

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                                           |                                                         |
|-------------------------------------------|---------------------------------------------------------|
| <b>Application Number:</b>                | DA2018/1978                                             |
| <b>Responsible Officer:</b>               | Nick Keeler                                             |
| <b>Land to be developed (Address):</b>    | Lot 82 DP 30836, 33 Arnott Crescent WARRIEWOOD NSW 2102 |
| <b>Proposed Development:</b>              | Alterations and additions to a dwelling house           |
| <b>Zoning:</b>                            | R2 Low Density Residential                              |
| <b>Development Permissible:</b>           | Yes                                                     |
| <b>Existing Use Rights:</b>               | No                                                      |
| <b>Consent Authority:</b>                 | Northern Beaches Council                                |
| <b>Land and Environment Court Action:</b> | No                                                      |
| <b>Owner:</b>                             | Michael Miroslav Novakov<br>Teresa Christine Novakov    |
| <b>Applicant:</b>                         | Hart Design Pty Ltd                                     |
| <b>Application lodged:</b>                | 14/12/2018                                              |
| <b>Integrated Development:</b>            | No                                                      |
| <b>Designated Development:</b>            | No                                                      |
| <b>State Reporting Category:</b>          | Residential - Alterations and additions                 |
| <b>Notified:</b>                          | 13/03/2019 to 29/03/2019                                |
| <b>Advertised:</b>                        | Not Advertised                                          |
| <b>Submissions Received:</b>              | 1                                                       |
| <b>Recommendation:</b>                    | Approval                                                |
| <b>Estimated Cost of Works:</b>           | \$ 642,000.00                                           |

### ASSESSMENT INTRODUCTION

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

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

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

## SUMMARY OF ASSESSMENT ISSUES

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

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - D14.7 Front building line

Pittwater 21 Development Control Plan - D14.8 Side and rear building line

Pittwater 21 Development Control Plan - D14.11 Building envelope

## SITE DESCRIPTION

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Property Description:</b>      | Lot 82 DP 30836 , 33 Arnott Crescent WARRIEWOOD NSW 2102                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Detailed Site Description:</b> | <p>The subject site consists of one (1) allotment located on the southern side of Arnott Crescent, Warriewood.</p> <p>The site is regular in shape with a frontage of 15.25m along Arnott Crescent and a depth of 41.66m. The site has a surveyed area of 634.8m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates part one, part two-storey residential dwelling.</p> <p>The site falls approx. 6.5m from the front boundary towards the rear boundary.</p> <p>The site does not contain any canopy trees but contains medium and small sized shrubs and bushes along the front, western and rear boundaries. The rear yard contains a large grassed area.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by one and two-storey residential dwellings. The site adjoins North Narrabeen Reserve at the rear.</p> |

Map:



## SITE HISTORY

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

### Development Consent N0396/10

Alterations and additions to the existing dwelling including enclosure of the rear deck and undercroft area, minor roof alterations and new cladding to the roof and part of the dwelling. Approved 6 January 2011.

## PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to the existing dwelling including a first floor addition, a rear ground and lower ground addition and double car parking platform at the front boundary.

## 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)(iiia) – Provisions of any planning agreement                    | None applicable.                                                       |
|                                                                                      |                                                                        |

| Section 4.15 Matters for Consideration'                                                                                                                                            | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This 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><br/>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><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b><br/>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Section 4.15 (1) (c) – the suitability of the site for the development                                                                                                             | The site is considered suitable for the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or                                                                                                      | See discussion on "Notification & Submissions Received" in this report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| Section 4.15 Matters for Consideration'    | Comments                                                                                                            |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| EPA Regs                                   |                                                                                                                     |
| Section 4.15 (1) (e) – the public interest | No matters have arisen in this assessment that would justify the refusal of the application in the public interest. |

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

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

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

| Name:                       | Address:                               |
|-----------------------------|----------------------------------------|
| Mr Geoffrey Victor Kennelly | 35 Arnott Crescent WARRIEWOOD NSW 2102 |

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

- Visual privacy

The matters raised within the submissions are addressed as follows:

- **Visual Privacy**

The submission raises concern regarding the potential visual privacy impacts from the eastern side of the proposed first floor decks and windows. It is requested privacy screening be installed along the eastern side of the decks and windows along the eastern first floor elevation to have a high sill.

Comment:

Consideration has been given to potential visual privacy impacts from use of the first floor front balcony and rear deck. The eastern adjoining dwelling can be directly viewed only from a very small area on of the front balcony, but no existing windows can be viewed. As it is unlikely this small area will be heavily used, visual privacy impacts from this balcony are considered to be minor and no privacy treatment is recommended. In terms of the rear deck, it is agreed there is a potential for visual privacy impacts of the adjoining properties. As such, a condition is included to require a 1.65m high privacy screens installed along the eastern and western edges of the deck.

Windows along the first floor eastern elevation include W16, W18 and W19. W16 is adequately

offset and setback from the existing windows on the eastern adjacent dwelling's western elevation. W18 is associated with a bedroom. As bedrooms are generally low-use rooms, the potential visual privacy impact from this window will be minor and is considered acceptable. W19 is associated with a sunroom. While this rooms may be more trafficable than bedrooms, the window is significantly offset from the windows on the adjacent dwelling. No significant visual privacy impact is expected from this window. In light of this, it is not recommended that the windows along the eastern elevation of the proposed development require any privacy treatment or further amendment.

## MEDIATION

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

## REFERRALS

| Internal Referral Body         | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NECC (Development Engineering) | <p><b><u>11/02/2019</u></b></p> <p>A review of the proposed driveway widening and car parking area indicates that the grade will exceed the maximum allowable of 1 in 4 (25%) and not include the required transitions. As the proposed widening is on the high side of the crossing the grade is too steep to meet the proposed car parking level. As a result the parking area will need to be lifted or relocated further away from the driveway. If the levels cannot be achieved, it may be necessary to design the car parking area perpendicular to the frontage with a wider driveway crossing. This will improve the maneuvering for two vehicles entering and exiting the site.</p> <p>Development Engineers cannot support the application due to insufficient information to assess car access and parking in accordance with Clauses B6.1, B6.2 and B6.3 of Pittwater 21 DCP 2014.</p> <p><b><u>14/03/2019</u></b></p> <p>Comments for Development Engineers:</p> <ol style="list-style-type: none"> <li>1. No OSD is required as the impervious area increase is less than 50 square meters &amp; the site drains to a park.</li> <li>2. It is a low level property, The concept stormwater plan suggests that stormwater will be disposed of into an absorption trench. No geotechnical report has been submitted to Council to support the design of the absorption trench.</li> <li>3. The site is not located within Geotechnical Risk Area.</li> </ol> <p>Development Engineers have assessed the proposal and cannot support it due to the following reason.</p> <ol style="list-style-type: none"> <li>1. The proposed car parking platform is too low. The car parking platform is to be lifted to match Council's A4 3330/5 EL Vehicle Crossing Profile. Amended plans should be submitted to Council for further assessment.</li> </ol> |

| Internal Referral Body              | Comments                                                                                                                                                                 |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     | <p><b><u>19/03/2019</u></b></p> <p>The amended car parking platform seems to be satisfactory.</p> <p>No objection to approval, subject to conditions as recommended.</p> |
| Parks, reserves, beaches, foreshore |                                                                                                                                                                          |

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

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### SEPP 55 - Remediation of Land

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

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

A BASIX certificate has been submitted with the application (see Certificate No. A335250, dated 10 December 2018).

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.

## 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 | Complies |
|----------------------|-------------|----------|----------|
| Height of Buildings: | 8.5m        | 8.5m     | Yes      |

### Compliance Assessment

| Clause                                                   | Compliance with Requirements |
|----------------------------------------------------------|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes                          |
| 4.3 Height of buildings                                  | Yes                          |
| 7.1 Acid sulfate soils                                   | Yes                          |
| 7.2 Earthworks                                           | Yes                          |
| 7.10 Essential services                                  | Yes                          |

## Pittwater 21 Development Control Plan

### Built Form Controls

| Built Form Control  | Requirement                | Proposed                      | % Variation  | Complies |
|---------------------|----------------------------|-------------------------------|--------------|----------|
| Front building line | 6.5m                       | Dwelling - 8.5m               | N/A          | Yes      |
|                     |                            | Parking Platform - Nil        | 100%         | No       |
| Rear building line  | 9.0m                       | 12.5m                         | N/A          | Yes      |
| Side building line  | E - 2.5m                   | Dwelling - 2.7m               | N/A          | Yes      |
|                     |                            | Parking Platform - 0.9m       | 64%          | No       |
|                     | W - 1m                     | 1.29m                         | N/A          | Yes      |
| Building envelope   | E - 3.5m                   | Outside envelope              | Nil - 17.6%  | No       |
|                     | W - 3.5m                   | Outside envelope              | 4.6% - 31.9% | No       |
| Landscaped area     | 50% (317.4m <sup>2</sup> ) | 57.7% (366.34m <sup>2</sup> ) | N/A          | Yes      |

### Compliance Assessment

| Clause                                                             | Compliance with Requirements | Consistency Aims/Objectives |
|--------------------------------------------------------------------|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted                      | Yes                          | Yes                         |
| A4.14 Warriewood Locality                                          | Yes                          | Yes                         |
| A5.1 Exhibition, Advertisement and Notification of Applications    | Yes                          | Yes                         |
| B3.6 Contaminated Land and Potentially Contaminated Land           | Yes                          | Yes                         |
| B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land     | Yes                          | Yes                         |
| B5.4 Stormwater Harvesting                                         | Yes                          | Yes                         |
| B5.7 Stormwater Management - On-Site Stormwater Detention          | Yes                          | Yes                         |
| B5.10 Stormwater Discharge into Public Drainage System             | Yes                          | Yes                         |
| B6.1 Access driveways and Works on the Public Road Reserve         | Yes                          | Yes                         |
| B6.2 Internal Driveways                                            | Yes                          | Yes                         |
| B6.3 Off-Street Vehicle Parking Requirements                       | Yes                          | Yes                         |
| B8.1 Construction and Demolition - Excavation and Landfill         | Yes                          | Yes                         |
| B8.2 Construction and Demolition - Erosion and Sediment Management | Yes                          | Yes                         |
| B8.3 Construction and Demolition - Waste Minimisation              | No                           | Yes                         |
| B8.4 Construction and Demolition - Site Fencing and Security       | Yes                          | Yes                         |
| B8.5 Construction and Demolition - Works in the Public Domain      | Yes                          | Yes                         |
| C1.1 Landscaping                                                   | Yes                          | Yes                         |
| C1.2 Safety and Security                                           | Yes                          | Yes                         |
| C1.3 View Sharing                                                  | Yes                          | Yes                         |
| C1.4 Solar Access                                                  | Yes                          | Yes                         |
| C1.5 Visual Privacy                                                | Yes                          | Yes                         |
| C1.6 Acoustic Privacy                                              | Yes                          | Yes                         |
| C1.7 Private Open Space                                            | Yes                          | Yes                         |

| Clause                                                               | Compliance with Requirements | Consistency Aims/Objectives |
|----------------------------------------------------------------------|------------------------------|-----------------------------|
| C1.12 Waste and Recycling Facilities                                 | Yes                          | Yes                         |
| C1.13 Pollution Control                                              | Yes                          | Yes                         |
| C1.23 Eaves                                                          | Yes                          | Yes                         |
| D14.1 Character as viewed from a public place                        | Yes                          | Yes                         |
| D14.2 Scenic protection - General                                    | Yes                          | Yes                         |
| D14.3 Building colours and materials                                 | Yes                          | Yes                         |
| D14.7 Front building line                                            | No                           | Yes                         |
| D14.8 Side and rear building line                                    | No                           | Yes                         |
| D14.11 Building envelope                                             | No                           | Yes                         |
| D14.12 Landscaped Area - General                                     | Yes                          | Yes                         |
| D14.17 Construction, Retaining walls, terracing and undercroft areas | Yes                          | Yes                         |

#### Detailed Assessment

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

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

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

It is considered there is a potential visual privacy impact of the adjoining properties from the first floor rear deck. To mitigate this impact, a condition is included to require a 1.65m privacy screen installed along the eastern and western edges of the deck.

### **D14.7 Front building line**

While the proposed alterations and additions to the existing dwelling are consistent with the 6.5m front building line control, the proposed car parking platform at the front of the site is to have a nil setback to the front boundary. This clause allows for variation of this control to allow the provision of car parking facilities on steeply sloping sites. In accordance with the car parking requirements of the site and construction specifications required by Council's Development Engineering team, the proposed nil front setback of the car parking platform is considered acceptable. As no roof or enclosing structure of the platform is proposed, it is not expected that the structure will unacceptably deteriorate the character of the streetscape and locality and consistency with the clause objectives can be achieved.

### **D14.8 Side and rear building line**

While the side and rear building lines of the dwelling are compliant, the proposed car parking platform at the front of the site encroaches into the 2.5m side setback area along the eastern boundary. The platform is set back 0.9m from the eastern side boundary. Notwithstanding the non-compliance, it is considered the setback encroachment will not substantially impact the overall proposal's ability to remain consistent with the side and rear building line objectives. The extent of the encroachment is 5.5m along the eastern boundary is contained to the NE corner of the site. The parking platform is not expected to result in a detrimental impact to the amenity of the adjoining properties.

## D14.11 Building envelope

### Description of non-compliance:

Portions of the proposed first floor addition on the eastern and western elevations of the proposal are non-compliant with the Building Envelope Control. The non-compliance is generally caused by the slope of the site. As the proposal is for the addition of a second storey to the existing dwelling, there is scope for this control to be varied. A merit consideration of the proposed non-compliance against the control objectives is conducted below.

### Merit consideration:

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

### Comment:

The proposal achieves the desired character of the locality.

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

### Comment:

The proposal is designed to address the streetscape and maintains an appropriate scale and density.

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

### Comment:

The proposed additions will not unreasonably impact the spatial characteristics of the surrounding environment.

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

### Comment:

The additions are well modulated and are not of unreasonable bulk or scale.

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

### Comment:

The proposal will not unreasonably impact any views or vistas.

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

### Comment:

The proposal will result in no unreasonable impact in relation to privacy, amenity or solar access.

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

Comment:

The proposal does not require the removal of any existing vegetation. Existing vegetation is able to provide appropriate screening of the development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Pittwater 21 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.

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

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

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

### **POLICY CONTROLS**

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

### **CONCLUSION**

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

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

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1978 for Alterations and additions to a dwelling house on land at Lot 82 DP 30836, 33 Arnott Crescent, WARRIEWOOD, 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>                             |
| 18.14 Sheet 01 of 09 Issue A                               | 18 March 2019 | Hart Design Architectural Drafters & Designers |
| 18.14 Sheet 02 of 09 Issue A                               | 18 March 2019 | Hart Design Architectural Drafters & Designers |
| 18.14 Sheet 03 of 09 Issue A                               | 18 March 2019 | Hart Design Architectural Drafters & Designers |
| 18.14 Sheet 04 of 09 Issue A                               | 18 March 2019 | Hart Design Architectural Drafters & Designers |
| 18.14 Sheet 05 of 09 Issue A                               | 18 March 2019 | Hart Design Architectural Drafters & Designers |
| 18.14 Sheet 06 of 09 Issue A                               | 18 March 2019 | Hart Design Architectural Drafters & Designers |
| 18.14 Sheet 07 of 09 Issue A                               | 18 March 2019 | Hart Design Architectural Drafters & Designers |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |                  |                          |
|-----------------------------------------------------------------------------------------|------------------|--------------------------|
| <b>Report No. / Page No. / Section No.</b>                                              | <b>Dated</b>     | <b>Prepared By</b>       |
| BASIX Certificate No. A335250                                                           | 10 December 2018 | BASIX Certificate Centre |

##### 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. 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**

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

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Clause B5.10 in PITTWATER DCP21. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the Northern Beaches Council's Clause B5.10 in PITTWATER DCP21 are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

### **6. Vehicle Parking Area**

Driveway gradients and the proposed parking area within the private property are to comply with AS/NZS 2890.1:2004. The gradients for the parking area are not to exceed 1 in 20 (5%).

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

Reason: To ensure suitable vehicular access and parking to private property.

### **7. 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.

8. **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.

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](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.

10. **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.

11. **Privacy Screen**

A 1.65 metre privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost eastern and western edges of the rear first floor deck located off the "Family" room as shown on the approved plans. The privacy screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

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

Reason: In order to maintain privacy to the adjoining / nearby property. (DACPLC06)

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

12. **Vehicle Crossings**

The provision of one vehicle crossing 5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/5 EL 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.

13. **Maintenance of Road Reserve**

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

Reason: Public Safety.

14. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

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

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

15. **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.

16. **Certification Parking Facility Work**

An appropriately qualified and practicing Civil Engineer shall certify to the Council / Principal Certifying Authority that the parking facility was constructed in accordance with this consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: Compliance with this consent.

17. **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.

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

**Signed**



**Nick Keeler, Planner**

The application is determined on 24/04/2019, under the delegated authority of:



**Anna Williams, Manager Development Assessments**