

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/0160
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Responsible Officer:	Megan Surtees
Land to be developed (Address):	Lot 24 DP 7953, 36 Rednal Street MONA VALE NSW 2103 Lot 265 DP 752046, 36 Rednal Street MONA VALE NSW 2103
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Michael Thomas Johnson Adrienne Patricia Johnson
Applicant:	Michael Thomas Johnson

Application Lodged:	22/02/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	28/02/2023 to 14/03/2023
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 250,000.00
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PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for alterations and additions to a residential dwelling pursuant to the *Pittwater Local Environmental Plan 2014* (PLEP 2014), comprising the following works:

Ground Floor

- Demolition works of internal walls
- Mudroom
- New stone wall with fireplace
- Small staircase in the entry foyer

First Floor

- Amend the curved nature of the external walls to the Master Bedroom and Bedroom 2
- Amend the curved balustrade above the void to the ground floor entry foyer.

External

- Privacy walls on the existing first floor level balcony between Bedrooms 2, 3 and the Master Bedroom
- Extend the existing eave on the first floor level to 2.38 metres
- Privacy screen along the southern and northern elevations on the first floor level balcony for a length of 2.0 metres at a height of 1.80 metres (when measured from the finished floor level of the existing first floor level balcony)
- New doors off the Master Bedroom on the first floor level and new doors off the living room on the ground floor level along the eastern elevation
- External stairs along the northern and southern elevations between the dwelling and side boundaries
- Timber batten wall with planter box to the western elevation
- Sloped flat roof with a 25 degree pitch over the front door
- New pool fence
- New tiling and timber deck finishing to existing paved areas (including the driveway and swimming pool enclosure) forward of the building line within the front yard
- New roof to existing carport and gazebo
- Fireplace within the gazebo
- New roof extending along the northern side of the carport to provide cover to the entry of the dwelling

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living
Pittwater Local Environmental Plan 2014 - 7.8 Limited development on foreshore area
Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
Pittwater 21 Development Control Plan - C1.4 Solar Access
Pittwater 21 Development Control Plan - D9.7 Side and rear 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:	<p>Lot 24 DP 7953 , 36 Rednal Street MONA VALE NSW 2103 Lot 265 DP 752046 , 36 Rednal Street MONA VALE NSW 2103</p>
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the north-eastern side of Rednal Street.</p> <p>The site is regular in shape with a frontage of 16.46m along Rednal Street and a maximum depth of 62.18m. The site has a surveyed area of 1004.0m².</p> <p>The site is located within the C4 Environmental Living zone within the <i>Pittwater Local Environmental Plan 2014</i> (PLEP 2014) and accommodates a two (2) and three (3) storey residential dwelling with detached carport, gazebo and in-ground swimming pool, with waterfront development including a timber jetty and pontoon.</p> <p>The site has a south-westerly orientation toward Rednal Street, and a north-eastern orientation toward Pittwater Waterway. The site has a cross-fall of 14.45% (or 8.67 metres), falling from the centre of the front south-western boundary toward the north-eastern corner of the subject site at the water frontage.</p> <p>The site is not known to have any threatened species.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by two (2) and three (3) storey residential dwellings, with some dwellings along the north-eastern side of Rednal Street having water front development including jettys and pontoons.</p>

Map:



SITE HISTORY

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

The land has been used for residential purposes for an extended period of time.

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	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation	Part 4, Division 2 of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 4.15 Matters for Consideration	Comments
2021 (EP&A Regulation 2021)	<p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to the provision of amended plans that show the Foreshore Building Line. This information was requested via a Request for Further Information (RFI) letter on 17 April 2023. Amended plans were uploaded to the NSW Planning Portal on 18 April 2023. The amended plans did not change the proposed development, rather it included vital information required for the assessment of this application (being the annotation of the foreshore building line). As such, and in accordance with Council's Community Participation Plan (CPP) the amended application was not formally re-notified.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 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) 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.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(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.</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	See discussion on “Notification & Submissions Received” in this report.

Section 4.15 Matters for Consideration	Comments
accordance with the EPA Act or 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 from 28/02/2023 to 14/03/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

Name:	Address:
Mr Michael Albert Gray	38 Rednal Street MONA VALE NSW 2103

The following issues were raised in the submissions:

- **Overshadowing**
- **Stormwater Management**

The above issues are addressed as follows:

- **Overshadowing**

The submission raised concern that the proposed pitched roof will create addition overshadowing to the adjoining property in the afternoon at 38 Rednal Street, Mona Vale (being the adjoining property to the east). This submission requests that, as a minimum, the pitch of the roof be reduced to match the pitch of the dwelling house roof and the overhang of the roof to the north be minimised.

Comment:

Shadow diagrams have been provided with this application. These indicate the proposal achieves compliance with the minimum requirements as prescribed within control C1.4 Solar Access of the Pittwater 21 Development Control Plan (P21 DCP). Amendments to the proposed roof of the existing carport are not warranted, in this instance. A detailed assessment of the

proposal against the underlying objectives of C1.4 Solar Access has been undertaken within this assessment report.

This issue does **not** warrant reason for refusal of this application.

- **Stormwater Management**

The submissions raised concern regarding the management of stormwater run-off from the new roof on the carport. Noting that the change to the roof will require eaves guttering and the subsequent maintenance required. Due to the retention of the existing southern side setback, the only way to maintain the eaves guttering is via the roof, which is more reason to reduce the pitch to facilitate access. The submission notes that the Existing Stormwater Management document (prepared by Northern Beaches Consulting Engineers Pty Ltd, dated 9 December 2022) recommends verification of whether the subject site has legal rights to the existing connection to Council's stormwater asset within no. 38 Rednal Street via a drainage easement, stating the rights must be obtained as required.

Comment:

Council's Development Engineer has reviewed the proposed development, particularly in relation to the provision of stormwater management. Relevant conditions have been recommended within this report to ensure the appropriate management of stormwater runoff. Compliance with these conditions will ensure appropriate management of stormwater runoff. Further, any recommendations made by Northern Beaches Consulting Engineers Pty Ltd within the Certificate of Existing Stormwater Drainage shall be included within the consent to ensure compliance.

This issue does **not** warrant reason for refusal of this application.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Solid Fuel/Oil Heater)	<p>General Comments</p> <p>The applicant has emailed council Trim Ref: 2023/250471 saying:</p> <p>The internal fireplace is going to be a gas fireplace. Most likely having a horizontally flue through the external wall.</p> <p>The external fireplace in the gazebo is a solid fuel heater. The clients are currently working through different specifications with the builder to lodge Sec.68 ASAP.</p> <p>No conditions are recommended for a gas fireplace</p> <p>It is recommended by Environmental Health that no development consent be granted for a solid fuel heater, and the proposed heater be</p>

Internal Referral Body	Comments
	<p>deleted from the approved plans.</p> <p>The LG Act S68 application can be separately assessed once lodged.</p> <p>Recommendation</p> <p>Supported - no conditions</p>
Landscape Officer	<p>The application seeks consent for alterations and additions to a dwelling house.</p> <p>The plans and SEE indicate that no significant landscape features are affected by the proposed works.</p> <p>The existing non-compliance with required LOS is noted. Consideration of this aspect is left to planning assessment, however no objections are raised to the works with regard to landscape impacts.</p>
NECC (Bushland and Biodiversity)	<p>The proposal seeks approval for alterations and additions to a dwelling house.</p> <p>The comments on this referral relate to the following controls and provisions:</p> <ul style="list-style-type: none"> • SEPP (Resilience and Hazards) 2021 - Chapter 2.10 Development within the coastal environment • Pittwater 2014 LEP - Clause 7.6 Biodiversity Protection <p>The proposed alterations and additions to the dwelling would take place in previously disturbed areas of the site within the footprint of the current build and are unlikely to have an impact on native flora and fauna in the area. Minimal landscaping is proposed as part of the proposed alterations and additions and therefore, conditions shall apply.</p> <p>No native vegetation or fauna habitat would be impacted, the development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>
NECC (Coast and Catchments)	<p>SUPPORTED WITH CONDITIONS</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Coastal Management Act 2016;

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • State Environmental Planning Policy (Resilience and Hazards) 2021 (section 2.10 & 2.12); • Relevant LEP and DCP clauses. <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development. The proposed development is consistent with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p>State Environmental Planning Policy (Resilience & Hazards) 2021 The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP R & H). Hence, Divisions 3, 4 and 5 of the SEPP (R & H) apply to this DA. On internal assessment, and as assessed in the Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty Ltd and dated 15 February 2023, the DA satisfies requirements under Divisions 3, 4 and 5 of SEPP R&H. Subject to conditions, it is considered that the development proposal does comply with the provisions of the State Environmental Planning Policy (Resilience & Hazards) 2021.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP Estuarine Risk Management The subject property has also been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site. In accordance with Section 6.3 of the Estuarine Risk Management Policy for Development in Pittwater (the Policy) an Estuarine Planning Level (EPL) of 2.19m AHD has been independently derived by the coastal engineer and is 0.46m higher than the lower ground floor level. The Coastal Engineer has concluded that the proposed works, with no internal alterations to the lower ground floor and no additional floor area, do not alter the risk profile of the existing dwelling in relation to wave action or tidal inundation. The only lower ground floor works, an external staircase, can be designed to withstand inundation. An Estuarine Risk Management Report outlining the mitigation measures for the management of risks associated with estuarine hazards has been prepared by the Coastal Engineer and subject to conditions the proposed development is considered to satisfy the relevant estuarine risk management requirements of P21 DCP.</p> <p>No further coastal planning and development controls relevant to the subject DA were identified,</p>
NECC (Development	No objections to approval subject to conditions as recommended.

Internal Referral Body	Comments
Engineering)	
NECC (Flooding)	The proposed development is not within flood effected area. There are no flood related objections.
NECC (Riparian Lands and Creeks)	<p>Supported.</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Relevant LEP and DCP clauses; and • Northern Beaches Water Management for Development Policy <p>The proposal is for alterations to an existing dwelling, including some external features.</p> <p>The site abuts Pittwater estuary and as such the development must not significantly impact on the biophysical, hydrological or ecological integrity of the estuary, or the quantity and quality of surface and ground water flows that it receives.</p> <p>Appropriate sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover re-established.</p> <p>On assessment the application on assessment meets the requirements of the relevant Environmental Planning Instruments and policies relating to waterways, riparian areas, and groundwater.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
Aboriginal Heritage Office	<p>Reference is made to the proposed development at the above area and Aboriginal heritage.</p> <p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A475186_03 dated 2 February 2023).

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

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

Comment:

The subject site is located within the Coastal Environment Area and therefore, this Clause applies. Council's Coast and Catchments Officer has reviewed the proposed development and is satisfied the proposed works, subject to conditions, can achieve the matters prescribed above.

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

Comment:

The subject site is located within the Coastal Environment Area and therefore, this Clause applies. Council's Coast and Catchments Officer has reviewed the proposed development and is satisfied the proposed works, subject to conditions, can achieve the matters prescribed above.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - i) existing, safe access to and along the foreshore, beach, headland or rock
 - ii) platform for members of the public, including persons with a disability,
 - iii) overshadowing, wind funnelling and the loss of views from public places to
 - iv) foreshores,
 - v) the visual amenity and scenic qualities of the coast, including coastal

headlands,
Aboriginal cultural heritage, practices and places,
cultural and built environment heritage, and

- b) is satisfied that:
- i) the development is designed, sited and will be managed to avoid an adverse
 - ii) impact referred to in paragraph (a), or
 - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The subject site is located within the Coastal Use Area and therefore, this Clause applies. Council's Coast and Catchments Officer has reviewed the proposed development and is satisfied the proposed works, subject to conditions, can achieve the matters prescribed above.

Division 5 General

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

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

Comment:

The proposed works are unlikely to cause an increased risk of coastal hazards.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

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

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Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Dwelling: 8.49m Carport: 6.19m Gazebo: 3.92	N/A N/A N/A	Yes Yes 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
7.6 Biodiversity protection	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone C4 Environmental Living

Zone objectives

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

Comment:

The proposed development is sited over the existing building footprint of the single residential dwelling house. In this instance, the proposal provides for low-impact residential development in an area where there is likely to be special ecological, scientific, or aesthetic values.

The proposed development **achieves** this objective.

- To ensure that residential development does not have an adverse effect on those values.*

Comment:

As the proposed development is sited over the existing building footprint, the proposal is unlikely to have an adverse impact upon the values prescribed in the above objective.

The proposed development **achieves** this objective.

- To provide for residential development of a low density and scale integrated with the landform and landscape.*

Comment:

The proposed development will retain the low-density residential nature of the existing dwelling, appropriately integrating with the landform and landscape.

The proposed development **achieves** this objective.

- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

Comment:

While works are proposed forward of the foreshore building line, these are sited to the existing dwelling and will not further encroach within the foreshore area. In this instance, the proposal will not impact upon the riparian and foreshore vegetation and wildlife corridors.

The proposed development **achieves** this objective.

7.8 Limited development on foreshore area

The subject site is bound by the Pittwater Foreshore Building Line, as indicated in Figure 1 below.



Figure 1. Pittwater Foreshore Building Line (indicated in red).

In this instance, the proposed works associated with the dwelling house, particularly at the rear of the dwelling, will be within the foreshore area. Subclause (2) of this Clause stipulates the following:

(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:

- (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,*
- (b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

Comment:

The proposed development seeks to alter the existing building, which is partly within the foreshore area, and the proposal does not seek to extend the existing building footprint further within the foreshore area. No works are proposed to the waterfront development seaward of the Mean High Water Mark. As such, in the context of Clause 7.8(2) of the PLEP, the proposed extent of works is acceptable.

In this instance, the proposed development achieves compliance with the requirements of this Clause.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	13.4m	N/A	Yes
Rear building line	FBL Applies	Within FBL	N/A	No
Side building line	Northern Boundary 2.5m	Dwelling Ground Floor: 1.23m (existing & unchanged) First Floor: 1.23m (existing & unchanged)	50.8% 50.8%	No No
		Carport: 10.58m	N/A	Yes
		Gazebo: 0.15m (existing & unchanged)	94%	No
	Southern Boundary 1m	Dwelling First Floor: 1.19m	N/A	Yes
		Carport: 0.04m (existing & unchanged)	96%	No
Building envelope	Southern Elevation 3.5m	Outside envelope (carport & dwelling)	N/A	No
	Northern Elevation 3.5m	Outside envelope (dwelling)	N/A	No
Landscaped area	60% (602.4m ²)	18.8% (188.81m ²)	68.6%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B5.13 Development on Waterfront Land	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	No	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	No	Yes
D9.9 Building envelope	No	Yes
D9.11 Landscaped Area - Environmentally Sensitive Land	No	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

Detailed description of non-compliance

This control requires the following dimensions for a two (2) vehicle carport:

- 5.7 metres x 6.0 metres for 2 adjacent vehicles and 2.4 metres minimum width entry per vehicle space

The proposed development seeks to retain the existing carport footprint, which has the following dimensions:

- 5.3 metres x 7.5 metres

In this instance, while the existing building footprint of the carport does not change it does not comply with the requirements as stipulated under this control. The proposed alterations to the carport, however, will continue to provide for safe off-street parking for the occupants of the subject site. It is also noted that there is a paved area located to the north-west of the driveway that can be used for off-street parking as a hardstand space.

Merit consideration

- *An adequate number of parking and service spaces that meets the demands generated by the development.*

Comment:

The proposed carport will continue to provide coverage for two (2) off-street parking spaces, which meets the requirements for minimum off-street parking spaces as stipulated under this control.

- *Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*

Comment:

Council's Development Engineer has reviewed the proposed development and has not raised any issues, and ultimately supports the proposed development, subject to recommended conditions. One recommended condition relates to the provision of appropriate stormwater management. Compliance with this control will minimise rainwater runoff. The retention of the existing carport will not create adverse or unreasonable visual or environmental impacts upon the natural environment and adjoining private properties. Pedestrian and vehicle safety is achieved.

- *Safe and convenient parking.*

Comment:

The proposed alterations to the existing carport will not restrict the existing parking arrangements on the site. Therefore, the proposed development maintains safe and convenience parking for the residents of the subject site.

Based on the above assessment, the proposed alterations to the carport will be consistent with the underlying objectives of this control. The variation can be supported on its merits.

C1.4 Solar Access

Detailed description of non-compliance

A submission raised concern that the proposed roof of the existing carport will create unreasonable overshadowing to the adjoining property, being 38 Rednal Street, Mona Vale.

This control requires:

- The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.
- Any windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).

Shadow diagrams have been provided with this application (included below as Figures 1, 2 and 3), and these show compliance with the requirements of this control. Notwithstanding, a detailed assessment has been undertaken below.

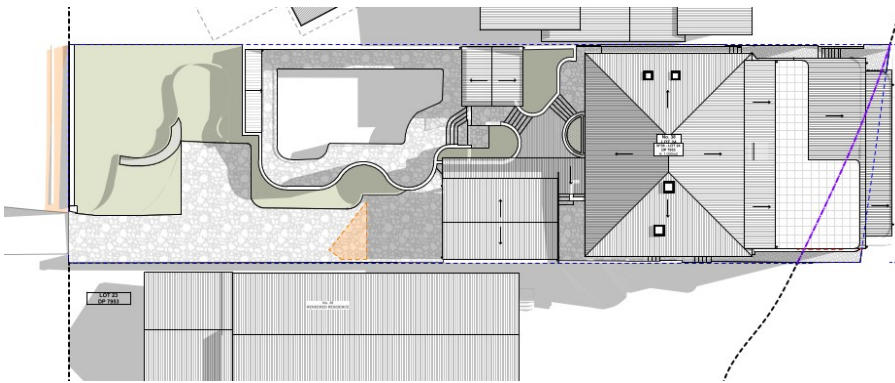


Figure 1. 9am Shadow Diagram (orange shading indicates additional shadowing).

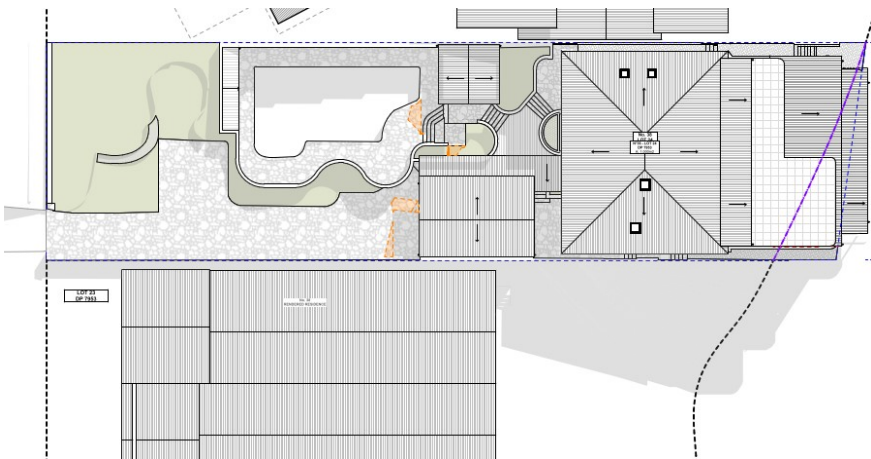


Figure 2. 12noon Shadow Diagram (orange shading indicates additional shadowing).

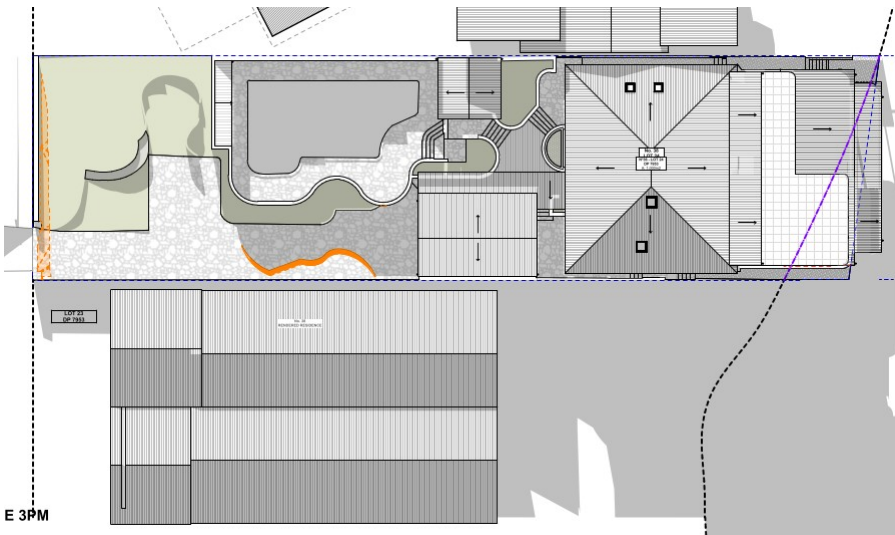


Figure 3. 3pm Shadow Diagram (orange shading indicates additional overshadowing).

Merit consideration

- Residential development is sited and designed to maximise solar access during mid-winter. (En)

Comment:

The proposed development has been designed and sited in such a way that allows for solar access during mid-winter to adjoining properties, as indicated in the shadow diagrams above.

- *A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)*

Comment:

As above, and as detailed within the shadow diagrams, the proposed development provides a reasonable level of solar access to existing residential properties, unhindered by adjoining development.

- *Reduce usage and/dependence for artificial lighting. (En)*

Comment:

By virtue of the compliant provision of solar access to the subject site and adjoining properties, reliance/dependence upon artificial lighting is reduced.

The proposed development provides a compliant level of solar access to the subject site and adjoining properties, and it can achieve the underlying objectives of this control.

D9.7 Side and rear building line

Detailed description of non-compliance

This control requires development to be setback 1.0 metres on one side and 2.5 metres on the other side boundary. The proposed development results in numerous non-compliances to the side setback control. However, these non-compliances are existing and shall remain unchanged by the proposed development.

This control permits a variation whereby the proposed development seeks to retain the existing less than specified requirements so long as the proposed development can achieve the underlying objectives of this control.

In this instance, a merit consideration of the proposed development against the underlying objectives of this control is undertaken below.

The rear setback requirement does not apply, rather the foreshore building line applies. This has been addressed under Clause 7.8 Limited development on foreshore area within this report.

Merit consideration

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

Comment:

The proposed development generally retains the existing building footprint of the dwelling house, carport and gazebo. As such, the proposal is consistent with the future character of the Mona Vale locality. Further, no vegetation or significant trees are proposed for removal. The bulk and scale of the proposal is acceptable and consistent with the built form of adjoining and nearby properties along Rednal Street.

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

Comment:

As detailed above, the proposed development will result in a built form that is consistent with the

existing built form of the dwelling, carport and gazebo, as well as being commensurate with adjoining and nearby dwellings along Rednal Street. In this instance, the proposal is unlikely to cause unreasonable amenity impacts upon adjoining properties.

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

Comment:

The areas of non-compliance are unlikely to impact upon the views and vistas to and/or from public/private places.

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

Comment:

As discussed above, the proposal, specifically the areas of non-compliance, are unlikely to impact upon the views currently obtained by the occupants of adjoining properties.

- *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 encroachment into the side setbacks is a direct result of maintaining the existing side setbacks of the dwelling, carport and gazebo. The alterations to the dwelling on the first floor level includes privacy screens (maximum height of 1.8 metres) along both the northern and southern elevations of the balcony. The northern wall of the gazebo and the southern wall of the carport will continue to provide an acceptable level of privacy. In this instance, the proposal will provide enhanced privacy for both the occupants of the subject site and those of adjoining properties. Shadow diagrams have been provided with this application and a detailed assessment of the proposal against the objectives of C1.4 Solar Access has been undertaken within this assessment report.

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

Comment:

The proposal seeks to include a small area of additional landscaping within the front portion of the subject site. The existing landscaping within the front setback area will be retained and continue to provide an attractive streetscape.

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

Comment:

External access from the front to the rear of the property will remain unchanged, but improved by new external stairs.

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

Comment:

No vegetation is proposed for removal.

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

Comment:

The subject site is located within a residential zone, and is surrounded by residential land use to the south, east and west. The land use to the north is not commercial. In this instance, this objective is not relevant to the subject site.

Despite the numerical non-compliance to this control, the proposed development can achieve the underlying objectives of this control. In this instance, the variation can be supported.

D9.9 Building envelope

Detailed description of non-compliance

This control requires development to be sited within a building envelope which is measured from the side boundaries at a height of 3.5 metres, then angled inward at 45 degrees. The proposed development extends beyond the prescribed envelope along both the northern and southern elevations, as indicated in the figures below.

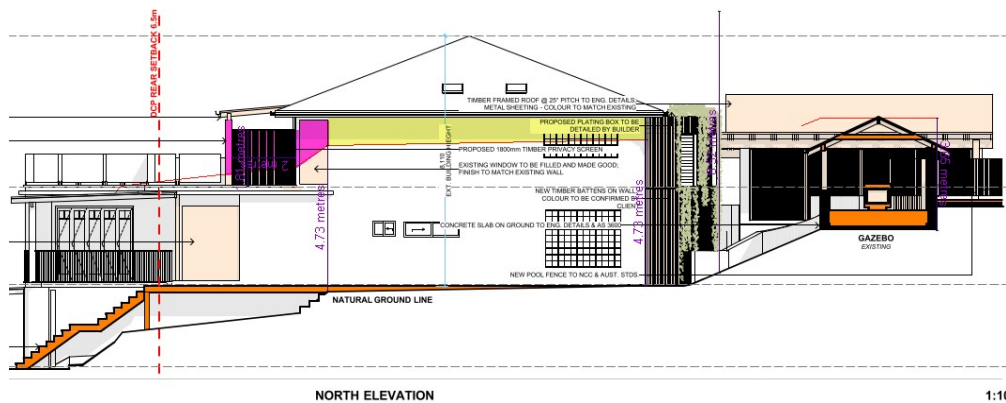


Figure 4. Northern elevation envelope breach indicated in pink (yellow indicates existing breach).

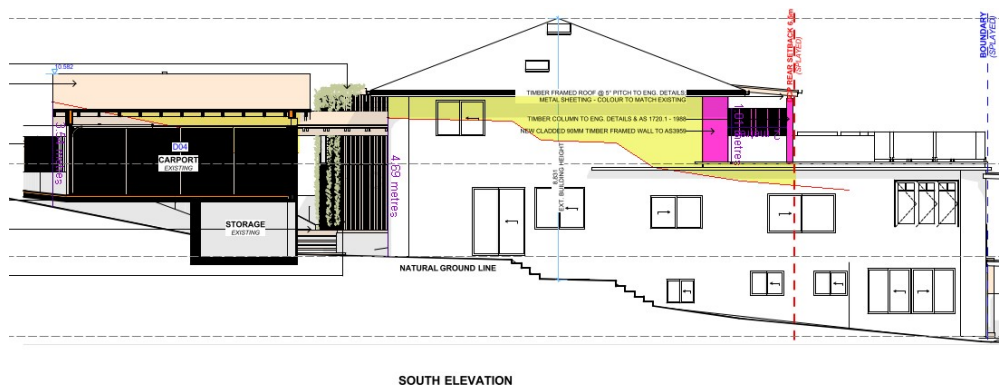


Figure 5. Southern elevation envelope breach indicated in pink (yellow indicates existing breach).

Council may consider a variation for the addition of a second storey where the existing dwelling is retained. In this instance, the non-compliance will be considered against the variation of this control.

A merit assessment of the proposal against the underlying objectives of this control is undertaken below.

Merit consideration

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

Comment:

The proposed development generally retains the existing building footprint of the dwelling house, carport and gazebo. As such, the proposal is consistent with the future character of the Mona Vale locality. Further, no vegetation or significant trees are proposed for removal. The bulk and scale of the proposal is acceptable and consistent with the built form of adjoining and nearby properties along Rednal Street.

- *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 extent of variation to this control is sited at the rear of the property where the dwelling continues downslope toward the water frontage, and therefore cannot be readily viewed from the existing streetscape. Notwithstanding the additional encroachment of the side building envelope, the proposal promotes an appropriate building scale and density that is commensurate with the existing dwelling and that of adjoining and nearby properties, particularly those dwellings along the north-eastern side of Rednal Street. Further, the proposed works to the rear of the dwelling are sited below the maximum building height allowable on the subject site as well as the height of the trees within the surrounding natural environment.

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

Comment:

Notwithstanding the encroachment beyond the building envelope, the proposal appropriately responds to, reinforces and sensitively relates to the spatial characteristics of the existing natural environment in that the alterations to the dwelling, carport and gazebo retain the existing building footprint and setback distances.

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

Comment:

As detailed above, the bulk and scale of the built form is considered acceptable, notwithstanding the continue non-compliances to this control (and other relevant built form controls), resulting in a dwelling that is commensurate with the immediate locality.

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

Comment:

The non-compliance to this control is unlikely to give rise to an adverse impact upon the existing view sharing arrangement between the subject site and adjoining properties.

- *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 extent of non-compliance is a direct result of the inclusion of privacy screens to the first floor level balcony. No new windows are proposed along the side elevations. In this instance, an acceptable level of privacy is provided for the occupants of the subject site and those of adjoining properties. Shadow diagrams have been provided with this application, and a detailed assessment has been undertaken under section C1.4 Solar Access within this report, noting that the proposed solar access achieves compliance with the requirements stipulated under C1.4 Solar Access. In this instance, an acceptable and reasonable level of amenity is achieved.

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

Comment:

The proposed development is sited over the existing building footprint, and no vegetation is proposed for removal.

Notwithstanding the non-compliance to this control, the proposed development can achieve the underlying objectives of this control. The variation can be supported on its merits.

D9.11 Landscaped Area - Environmentally Sensitive Land

Detailed description of non-compliance

The subject site is located within Landscaped Area 1, which requires 60% (or 602.4m²) of the site to be dedicated to landscaped area. The proposed development will result in a landscaped area of 18.8% (or 188.81m²). There is a lawn area seaward of the Mean High Water Mark (MHWM), which is 65.7m² (see below Figure). However, while this area is used by the occupants of the subject site, this area is not within the property boundaries and cannot be included within the numeric landscaped area calculation.

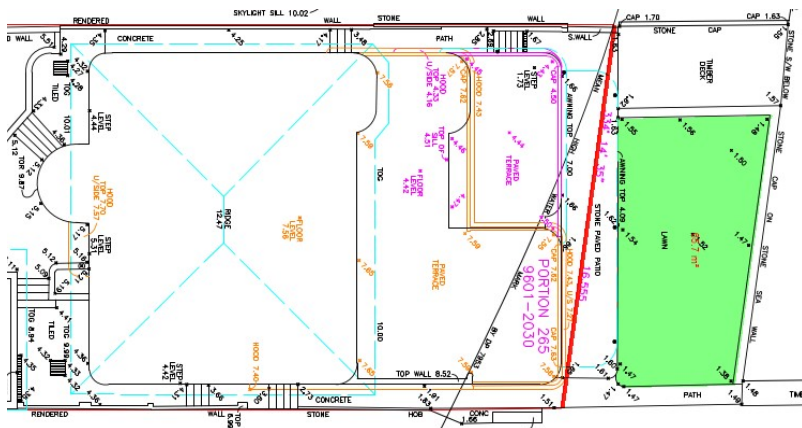


Figure 6. Landscaped lawn seaward of the MHWM (indicated in green, rear boundary line indicated in red).

The existing landscaped area, excluding the lawn seaward of the MHWM, is 17.3% (or 173.77m²).

This control permits the inclusion of 6% of the site area (used for outdoor recreational purposes) and pathways less than 1.0 metres in width to be included within the calculation. With these included, the proposed landscaped area is increased to 27.25% (or 273.65m²). While significantly less than the required minimum 60% landscaped area, the proposed development is sited over the existing building footprint of the paving throughout the site, carport, gazebo and dwelling house and will marginally increase the landscaped area of the site by 15.04m² within the front portion of the subject site.

As the proposal seeks to increase the landscaped area on the site, a merit consideration of the proposal has been undertaken against the underlying objectives of this control below.

Merit consideration

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

Comment:

The proposed development generally retains the existing building footprint of the dwelling house, carport and gazebo. As such, the proposal is consistent with the future character of the Mona Vale locality. Further, no vegetation or significant trees are proposed for removal. The bulk and scale of the proposal is acceptable and consistent with the built form of adjoining and nearby properties along Rednal Street.

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

Comment:

As detailed above, the proposed development will result in a built form that is consistent with the existing built form of the dwelling, carport and gazebo, as well as being commensurate with adjoining and nearby dwellings along Rednal Street. The existing vegetation along the front boundary line and within the front setback area will remain and continue to provide visual relief of the built form when viewed from the street frontage and adjoining properties. Further, the works to the rear of the dwelling are minor and will not create an unreasonable visual impact when viewed from Pittwater Waterway and from the foreshore area. In this instance, the proposal is unlikely to cause unreasonable amenity impacts upon adjoining properties.

- *A reasonable level of amenity and solar access is provided and maintained. (En, S)*

Comment:

The numerical non-compliance to the requirement of this control does not give rise to unreasonable amenity and solar access impacts upon the subject site and adjoining properties as, detailed above, the proposed works are sited over the existing building footprint therefore the built form is not significantly increasing or extending throughout the site. The alterations to the dwelling on the first floor level includes privacy screens (maximum height of 1.8 metres) along both the northern and southern elevations of the balcony. The northern wall of the gazebo and the southern wall of the carport will continue to provide an acceptable level of privacy. In this instance, the proposal will provide enhanced privacy for both the occupants of the subject site and those of adjoining properties. Shadow diagrams have been provided with this application and a detailed assessment of the proposal against the objectives of C1.4 Solar Access has been undertaken within this assessment report.

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

Comment:

No vegetation is proposed for removal. Additional landscaping is proposed

- *Conservation of natural vegetation and biodiversity. (En)*

Comment:

As above, no vegetation is proposed for removal, and there is unlikely to be adverse impacts upon the biodiversity of the site as the proposed works are sited over the existing building footprint.

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

Comment:

The proposal has been reviewed by Council's Development Engineer having regard to provisions of stormwater management and has raised no objection to the proposal, subject to conditions. As such, Council can be satisfied that stormwater runoff will be appropriately reduced and managed, preventing soil erosion and siltation of natural drainage channels.

- *To preserve and enhance the rural and bushland character of the area. (En, S)*

Comment:

The subject site and surrounding developments are located within a low density residential area, with varying styles and scales of structures within an altered landscape setting, such that the character of the area could not be viewed as rural or bushland.

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

Comment:

The site will retain sufficient soft surface areas, thus allowing for the provision of water infiltration to the water table, and minimising run-off and assisting with stormwater management practices.

Despite the numerical non-compliance to this control, the proposed development can achieve the underlying objectives of this control. In this instance, the variation can be supported.

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 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$2,500 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$250,000.

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 2021;
- 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 DA2023/0160 for Alterations and additions to a dwelling house on land at Lot 24 DP 7953, 36 Rednal Street, MONA VALE, Lot 265 DP 752046, 36 Rednal Street, 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 with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA04 Rev A Site / Roof / Sediment Erosion / Waste Management / Stormwater Concept Plan	26-09-2022	Action Plans
DA05 Rev A Existing Lower Ground Floor Plan	26-09-2022	Action Plans
DA06 Rev A Existing Ground Floor Plan	26-09-2022	Action Plans
DA07 Rev A Existing First Floor Plan	26-09-2022	Action Plans
DA08 Rev A Proposed Lower Ground	26-09-2022	Action Plans
DA09 Rev A Proposed Ground Floor Plan	26-09-2022	Action Plans
DA10 Rev A Proposed First Floor Plan	26-09-2022	Action Plans
DA11 Rev B Proposed North and East Elevation	17-04-2023	Action Plans
DA12 Rev A Proposed South and West Elevation	26-09-2022	Action Plans
DA13 Rev A Cross Section 1 & Cross	26-09-2022	Action Plans

Section 2		
DA14 Rev A Long Section 1 & Long Section 2	26-09-2022	Action Plans
DA16 Rev A Sample Board Axonometric	26-09-2022	Action Plans

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate A475186_03	2 February 2023	Action Plans
Estuarine Risk Management Report	15 February 2023	Horton Coastal Engineering
Certificate of Existing Stormwater Drainage (Job no. 2211080)	9 December 2022	Northern Beaches Consulting Engineers Pty Ltd

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	6 December 2022	Sarah McNeilly (per Michael Johnson)

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

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

2. **Compliance with Other Department, Authority or Service Requirements**

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	Not dated

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

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 Certifier 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 Certifier 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 Certifier 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 an 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 Section 7.12 Contributions Plan 2022

A monetary contribution of \$2,500.00 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 (as amended).

The monetary contribution is based on a development cost of \$250,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

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 \$2,000 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 Certifier 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. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the

requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

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

Reason: Protection of the receiving environment.

8. **Stormwater Drainage Disposal**

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifier prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

9. **Amendments to the approved plans**

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

- The proposed solid fuel heater within the gazebo is to be deleted from the approved plans.

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

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

10. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

11. **Estuarine Hazard Design Requirements**

All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes.

To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level.

Reason: To minimise risks associated with coastal hazards for development in an estuarine environment.

12. **Compliance with Estuarine Risk Management Report**

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Horton coastal Engineering Pty Ltd, dated 15 February 2023 and these recommendations are to be incorporated into construction plans and specifications. Details demonstrating compliance are to be submitted to the Certifier for approval prior to issue of the Construction Certificate.

Reason: To minimise risks associated with coastal hazards for development in an estuarine environment.

13. **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 Certifier prior to the issue of the Construction Certificate.

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

14. **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 Certifier 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.

15. 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 Certifier demonstrating the works are in compliance with Sydney Water requirements.

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

- o "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- o 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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

16. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect receiving waters from the effects of sedimentation and erosion from the site

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

17. Protection of Sites of Significance

a) Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.

b) Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

18. Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected including:

- i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009

- Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
 - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
 - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
 - vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Principal Certifier,
 - viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
 - ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
 - x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
 - xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans except where Council's written consent for removal has been obtained. The felling, lopping, topping,

ringbarking or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

19. **Road Reserve**

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

Reason: Public safety.

20. **Wildlife Protection**

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

Reason: To protect native wildlife.

21. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) prior to commencement of any other works on site.

Erosion and sediment controls 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 vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

22. **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 Certifier when the external structure of the building is complete.

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

23. **Pollution Control**

All stockpiles, materials, waste and slurry associated with works (including excavated material) is to be contained at source within the construction area and enclosed in waterproof covering and/or sediment and erosion control while not in use. All waste and debris is to be removed off site and disposed of as frequently as required in accordance with the Waste Management Plan and applicable regulations.

Reason: To protect the surrounding environment, and ensure that pollutants and building associated waste do not enter receiving waters.

24. **Aboriginal Heritage**

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Planning and Environment.

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the Department of Planning and Environment.

Reason: Aboriginal Heritage Protection.

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

25. **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 Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

26. **No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

27. **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 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.

(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 Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To protect human life.

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

28. **Maintenance of Stormwater Treatment Measures**

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

29. **Swimming Pool/Spa Motor Noise**

The swimming pool / spa motor shall not produce noise levels that exceed 5dBA 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.

30. **On-going Compliance with Estuarine Risk Management Report**

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty Ltd, dated 15 February 2023 and these recommendations are to be maintained over the life of the development.

Reason: To ensure preservation of the development and protection of the estuarine environment.

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

Signed



Megan Surtees, Planner

The application is determined on 26/04/2023, under the delegated authority of:



Adam Richardson, Manager Development Assessments