

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/0819
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<b>Responsible Officer:</b>	Catriona Shirley
<b>Land to be developed (Address):</b>	Lot 330 DP 16719, 8 Lido Avenue NORTH NARRABEEN NSW 2101
<b>Proposed Development:</b>	Alterations and additions to a dwelling house including swimming pool
<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>	Jennifer Maree Sharples Iain Christopher Sharples
<b>Applicant:</b>	Jennifer Maree Sharples Iain Christopher Sharples

<b>Application Lodged:</b>	31/07/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	13/08/2019 to 27/08/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 527,090.00
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### PROPOSED DEVELOPMENT IN DETAIL

The application seeks the approval for the alterations and additions to an existing dwelling house, including a carport and swimming pool.

The proposal includes the following works:

#### Dwelling House

##### Ground Floor:

- Internal reconfiguration to create larger kitchen, lounge and dining area
- New front porch and foyer
- Study Nook
- New rode to existing bedroom
- New bedroom and en-suite
- Internal access stairs

#### First Floor:

- Two (2) new bedrooms
- Retreat area
- Bathroom
- Access stairs

#### **External**

- New single Carport
- New swimming pool
- New alfresco area
- New roofing
- New front fence
- Additional landscaping, including tree removal
- New front pathway

### **ASSESSMENT INTRODUCTION**

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

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

### **SUMMARY OF ASSESSMENT ISSUES**

Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks  
 Pittwater Local Environmental Plan 2014 - 7.3 Flood planning  
 Pittwater 21 Development Control Plan - A4.11 North Narrabeen Locality  
 Pittwater 21 Development Control Plan - B8.1 Construction and Demolition - Excavation and Landfill  
 Pittwater 21 Development Control Plan - C1.5 Visual Privacy  
 Pittwater 21 Development Control Plan - C1.25 Plant, Equipment Boxes and Lift Over-Run  
 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 - D11.10 Landscaped Area - General

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 330 DP 16719 , 8 Lido Avenue NORTH NARRABEEN NSW 2101
<b>Detailed Site Description:</b>	<p>The site is legally identified as Lot 330 within DP 16719, and known as 8 Lido Ave, North Narrabeen. The site is zoned as R2 Low Density Residential under the Pittwater Local Environment Plan 2014.</p> <p>The site is regular in shape with a lot size of 461sqm. The south-west front and north-east rear boundaries measure 12.192m and the north-west and south-east side boundaries measure 38.1m. The site is relatively flat with stormwater draining to Lido Ave. Vehicle access is also from Lido Ave.</p> <p>The site also adjoins Nareen Creek at the rear of the site. Consequently, the site is located within the High Risk Flood Prone Land, and Land within the Risk to Life H3 and H5.</p> <p>The site currently contains a one storey dwelling house, with a detached single garage towards the rear of the site.</p> <p>The surrounding area consists of one and two storey dwelling houses, of varying ages, within landscaped settings.</p>

Map:



## SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant development applications for this site.

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

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><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>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to the geotechnical and flooding requirements for the site.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the</p>

Section 4.15 Matters for Consideration'	Comments
	<p>consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&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>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

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

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

## REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	<p>The proposal includes the installation of a pool in a Class 3 Acid Sulphate Soils area. New South Wales <i>Acid Sulphate Soils Manual</i> states that Council consent is required for "Works beyond 1 metre below natural ground surface; works by which the watertable is likely to be lowered beyond 1 metre below natural ground surface". As the pool excavation is 1.55 m below natural ground surface, on-site testing will be required prior to excavating 1 m beyond natural ground surface.</p> <p>Therefore, the application is recommended for approval subject to conditions.</p>
Landscape Officer	<p>The development application seeks approval for alterations and additions to an existing dwelling including a new first floor addition, swimming pool and carport.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP Controls:</p> <ul style="list-style-type: none"> <li>• B4.22 Preservation of Trees and Bushland Vegetation</li> <li>• C1.1 Landscaping</li> <li>• D11 North Narrabeen Locality</li> </ul> <p>The proposal in terms of landscape outcome is acceptable subject to the protection of existing trees and vegetation, and the completion of landscaping to soften the built form.</p> <p>A Arboricultural Impact Report has been provided in accordance with DA Lodgement requirements. Conditions of consent shall be imposed to ensure protection of all trees and vegetation assessed for retention, including conditions for front fencing construction near the existing tree T1 identified for retention in the Arboricultural Impact Report.</p> <p>A Landscape Plan has not been provided as the landscape outcomes of Pittwater 21 DCP are achieved by the retention of existing trees and vegetation within the site. Planting as indicated on the proposed lower floor plan shall be subject to conditions to achieve softening of the built form from the streetscape.</p>
NECC (Bushland and Biodiversity)	<p>This application was assessed against the Coastal Management SEPP (2018) and relevant biodiversity controls.</p>

Internal Referral Body	Comments
	<p>The proposal is for the alterations and additions to the existing dwelling including minor extensions and first floor addition and a new swimming pool and new carport.</p> <p>The submitted Arboricultural Impact Report (Guy Paroissien, 12/07/2019) assesses 9 trees on the property. Two exempt trees will be removed, 3 trees will incur minor TPZ encroachments (T1, T4, T5) and 4 trees will incur no impacts within their TPZ (T6, T7, T8, T9). The Arborist has recommended specific protection measures to ensure minimal impacts to T1.</p> <p>Council's Natural Environment - Biodiversity section supports the application, subject to conditions.</p>
NECC (Development Engineering)	<p>The proposal includes excavation for the pool that exceeds 1 metre in depth and as such a Geotechnical report submitted addressing Council's Geotechnical Risk Management Policy is sufficient and addresses the relevant DCP controls.</p> <p>The existing driveway is not constructed and a condition to construct the driveway in accordance with Council's Normal profile can be conditioned. Also as the site is flood affected, OSD is not required.</p> <p>Therefore, there are no objections to the proposed development subject to conditions.</p>
NECC (Riparian Lands and Creeks)	<p>This application has been assessed against the</p> <ul style="list-style-type: none"> <li>• SEPP (Coastal Management) 2018 - Coastal Environment Area</li> <li>• Pittwater 21 DCP B5.8 Water Quality</li> <li>• Pittwater 21 DCP B5.13 Development on Waterfront land</li> <li>• Pittwater 21 DCP B8.2 Erosion and Sediment management</li> </ul> <p>The proposed increase in impervious area is less than 50sqm therefore water quality controls do not apply.</p> <p>Normally Nareen Creek at this point would have a 30m riparian area applied as it is a third order stream. It is recognised that Nareen Creek behind the property is channelised at this point and lined with concrete. The house is currently setback 15 metres from top of bank of the creek, and the swimming pool will reduce that distance to 10 metres. Despite this, the existing riparian zone is considered acceptable due to legacy treatment of the corridor and therefore the construction of a pool in the backyard is accepted, as long as no existing vegetation is removed from the rear of the property. Additional vegetation at the rear boundary of the property is encouraged.</p> <p>Sediment and erosion controls must be installed prior to any disturbance of soil on the site and maintained until all work is complete and groundcover re-established.</p>

Internal Referral Body	Comments
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The proposed DA generally complies with the flood controls in the LEP and DCP.</p> <p>The site has a <b>H5</b> PMF Flood Life Hazard Category, is in a high risk precinct and in a 1% AEP Flood Storage area.</p> <p>An upper floor level is proposed over the existing ground floor footprint. Work to the ground floor includes a new kitchen, new living/dining, new en suite, new laundry etc. A new in ground pool and outdoor kitchen is also proposed.</p> <p>The FPL at the site is 3.53m AHD. The existing ground floor level is RL 2.470m AHD and during a 1% AEP event the dwelling will have 500mm of over floor flooding. All building materials used or located below 3.53m AHD are to be flood compatible.</p> <p>The application is recommended for approval subject to conditions.</p>

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

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

#### SEPP 55 - Remediation of Land

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

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

A BASIX certificate has been submitted with the application (see Certificate No. A351930 and 12 July 2019). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. A351930 and 12 July 2019).

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

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

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

### SEPP (Infrastructure) 2007

#### Ausgrid

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

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

#### Comment:

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

### SEPP (Coastal Management) 2018

The site is located within the Coastal Use Area and Coastal Environment Area as identified by State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) and the provisions of this policy are applicable in relation to the proposal.

- The proposal is not likely to cause an adverse impact upon the matters listed in clause 13(1) of the CM SEPP
- The proposal has been designed, sited and will be managed to avoid adverse impacts on the matters listed in clause 13(1) of the CM SEPP
- The proposal is not likely to cause an adverse impact upon the matters listed in clause 14(1) of the CM SEPP
- The proposal has been designed, sited and will be managed to avoid adverse impacts on the matters listed in clause 14(1) of the CM SEPP
- The proposal is not likely to cause increased risk of coastal hazards on the site or other land as

listed in clause 15 of the CM SEPP

As such, the proposal is considered to be consistent with the provisions of the CM SEPP, including the matters prescribed by clauses 13, 14 and 15 of this policy.

#### **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	6.6m Dwelling House 3.0m Carport	- -	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
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.10 Essential services	Yes

#### Detailed Assessment

##### **7.1 Acid sulfate soils**

The site is identified as being partly within 'Class 3' on the Acid Sulfate Soils Map. The proposed development involves minor earthworks in relation to the construction of the proposed swimming pool and carport.

As required by Councils Environmental Health Officers testing for actual acid sulphate soils must be conducted in accordance with the NSW Acid Sulphate Soil Manual (1998) and the National Acid Sulphate Soils Guidance document (June 2018). N.B. tests prior to excavation commencing. This requirement has been included as a condition of consent.

##### **7.2 Earthworks**

A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J2400, dated 23 September 2019. This report and its recommendations are included within the applied

conditions to ensure there is no adverse impacts to the surrounding properties resulting from the proposals required excavation.

### 7.3 Flood planning

A Flood Management Report has been prepared by Pittwater Data Services Pty Ltd, dated 15 July, 2019. This report and its recommendations are included within the applied conditions to ensure there is a flood action plan in place for the occupants during a flood episode, and that there is no adverse flooding impacts to the surrounding properties resulting from the proposal.

### Pittwater 21 Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	2.9m Ground Floor Porch 9.2m First Floor	55% -	No Yes
Rear building line	6.5m	10.2m Swimming Pool 17.3m Alfresco 20.9m First Floor	- - -	Yes Yes Yes
Side building line	2.5m South-East	0.4m Carport 3.0m First Floor	84% -	No Yes
	1m North-West	0.9m Alfresco 0.7m Front Porch 0.9m Pool Coping 1.0m Swimming Pool 0.9m First Floor	10% 22% 10% - 10%	No No No Yes No
Building envelope	3.5m	No encroachment	-	Yes
	3.5m	No encroachment	-	Yes
Landscaped area	50%	45.22% (210.1sqm)	9.6% (22.16sqm)	No

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.11 North Narrabeen Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B5.4 Stormwater Harvesting	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D11.1 Character as viewed from a public place	Yes	Yes
D11.2 Scenic protection - General	Yes	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	Yes	Yes
D11.10 Landscaped Area - General	Yes	Yes
D11.12 Fences - General	Yes	Yes
D11.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

#### Detailed Assessment

##### **A4.11 North Narrabeen Locality**

The development is consistent with the Desired Character statement of the North Narrabeen Locality.

Specifically, the locality statement provides that the *"locality will remain primarily a low density residential area with dwelling houses in maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape"*.

The proposed second storey element will continue to sit comfortably with adjoining and surrounding one and two storey residential developments. The second storey element has a stepped design that responds to the topography of the site and is located over 9m from the front boundary. Existing canopy trees and vegetation will assist to visually screen and soften the bulk and scale of the built form and provide a visually improved built form in a landscape setting.

On balance, the proposal is considered consistent with the desired future character of the locality.

### **B8.1 Construction and Demolition - Excavation and Landfill**

A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J2400, dated 23 September 2019. The report and its recommendations are included within the applied conditions to ensure there is no adverse impacts to the surrounding properties resulting from the proposals required excavation.

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

Having regard to this localised situation, the assessment of privacy is to be based on the principle of not creating additional unreasonable impacts on the existing level of privacy between neighbours.

The proposed works are elevated above ground such that additional overlooking could occur. However, the development has been generally designed to satisfactorily address overlooking by undertaking the following privacy mitigation measures:

- The use of a timber privacy screen on the north-western elevation adjoining the alfresco area
- No additional windows for the south-east or north-west elevation first floor addition
- Existing intervening side boundary fencing
- The location of the carport over the existing hardstand, adjoining the carparking hardstand of the south-east adjoining neighbouring property
- Conditioned removal of the paving and swimming pool within 1m of the north-west boundary to enable the incorporation of soft landscaping.

Therefore, subject to conditions of consent, the proposal is considered to optimise privacy through good design and provide a sense of territory and safety for residents, consistent with the outcomes of this development control.

### **C1.25 Plant, Equipment Boxes and Lift Over-Run**

The proposed swimming pool pump will be conditioned to be located within a sound proof enclosure to ensure there are no additional noise impacts.

### **D11.6 Front building line**

#### Description of non-compliance

The proposed ground floor front porch demonstrates a 2.9m front boundary setback to Lido Avenue, representing a 55% variation to the control.

It is important to note that the existing front setback of the dwelling house is non-compliant at 4.2m. This existing non-compliance constrains the location of the proposed front porch.

#### Merit consideration:

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

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

The proposal is low scale two storey residential development, within a landscaped setting consistent with both the existing and future desired locality of North Narrabeen.

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

Comment:

There is no view loss as a result of the proposed front porch.

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

Comment:

The addition of the front porch will improve the visual appearance of front facade of the dwelling house. The front porch is open in style and designed sympathetically to be visually incorporated with the alterations of the dwelling house. The front setback demonstrated by the front porch is consistent with the Lido Ave streetscape, for example No. 12 Lido Ave has a two storey carport located approximately 2.0m from the front setback and No. 3 Lido has a carport located approximately 0.4m - 0.6m from the front boundary setback. Therefore, the visual quality of the Lido Ave streetscape is maintained.

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

Comment:

No significant vegetation or trees are proposed to be removed within the front setback as a result of the development.

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

Comment:

There is no change to the proposed carparking and vehicle movements to and from the property.

- *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 front porch is of a high quality design and will be incorporated into the dwelling alterations with regard to roof form, colour and style. The proposal front porch is on the ground level and is in keeping with the existing Lido Ave streetscape.

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

Comment:

The proposed front porch is of high quality design and will improve the front facade of the dwelling house. The proposal is an open style design, improves the access entry for the occupants, and the visual appearance of the dwelling house.

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

Comment:

The proposed front porch responds to the existing built form in regards to design, scale and colour. The further encroachment of the front porch into the front setback will not have an unacceptable impact upon the streetscape due to the existing streetscape setbacks, the design,

scale and open nature of the porch structure.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater LEP/Pittwater DCP and the objectives specified in section 1.3 (a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

#### **D11.7 Side and rear building line**

The control requires structures to be setback from one side boundary by 1.0m (north-west) and the other side boundary by 2.5m (south-east). This control also requires structures to be setback 6.5m from the rear boundary.

The proposed swimming pool coping, alfresco area and first floor demonstrate a 0.9m side setback, and the front porch has a 0.7m side side setback. These setbacks represent a variation to the minimum 1m setback requirement of 10% (0.10m) and 22% (0.3m) respectively. However, it is important to note that these setbacks continue the existing dwelling house setbacks approved on the site.

The proposed carport has a side setback of 0.4m which represents a 84% (2.10m) variation to the minimum 2.5m required setback.

The proposal is compliant with the required 6.5m rear setback control.

#### **Merit consideration**

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

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

##### Comment:

The proposal achieves the desired future character of the North Narrabeen locality, in that the proposal is of a low scale, two storey residential built form within a landscaped setting. The works to the dwelling house continue the existing non-compliant setbacks of the dwelling house. Therefore, the desired future character of the locality is achieved and is consistent with the North Narrabeen Locality.

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

##### Comment:

As detailed above, the proposed first floor addition has a complying building height of 6.6m, complying building envelopes and a minimal bulk and scale that will be visually screened by existing canopy trees in the front setback. Therefore, the bulk and scale of the built form is minimised.

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

##### Comment:

No views or vistas will be hindered as a result of the proposed works.

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

##### Comment:

The nature of the proposed works will not hinder the availability of views and vistas currently obtained from private and/or public spaces.

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

Comment:

No unreasonable amenity impacts are considered likely to arise as a result of the proposed works. There are no additional windows proposed for the south-east or north-west first floor elevations, a privacy screen has been incorporated for the ground floor alfresco area, and existing landscaping will assist in screening the development. A condition has also been applied to ensure the swimming pool and coping is a minimum of 1m from the side boundary to minimises privacy and amenity impacts to the neighbouring site.

The proposed carport is located on the existing carparking hardstand area, adjoining the south-eastern neighbours hardstand and garage area. The carport will also be screened by the 1.8m boundary fencing. Therefore, there no unreasonable amenity impacts as a result of the carport.

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

Comment:

Sufficient landscaping is provided within the subject site, with no significant vegetation to be removed to facilitate the proposed works. The retained canopy trees and landscaping will ensure a mature tree canopy is maintained and to soften and screen the proposed works.

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

Comment:

The works proposed to the dwelling house reflect the existing non-complying setbacks, and therefore will not alter the majority of the existing building footprint of the dwelling. The existing access arrangement will be maintained and improved as a result of the proposal.

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

Comment:

As above, no significant vegetation is required to be removed as part of this application. As a result, the built form will continue to be softened by the existing landscaping and canopy trees.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

#### **D11.10 Landscaped Area - General**

The proposed modifications will result in a minor decrease in landscaped area on the site, which is attributed to the changes to the proposed swimming pool.

The proposed reduction in landscaped area does not impact upon existing significant vegetation on the site, and does not alter the landscaped character of the site as seen from the public domain. Furthermore, despite non-compliance with the 50% minimum landscaped area at 45.22%, as prescribed by this clause, the proposal is considered to remain consistent with the objectives of the landscaped area control, as follows:

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

Comment:

The proposed decrease in landscaped area does not detract from consistency with the desired future character of the North Narrabeen Locality.

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

Comment:

The decreased landscaped area calculations are generally attributed to the proposed swimming pool, and do not result in any perceived changes to the bulk and scale of the approved development.

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

Comment:

The proposed decrease in landscaped area does not result in any unreasonable impacts upon the level of amenity and solar access provided to the subject site or adjoining properties.

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

Comment:

The proposed works will result in the loss of proposed landscaping in the rear of the site due to the swimming pool. However, this area cannot be seen from the public domain. The existing landscaping on the site, satisfies the required planting under clause C1.1 Landscaping and ensures that the quality of landscaping on the site to as supported by Councils Landscaping and Biodiversity Officers ensures that the development achieves consistency with the outcomes of the landscaped area control. Therefore, the loss of landscaping is not considered to be unreasonable in this regard.

- *Conservation of natural vegetation and biodiversity.*

Comment:

The proposal works do not result in any impacts upon existing vegetation and natural vegetation and biodiversity will be conserved.

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

Comment:

The proposed reduction in landscaped area is not considered to result in any unacceptable impacts upon the approved stormwater management solution for the site.

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

Comment:

The proposed works maintain landscaping to the south of the site such that the bushland character of the headland is preserved.

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

Comment:

As above, the proposed reduction in landscaped area is not considered to result in any unacceptable impacts upon the approved stormwater management solution for the site and Council's Development Engineers raise no concern in this regard.

## 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 \$5,271 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$527,090.

## **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 DA2019/0819 for Alterations and additions to a dwelling house including swimming pool on land at Lot 330 DP 16719, 8 Lido Avenue, 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Site Plan and Site Analysis 2/13	9 July 2019	Ukalovic Design Architectural Drafting Services
Proposed Lower Floor Plan 4/13	9 July 2019	Ukalovic Design Architectural Drafting Services
Upper Floor Plan 5/13	9 July 2019	Ukalovic Design Architectural Drafting Services
South-West & North-West elevation 6/13	9 July 2019	Ukalovic Design Architectural Drafting Services
North-East & South-East elevation 7/13	9 July 2019	Ukalovic Design Architectural Drafting Services
Section A-A and Section B-B 8/13	9 July 2019	Ukalovic Design Architectural Drafting Services

<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>
Preliminary Assessment: Acid Sulfate Soil	23/09/2019	White Geotechnical Group
Geotechnical Investigation	23/09/2019	White Geotechnical Group
Arborist Report	12/07/2019	Landscape Matric Pty Ltd
Flood Report	15/07/2019	Pittwater Data Services Pty Ltd

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

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

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

## 2. 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. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$5,270.90 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 \$527,090.00.

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](http://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.

## **5. Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

### **6. Stormwater Disposal from Low Level Property**

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Pittwater 21 DCP 2014 Clause B5.10. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the above

requirements 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.

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 White Geotechnical Group dated 23 September 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. **Amendments to the approved plans**

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

- The swimming pool, swimming pool coping and associated paving is to be located a minimum of 1m from the north-western side boundary.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

9. **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.

10. **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.

11. **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.

12. **Amended design for front fencing**

Amended plans shall be provided to the Certifying Authority adjusting the construction methodology for the proposed front boundary fence. A masonry wall and picket style fence is proposed, consisting of a continuous low wall along the front boundary that would require a strip footing. Such construction will impact upon the retention of the existing tree T1 identified for protection in the Arboricultural Impact Report prepared by Landscape Matrix, issue A.

In accordance with the recommendations of the Arboricultural Impact Report, the construction methodology shall consist of pier footing construction.

Amended plans shall be developed in co-ordination with a AQZ level 5 Arborist with qualifications in arboriculture/horticulture and a structural engineer, to provide suitable locations for pier footings / construction method within the tree protection zone of T1, to minimise impact to existing roots.

The Arborist shall provide the Certifying Authority with certification that the amended plans satisfy the requirement to retain the existing tree T1.

Reason: to ensure the requirement to retain and protect tree planting on the site.

13. **Flooding**

In order to protect property and occupants from flood risk the following is required:

**Building Components and Structural Soundness – C1**

All new development shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

**Building Components and Structural Soundness – C2**

All new development must be designed and constructed to ensure structural integrity up to the Probable Maximum Flood, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

**Building Components and Structural Soundness – C3**

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any

other service pipes and connections must be waterproofed and/or located above the Flood Planning Level. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed that cut electricity supply during flood events.

#### **Storage of Goods – D1**

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level unless adequately protected from floodwaters in accordance with industry standards.

#### **Flood Emergency Response – E2**

Appropriate access to the shelter in place refuge should be available from all areas of the new development. Structural certification shall be provided confirming that the shelter in place refuge has been designed and constructed to ensure structural integrity up to the Probable Maximum Flood.

#### **Car parking – G4**

Vehicle barriers or restraints are to be installed to a minimum height of the Flood Planning Level.

Perimeter walls/louvres installed as vehicle barriers or restraints are to be designed to allow flood waters to pass through and are to have a minimum of 50% open area below the 1% flood level.

#### **Car parking – G6**

Car ports are to be designed to allow flood waters to pass through and are to have a minimum of 50% open area below the 1% AEP flood level.

#### **Fencing – H1**

Fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open for passage of flood waters - All new fencing on the property must be design with a minimum of 50% open area between the 1% AEP flood level and natural ground level, to allow flood waters to pass through.

#### **Recommendations**

The development must comply with all recommendations outlined in:

- The Flood Management Report by Pittwater Data Services Pty Ltd dated 15/07/2019.

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

**Reason:** To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

14. **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.

15. **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)

16. **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](http://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.

17. **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.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. **Tree removal within the Property**

Exempt species listed in Council's Exempt Species List do not require consent for removal within private property. The following Exempt species within the frontage of this site are listed for removal in the Arboricultural Impact Report by Landscape Matrix, issue A, as follows:

- Tree 2: Jacaranda
- Tree 3: Italian Cypress

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.

20. **Implement Arborist recommendations**

All tree protection measures as specified in Section 5 the Arboricultural Impact Report (Guy Paroissien, 12/07/2019) are to be implemented at the appropriate stage of development. Compliance is to be certified by the project arborist prior to any commencement.

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

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

21. **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.

22. **Vehicle Crossings**

The provision of one vehicle crossing 3 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N 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.

23. **Acid Sulphate Soils Testing**

Prior to excavating beyond 1 metre below natural ground surface, testing for actual acid sulphate soils must be conducted in accordance with the NSW *Acid Sulphate Soil Manual* (1998) and the *National Acid Sulphate Soils Guidance* document (June 2018). N.B. tests must be done at a depth of 1 metre below the extent of excavation.

The test results are to be provided to Council and the Principle Certifier and, if acid sulphate soils are present, excavation works must not proceed until an Acid Sulphate Soils Management Plan is implemented to the satisfaction of Council and the Principle Certifier.

Reason: Protect infrastructure, environment and human health.

**24. Tree and vegetation protection**

a) Existing trees and vegetation shall be retained and protected as recommended in the Arboricultural Impact Report prepared by Landscape Matrix, issue A, including:

- i) all trees (T1, T5, T6, T7, T8 and T9) and other vegetation within the site not approved for removal, excluding exempt vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Report prepared by Landscape Matrix, issue A, as included in section 6 Conclusion,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009,
- xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, or in accordance with any site directions provided by a AQF Level 5 Arborist, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect significant planting on development and adjoining sites.

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

All tree protection measures to be implemented during construction, as specified in Section 5 of the submitted Arboricultural Impact Report (Guy Paroissien, 12/07/2019) and these conditions of consent are to be implemented at the appropriate stage of development. Compliance with these measures is to be certified, and details submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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

**26. Waste Management During Works**

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**

**27. Landscape works**

Landscaping is to be implemented within the frontage as indicated on the lower floor plan numbered 3, and prepared by Ukalovic Design, in accordance with the following requirements:  
i) mass shrub planting along the front boundary within the site, consisting of shrubs planted at a minimum 200mm pot container size, planted no more than 1 metre apart.

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 landscape works have been completed in accordance with the plans, and any relevant condition of consent.

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

**28. Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQZ Level 5 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection and excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: to retain and protect significant planting on development sites.

**29. 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.

**30. 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.

31. **Certification of the structural stability of the building**

A suitably qualified structural engineer is to certify the structural stability of the shelter in place considering lateral flood flow, buoyancy, suction effects, and debris load impact of the PMF design flood depths and velocities. Details demonstrating compliance are to be submitted to the Certifying Authority for approval.

Reason - To protect people and reduce public and private losses in accordance with Council and NSW Government policy.

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

All tree protection measures to be implemented, as specified in Section 5 of the submitted Arboricultural Impact Report (Guy Paroissien, 12/07/2019) and these conditions of consent are to be implemented at the appropriate stage of development.

Completion of arborist requirements and satisfactory establishment/initiation of post-construction measures is to be certified and details submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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

33. **Retain Vegetation**

No existing vegetation is to be removed from the riparian zone of Nareen Creek (from the rear property boundary to the area impacted by the swimming pool construction) with existing trees to remain as indicated on the Landscape Plan provided by Ukalovic Design prepared.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

34. **Flood Management Report Compliance**

A suitably qualified engineer is to demonstrate compliance with the recommendations in the Flood Management Report including locating the Action Plan in Appendix B of the Flood Management Report in a visible location.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

35. **Swimming Pool Requirements**

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

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

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

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

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system. Appropriate instructions of artificial resuscitation methods.

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

(e) Signage showing resuscitation methods and emergency contact

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

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

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

Reason: To protect human life (DACPLF09)

### 36. **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

### 37. **Landscape maintenance**

Any existing landscaping including trees required to be retained together with any additional landscaping required by this consent is to be maintained for the life of the development, or for their safe useful life expectancy.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Planting that may die or is approved for removal must be replaced.

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

38. **Environmental and priority weed control**

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: preservation of environmental amenity.

39. **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.

40. **Dead or Injured Wildlife**

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

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

41. **Domestic Animals Exclusion**

For the life of the development, cats are to be kept in a cat run and/or inside the dwelling such that they are prevented from entering wildlife habitat areas at all times. Dogs are to be kept in an enclosed area such that they cannot enter areas of bushland, unrestrained, on surrounding properties.

**Reason:** Wildlife protection

42. **Acoustic Enclosure for Pool Pump**

The swimming pool pump is to be provided in a sound proof enclosure.

Reason: To protect the acoustic amenity of surrounding properties.

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

**Signed**



**Catriona Shirley, Planner**

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



**Steven Findlay, Manager Development Assessments**