proposed development.

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

- The proposed development does not include the removal of vegetation and/or trees within the front setback, thus visually reducing the built form.

While the western boundary line is numerically non-compliant, it is considered to be appropriate and

consistent with the outcomes of the Clause and is therefore supported on merit.

#### **D5.9 Landscaped Area - Environmentally Sensitive Land**

*Required:*

474.24m<sup>2</sup> or 60%

*Proposed:*

327.04m<sup>2</sup> or 41.4% (without variation)

374.46m<sup>2</sup> or 47.4% (with variation)

There is a significant discrepancy in landscaped area of 147.2m<sup>2</sup> (without variation). Clause D5.9 Landscaped Area - Environmentally Sensitive Land of the P21 DCP permits a variation to the minimum landscaped area requirement provided the outcomes of the Clause can be achieved.

The proposal can satisfactorily meet the outcomes in Clause D5.9 in the following ways:

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

- The proposed development is consistent with the surrounding characteristic of the zone (R2 Low Density Residential).
- The height of the development will remain below the tree canopy.
- Additional landscaping will be integrated with the proposed development.

##### **The bulk and scale of the built form is minimised.**

- The proposal will have minimal impact on the bulk and scale of the existing dwelling.

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

- The proposed development is not likely to significantly impact on the solar access of the site.

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

- The proposed development is unlikely to have an impact on the existing trees and vegetation.
- No vegetation or trees of the like are proposed to be removed.
- The removal of the current driveway is to be replaced with landscaped area, thus visually reducing the built form.

##### **Conservation of natural vegetation and biodiversity.**

- No vegetation is proposed to be removed.

##### **Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.**

- The additional landscaped area will provide a soft surface for water infiltration.

While there is a non-compliance with the minimum landscape requirements, it is considered that the proposed development is consistent with the outcomes of the control and is, therefore, supported on

merit.

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

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

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

## **CONCLUSION**

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

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

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

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

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

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

## **RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2018/1921 for Alterations and additions to a dwelling house on land at Lot 40 DP 30255, 13 Foxall Street, ELANORA HEIGHTS, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. **Approved Plans and Supporting Documentation**

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

#### a) Approved Plans

| <b>Architectural Plans - Endorsed with Council's stamp</b>   |               |                    |
|--------------------------------------------------------------|---------------|--------------------|
| <b>Drawing No.</b>                                           | <b>Dated</b>  | <b>Prepared By</b> |
| 1971 - 1: Site Plan                                          | 8 August 2018 | J.D. Evans &       |
| 1971 - 2: Lower Floor Plan                                   | 8 August 2018 | J.D. Evans &       |
| 1971 - 3: Upper Floor Plan                                   | 8 August 2018 | J.D. Evans &       |
| 1971 - 4: North Elevation, East Elevation                    | 8 August 2018 | J.D. Evans &       |
| 1971 - 5: South Elevation, West Elevation                    | 8 August 2018 | J.D. Evans &       |
| 1971 - 6: Section A-A, Longitudinal Section Through Driveway | 8 August 2018 | J.D. Evans &       |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |                  |                      |
|-----------------------------------------------------------------------------------------|------------------|----------------------|
| <b>Report No. / Page No. / Section No.</b>                                              | <b>Dated</b>     | <b>Prepared By</b>   |
| BASIX Certificate (A335402)                                                             | 28 November 2018 | J.D. Evans & Company |

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

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

| <b>Waste Management Plan</b>                      |               |                      |
|---------------------------------------------------|---------------|----------------------|
| <b>Drawing No/Title.</b>                          | <b>Dated</b>  | <b>Prepared By</b>   |
| 1971 - 9: Waste Management and Site Analysis Plan | 8 August 2018 | J.D. Evans & Company |

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](http://www.northernbeaches.nsw.gov.au)).

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

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

### 5. **Stormwater Disposal**

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Pittwater DCP 21 Clause B5.10.

A certificate is to be provided to the Certifying Authority with the Construction Certificate application by a qualified experienced practicing Civil Engineer, with Corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a Corporate member and has appropriate experience and competence in the related field that the existing approved system can accommodate the additional flows or provide drainage plans demonstrating compliance with Council's requirements.

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

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

### 6. **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.

### 7. **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.

### 8. **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. (DACPLC03)

9. **Waste Management Plan**

A Waste Management Plan must be prepared for this development.

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.

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

10. **Vehicle Crossings**

The provision of one vehicle crossing 3 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 NL and specifications. The crossing is to be located a minimum of 100mm off the existing hydrant. 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.

11. **Maintenance of Road Reserve**

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

Reason: Public Safety.

12. **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 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

13. **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.

14. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence/documentation must be submitted to the 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.

15. **Replacement Landscaping**

Shrub planting to achieve a minimum height of 1.5 metres at maturity shall be installed in front of the entry-way verandah at a length of 6 metres. Additionally, 1 canopy tree is to be planted in the front setback.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the planting works have been completed in accordance with this condition of consent.

Reason: to ensure the landscape treatments are installed to provide landscape amenity.

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

16. **Landscaping**

The additional landscape treatments in front of the entry-way verandah is to incorporate locally native species. This planting is to be maintained for the life of the development and is to be replaced if any part of it dies, is destroyed or removed.

Reason: to ensure the maintenance of the landscaping treatments.

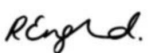
In signing this report, I declare that I do not have a Conflict of Interest.

**Signed**



**Megan Surtees, Planner**

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



**Claire Ryan, Acting Development Assessment Manager**