

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/1432
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Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 46 DP 6195, 1 Grandview Parade MONA VALE NSW 2103
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Ross Macquarie Ashby Melissa Anne Ashby
Applicant:	Ross Macquarie Ashby

Application Lodged:	24/08/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	02/09/2021 to 16/09/2021
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 478,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development consists of alterations and additions to an existing dwelling house as follows:-

First Floor

- Master bedroom with walk in robe and ensuite
- TV Sitting Room

Ground Floor

- Kitchen
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- Rear deck with BBQ area

Lower Ground Floor

- Bathroom
- Utility room
- Store room/laundry

Rear yard

- Wet room connected to existing pool house (adjacent to garage)

Amended Plans

19 October 2021 - Council received amended plans to address concerns raised in relation to the side boundary envelope which increase the side setback to the first floor to 3m and reduced the encroachment of the eastern side boundary and improved solar access to No. 3 Grandview Parade.

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 - D9.6 Front building line

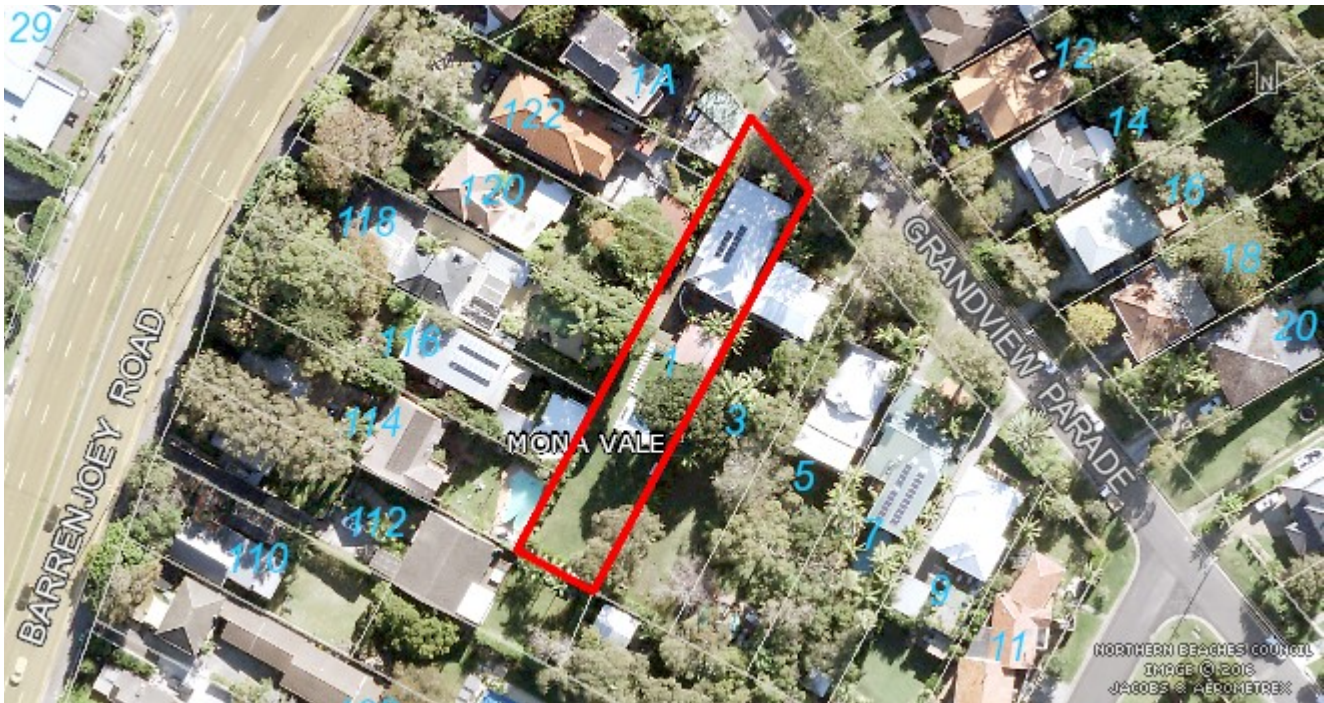
Pittwater 21 Development Control Plan - D9.9 Building envelope

Pittwater 21 Development Control Plan - D9.11 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 46 DP 6195 , 1 Grandview Parade MONA VALE NSW 2103
Detailed Site Description:	The subject site consists of one (1) allotment located on the southern side of Grandview Parade. The site is irregular in shape with a frontage of 16.4m along Grandview Parade and a depth of 86.3m. The site has a surveyed area of 1268m². The site is located within the E4 Environmental Living zone and accommodates a residential dwelling, secondary dwelling house and swimming pool in the rear yard as well as a detached garage with an attached pool house. The site has a northerly orientation and is situated on a gradual slope of approximately 13% falling in the direction of the street frontage towards the rear of the site. The site has some vegetation within the front setback. However the rear yard has a large area of turf with medium-large Bamboo trees located along the western side boundary. The rear southern boundary fence is screened by medium-large hedging. Detailed Description of Adjoining/Surrounding Development Adjoining and surrounding development is characterised by residential dwellings and residential flat buildings. A site visit was conducted on 16 September 2021, with the owner present.

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:

13 August 2014

A Development Application (N0273/14) was lodged with Council for alterations and additions to an existing dwelling, including a new deck, rumpus room and the installation of a swimming pool. This application was approved, subject to conditions.

2 October 2014

A Notice of Commencement and Construction Certificate (CC0312/14) was lodged with Council for the installation of a swimming pool, as approved under N0273/14.

12 November 2014

A Modification Application (N0273/14/S96/1) was lodged with Council for the modification of consent N0273/14. This application was approved, subject to conditions.

17 June 2015

A Development Application was lodged with Council for the removal of a non-native tree. This application was approved, subject to conditions.

12 September 2019

A Development Application was lodged with Council for the Construction of a Secondary Dwelling. This application was approved, subject to conditions.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
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)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. 19 October 2021 - Council received amended plans from the applicant to address concerns raised in relation to the side boundary envelope which increase the side setback to the first floor to 3m and reduced the encroachment of the eastern side boundary and improved solar access to No. 3 Grandview Parade. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social

Section 4.15 Matters for Consideration'	Comments
	impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (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 from 02/09/2021 to 16/09/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

Name:	Address:
Susan Tyas Mr Malcolm Charles Tyas	3 Grandview Parade MONA VALE NSW 2103
Planning Progress	Po Box 213 AVALON NSW 2107

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

- Clause D9.9 Building Envelope
- Clause D9.11 Landscaped area Environmentally Sensitive Land
- Building height
- Scale, bulk and mass of the development (overdevelopment)
- Clause D9.3 Building colours and materials
- Overshadowing
- Clause C1.5 Visual privacy
- Issue was raised that the proposal would not comply with Clause C1.6 Acoustic Privacy of P21DCP
- Impact on amenity of neighbouring occupiers

- Lower ground floor accommodation
- Pool House

The matters raised within the submissions are addressed as follows:

- Clause D9.9 Building Envelope

Comment: Issue was raised regarding the non compliance with Clause D9.9 Building Envelope of Pittwater 21 Development Control Plan (P21DCP), which Council concurred with. Amended plans were received on 19 October 2021 with an increased side setback to the eastern side boundary for the proposed first floor from the original side setback of 2.44m to 3m.

Detailed assessment has been undertaken under Clause D.9.9 Building Envelope of P21DCP which has 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, the assessment finds that the amended proposal is supported, in this particular circumstance.

- Clause D9.11 Landscaped area Environmentally Sensitive Land

Comment: Issue was raised relating to the proposed non compliance with Clause D9.11 Landscaped area Environmentally Sensitive Land. It is noted that the applicant clearly identified this particular variation on the original and amended plans which has been assessed under Clause D9.11 Landscaped area Environmentally Sensitive Land of P21DCP. 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, the assessment finds that the proposal is supported, in this particular circumstance.

- Building height

Comment: Issue was raised in regards to the proposed building height which also included a reference to a previous consent issued on the subject site via DA N0273/14 - Alterations and additions to the dwelling including additions of new deck and rumpus room and new swimming pool approved by Council on 2 October 2014.

An assessment of the building height has been considered under both the original and current (amended) proposal which also examined the Boundary Identification & Detailed Plan of the subject site which was completed by DP Surveying (Registered Surveyors). Council is satisfied that the building height is compliant with the 8.5m control.

- Scale, bulk and mass of the development (overdevelopment)

Comment: Issues have been raised in relation to bulk and scale of the proposed alterations and additions to the dwelling house.

It is considered that the amended proposal provides an articulated built form consistent with the surrounding dwellings.

Given the above it is considered that this issue does not warrant refusal and/or further amendment(s) via condition.

- Clause D9.3 Building colours and materials

Comment: Issues was raised that the proposed building colours and materials did not comply Clause D9.3 Building colours and materials of P21DCP.

A condition will be included that a roof colour from the medium or dark range (NCC) be selected to ensure compliance with this clause, reduce glare and reflection and maintain amenity to adjoining and surrounding properties.

- Overshadowing

Comment: A review of Clause 1.4 Solar Access of P21DCP and the original and amended shadows were all taken into consideration.

The amended proposal demonstrates compliance with this control and this clause.

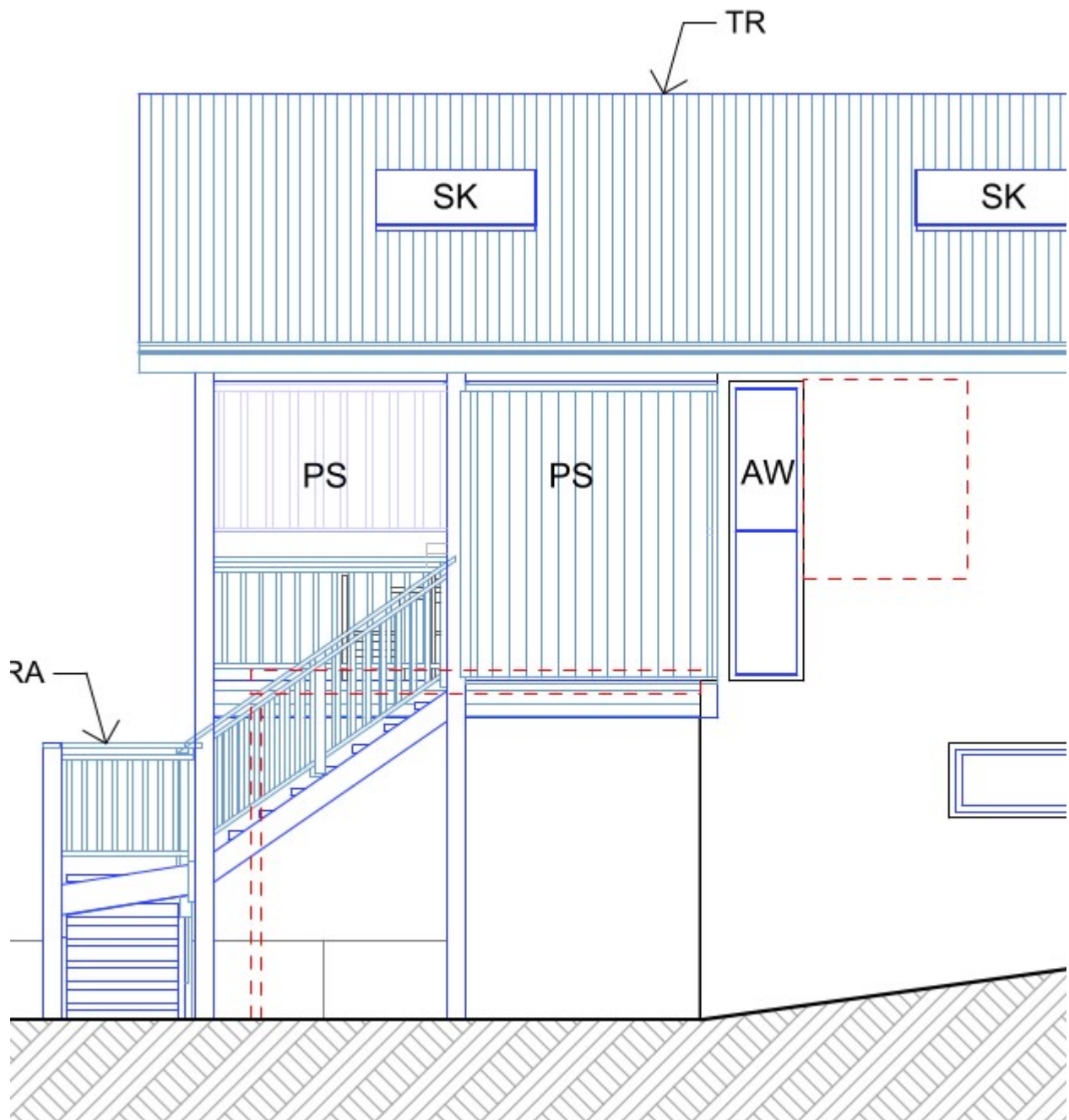
Given the above it is considered that this issue does not warrant refusal and/or further amendment(s) via condition.

- Clause C1.5 Visual privacy of P21DCP

Comment: Issue was raised as follows:-

"The proposed first floor balcony would overlook the principle private open space currently enjoyed by my clients. Direct views should be restricted in accordance with the stated control. As proposed, the development would have an unacceptable level of harm on my client's visual privacy."

There is a ground floor deck to be constructed at the rear of the dwelling. A review of the plans demonstrates privacy screens to be fitted the eastern elevation of the deck which will ensure reasonable visual privacy to the adjoining property to the east (3 Grandview Parade).



Eastern elevation (rear deck) with privacy screens

Given the above it is considered that this issue does not warrant refusal and/or further amendment(s) via condition.

- Issue was raised that the proposal would not comply with Clause C1.6 Acoustic Privacy of P21DCP

Comment: Issues raised include:

"My client's property sits directly to the east of the subject site at no. 3 Grandview Parade. The bedrooms serving my client's property are located closest to the proposed development.

The raked ceiling proposed for the new balcony, kitchen and living area would exacerbate noise emanating from the subject site. As set out in the outcomes of DCP control C1.6, noise should be substantially contained within each dwelling or private open space. The increase in noise arises not

necessarily from periodic events but the everyday life of residential living. The design of the proposed development should be amended to reduce the noise impacts on my client's amenity. This should include amending the proposed raked ceiling."

It is considered that the proposed raked ceiling design for the ground floor rear section (the kitchen, the lounge and the deck) is a common design feature and not out of the ordinary to the recent residential dwellings (particularly in the Northern Beaches). The proposal will remain a residential dwelling house and it is considered that reasonable levels of acoustic privacy will be maintained ensure compliance with this clause.

Additionally, a condition has been included for all mechanical plant to maintain reasonable levels of acoustic amenity.

Given the above it is considered that this issue does not warrant refusal and/or further amendment(s) via condition.

- Impact on amenity of neighbouring occupiers

"The proposed development would clearly have a materially significant impact on neighbouring amenity. The Development Application fails to comply with DCP controls referred to in this submission. The impact on neighbouring amenity is a result of the over development of the site, which would be overbearing by virtue of its height, bulk and scale and would create an unacceptable level of overshadowing, loss of privacy and increased noise impact for my clients."

Comment:

This assessment has reviewed all the issues raised within the planning consultants submission and it is noted that amended plans has increased the eastern side setback to the first floor additions reduced the non compliance with the eastern side boundary envelope and reducing the overshadowing to principal private open space of 3 Grandview Parade. Additionally, other matters raised have been adequately addressed and it is considered that the alterations and additions to this dwelling house are generally consistent with the adjoining and surrounding dwellings within the Mona Vale Locality. Amenity issues have also been covered and overall it is considered that the proposal is generally reasonable (subject to conditions).

- Lower ground floor accommodation

"Given the existing secondary dwelling located on the subject site, no additional separate living accommodation other than the existing dwelling house should be enabled on the subject site. Given the layout of the lower ground floor accommodation proposed, including the separate access as shown on the submitted plan, should the subject DA be recommended for approval, it is requested that a condition be added to restrict the use of the lower ground floor as separate accommodation."

Comment: The proposal is for alterations and additions to a dwelling house which incorporates works on the lower ground floor, ground floor and proposed new first floor. Council will add the standard definition for a 'dwelling house' to ensure compliance with the PLEP 2014 and P21DCP and address this concern.

- Pool House

"Given the location of the pool house on the boundary with my client's property and the location of the approved double doors overlooking my clients private open space, it is requested that should the subject DA be recommended for approval, that a condition be added to restrict the use of the pool house to storage use only, incidental to the use of the pool and not to be used as a habitable space."

Comment:

There is no change to the existing pool house with only the addition of a 'wet room' to this outbuilding. It is considered reasonable that a condition will be added to ensure that the pool house is not occupy as separate a separate dwelling to ensure reasonable amenity levels and ensure that the building remains an outbuilding.

REFERRALS

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. A response has been received stating 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

Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A423598 dated 10 July 2021).

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

SEPP (Infrastructure) 2007

The proposal was referred to Ausgrid. A response has been received stating no objections are raised and no conditions are recommended.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.3m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
1.9A Suspension of covenants, agreements and instruments	Yes
Part 2 Permitted or prohibited development	Yes
2.7 Demolition requires development consent	Yes
Part 4 Principal development standards	Yes
4.3 Height of buildings	Yes
Part 5 Miscellaneous provisions	Yes
5.10 Heritage conservation	Yes
Part 7 Additional local provisions	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	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	4.6m - 6.4m (ground floor) 11.3m (first floor)	1.5% - 29.2% N/A	No Yes
Rear building line	6.5m	39.669m (wet room) 52.462m (ground floor)	N/A N/A	Yes Yes

		61.013m (first floor)	N/A	Yes
Side building line	2.5m (west)	3.534m (ground floor) 3.534m (first floor)	N/A N/A	Yes Yes
	1m (east)	1.532m (ground floor) 3m (first floor)	N/A N/A	Yes Yes
Building envelope	3.5m (west)	Outside envelope (Maximum encroachment at the southern end 1.3m reducing down to 0.2m at the northern end for a distance of 8.2m)	5.8% - 37.1%	No
	3.5m (east)	Outside envelope (Maximum encroachment at the southern end 1.4m reducing down to 0.2m at the northern end for a distance of 7.2m.)	5.8% - 40%	No
Landscaped area	60% (760.8sqm)	46.2% (515.3sqm) landscaping + 6% (76.1sqm) = 52.2% (661.4sqm)	13.1% (99.4sqm)	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Section A Shaping Development in Pittwater	Yes	Yes
A1 Introduction	Yes	Yes
A1.7 Considerations before consent is granted	Yes	Yes
A4 Localities	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
Section B General Controls	Yes	Yes
B1 Heritage Controls	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3 Hazard Controls	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4 Controls Relating to the Natural Environment	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5 Water Management	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6 Access and Parking	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8 Site Works Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
Section C Development Type Controls	Yes	Yes
C1 Design Criteria for Residential Development	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
C1.14 Separately Accessible Structures	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
Section D Locality Specific Development Controls	Yes	Yes
D9 Mona Vale Locality	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	No	Yes
D9.7 Side and rear building line	Yes	Yes
D9.9 Building envelope	No	Yes
D9.11 Landscaped Area - Environmentally Sensitive Land	No	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

D9.6 Front building line

Description of Non-Compliance

Part D9.6 of the P 21 DCP prescribes a 6.5 metre front boundary setback line for buildings and built structures. The proposed front wall of the garage and secondary dwelling are appropriately setback 6.5 metres, however the design of the front deck extension to the existing deck (eastern side) that encroaches the setback area with a setback of 4.6m - 6.4m.

The request for variation is assessed against the following control outcomes:

- *Achieve the desired future character of the Locality.*
Comment: The proposed development achieves the desired future character of the Mona Vale Locality and will have an appropriately proportioned and designed streetscape appearance.
- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment: The encroachment into the front boundary setback area is not found to result in the unreasonable loss of views or vistas from any nearby private residences or the public domain.

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

Comment: N/A Heath Street is not a main road.

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

Comment: The encroachment of the deck into the front setback area does not directly result in the loss of vegetation. As described throughout this report, the built form is acceptable and is not found to be visually dominant.

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

Comment: The existing site does facilitate vehicle maneuvering in a forward direction when leaving the site.

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

Comment: The deck encroaching within the front setback area sits below the front fence. This one element sits below existing vegetation and are comparable in heights and proportions to other nearby structures.

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

Comment: The proposal is well designed and has an appropriate relationship to the street which shall enhance the appearance of the street overall, and create a more pleasant pedestrian amenity.

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

Comment: The proposal succeeds in relating to the spatial relationship between the public and private domain established along Grandview Parade and other surrounding roads.

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.

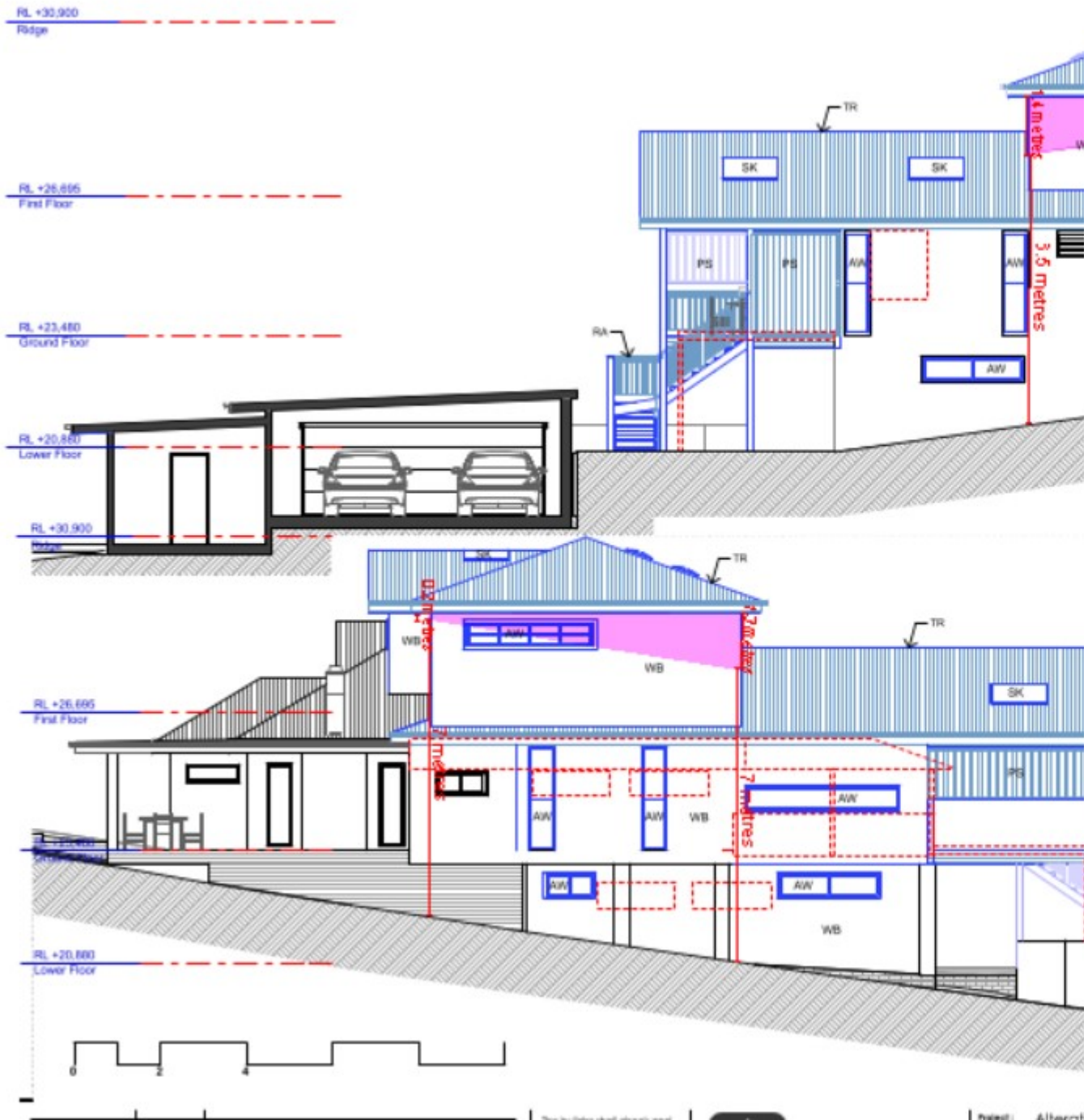
D9.9 Building envelope

Description of non-compliance

The proposal does not comply with the building envelope control at the eastern and western northern elevations. The non-compliance is in the form of a diminishing triangles which corresponds with the topography of the land.

Eastern elevation: Maximum encroachment at the southern end 1.4m reducing down to 0.2m at the northern end for a distance of 7.2m.

Western elevation: Maximum encroachment at the southern end 1.3m reducing down to 0.2m at the northern end for a distance of 8.2m.



Encroachment of the side boundary envelopes highlighted in purple.

Merit consideration

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

To achieve the desired future character of the locality.

Comment: The proposed development retains a compliant building height, provides a two storey presentation to the streetscape and articulation to reduce the presentation of bulk. The front and rear of

the site also maintains substantial vegetation so that the desired future character of the locality is achieved.

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

Comment: The proposal provides a compliant building height and articulation of the built form to ensure an appropriate scale in relation to the surrounding natural environment. Furthermore, the proposal maintains landscaping at the front and rear of the site.

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

Comment: The proposal does not involve significant excavation or the removal of any significant vegetation to allow for the dwelling. As such, the development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.

The bulk and scale of the built form is minimised.

Comment: The built form has been designed to effectively minimise the presentation of bulk and scale by providing an upper level that is set in from the lower levels, by providing articulation at ground floor, and by providing natural features across the site.

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

Comment: The proposed dwelling maintains appropriate corridors through the site to allow for suitable retention of views and vistas.

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

Comment: The proposed dwelling is well separated from neighbouring living spaces and also provides a window design that is of a sufficient size to minimise overlooking. The proposal also maintains compliance with the requirements for solar access under the Pittwater DCP.

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

Comment: The proposal maintains substantial landscaped area across the site and there is a large landscaped road reserve in front of the site. These areas of natural form ensure that the presentation of built form is appropriately minimised.

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.

D9.11 Landscaped Area - Environmentally Sensitive Land

The subject site is located within Area 1 of the Landscaped Area Map, therefore the site requires a minimum of 60% (760.8sqm) landscaped area. The proposed development results in a numerically non-compliant landscaped area of 46.2% (585.3sqm); this represents a variation of 23.1% (175.5sqm).

Provided the outcomes of the control can be achieved, a variation may be permitted which allows pathways (and the like) of 1m width or less, and 6% (76.1sqm) of the total site to be included in the overall landscaped proportion of the site. With the variations applied, the proposed landscaped area is increased to 52.2% (661.4sqm) , thus remaining numerically non-compliant.

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

- *Achieve the desired future character of the Locality*

Comment: Under A4.9 of P21 DCP, the proposal is consistent with the objectives of the desired future character of Mona Vale. The proposal will achieve a height that is well below the existing tree canopy. Furthermore, no native planting species are proposed to be removed as a result of the development. The bulk and scale of the development is consistent with the surrounding and adjoining properties.

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

Comment: The proposed development is considered to be consistent with bulk and scale of surrounding and adjoining development. Additionally, the proposal provides adequate areas across the subject site for the establishment of landscaping that is of a size and scale that can visually reduce the built form. Overall, it is considered that the proposal's landscaped setting will effectively minimise the bulk and scale of the built form.

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

Comment: The proposal will not unreasonably impact the level of amenity and solar access provided to both the occupants of the dwelling and the neighbouring properties.

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

Comment: No significant vegetation is proposed to be removed as a result of the proposed development.

- *Conservation of natural vegetation and biodiversity*

Comment: No natural vegetation and biodiversity is proposed to be removed or disturbed as a result of the the proposed development.

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

Comment: The proposal will be conditioned with the relevant condition(s) to ensure stormwater runoff is managed appropriately.

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

Comment: As discussed above, the bushland character of the subject site is unlikely to be impacted as a result of the development as the proposal does not involve the removal of vegetation or trees.

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

Comment: The site will remain afforded with sufficient soft surface so as to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.

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.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect 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 2021

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$4,780 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$478,000.

CONCLUSION

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

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

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

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

- Consistent with the objectives of the DCP

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/1432 for Alterations and additions to a dwelling house on land at Lot 46 DP 6195, 1 Grandview Parade, MONA VALE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA3	13 October 2021	Upstairs Design
DA4	13 October 2021	Upstairs Design
DA5	13 October 2021	Upstairs Design
DA6	13 October 2021	Upstairs Design
DA7	13 October 2021	Upstairs Design
DA8	13 October 2021	Upstairs Design
DA9	13 October 2021	Upstairs Design
DA10	13 October 2021	Upstairs Design
DA11	13 October 2021	Upstairs Design
DA17	14 October 2021	Upstairs Design

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	13 July 2021	Ross & Melissa Ashby

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. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house.

A dwelling house is defined as:

“dwelling house means a building containing only one dwelling.

Note—

Dwelling houses are a type of residential accommodation—see the definition of that term in this Dictionary.”

(development is defined by the Pittwater Local Environment Plan 2014 (as amended) Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:

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

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

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

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

Reason: Legislative requirement.

4. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) 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.

- (d) 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.
- (e) 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.
- (f) 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) 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.
- (k) 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.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) 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 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$4,780.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$478,000.00.

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

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

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website

at www.northernbeaches.nsw.gov.au

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

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

6. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

7. **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. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. Removing, Handling and Disposing of Asbestos

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

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

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

11. Demolition Works - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

12. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

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

Reason: To demonstrate the proposal complies with the approved plans.

13. **Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, 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.

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

14. **Swimming Pool Requirements (existing pool modified by works)**

The existing onsite Swimming Pool / Spa fencing enclosure shall be upgraded to comply with:

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

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

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 a Interim / Final Occupation Certificate.

Reason: To protect human life. (DACPLF10)

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

15. **Mechanical Plant**

All mechanical plant shall not produce noise levels that exceed 5dB(A) above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

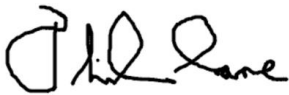
16. **Pool House**

The pool house is only be used as Class 10a Building (NCC) and not to be habited overnight or on a permanent basis.

Reason: Maintained reasonable amenity.

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

Signed



Phil Lane, Principal Planner

The application is determined on 29/10/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments