

# AGENDA

## DEVELOPMENT DETERMINATION PANEL MEETING

Notice is hereby given that a Meeting of the Development Determination Panel will be held in the Walamai Room, Civic Centre, Dee Why

**WEDNESDAY 25 JULY 2018**



**Ashleigh Sherry**  
**Manager Business System and Administration**



**Agenda for a Meeting of the Development Determination Panel  
to be held on Wednesday 25 July 2018  
in the Walamai Room, Civic Centre, Dee Why**

<b>1.0</b>	<b>APOLOGIES &amp; DECLARATIONS OF PECUNIARY INTEREST/CONFLICT OF INTEREST</b>	
<b>2.0</b>	<b>MINUTES OF PREVIOUS MEETING</b>	
2.1	Minutes of Development Determination Panel held 11 July 2018.....	4
<b>3.0</b>	<b>DEVELOPMENT DETERMINATION PANEL REPORTS .....</b>	<b>5</b>
3.1	DA2018/0397 - 34 Neptune Road, Newport - Alterations and additions to a dwelling house including new swimming pool and landscaping.....	5
3.2	DA2018/0309 - 8 Narla Road, Bayview - Alterations and additions to a dwelling house.....	40
3.3	DA2018/0434 - 1a Elanora Road, Elanora Heights - Construction of a new dwelling house.....	92
3.4	DA2017/0793 - 22 Ian Lane, North Curl Curl - Alterations and additions to a dwelling house.....	123

## **2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 11 JULY 2018**

---

#### **RECOMMENDATION**

That the Panel note that the Minutes of the Development Determination Panel held 11 July 2018 were approved by all Panel Members and have been posted on Council's website.

---



### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

ITEM 3.1	DA2018/0397 - 34 NEPTUNE ROAD, NEWPORT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING NEW SWIMMING POOL AND LANDSCAPING
REPORTING MANAGER	Anna Williams
TRIM FILE REF	2018/452590
ATTACHMENTS	1 <a href="#">↓</a> Assessment Report 2 <a href="#">↓</a> Site Plan and Elevations

#### PURPOSE

To refer the attached application for determination due to directions provided by the Department of Planning & Environment in relation to applications with a clause 4.6 variation to the building height standard.

---

#### RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER

THAT Council as the consent authority grant Development Consent to DA2018/0397 for Alterations and additions to a dwelling house including new swimming pool and landscaping on land at Lot 7 Sec 2 DP 6248, 34 Neptune Road, Newport, subject to the conditions outlined in the Assessment Report.

---



## REPORT TO DEVELOPMENT DETERMINATION PANEL

Meeting held on 25 July 2018

34 Neptune Road Newport - Alterations and additions to a dwelling house including new swimming pool and landscaping

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0397
Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 7 DP 6248, 34 Neptune Road NEWPORT NSW 2106
Proposed Development:	Alterations and additions to a dwelling house including new swimming pool and landscaping
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Development Determination Panel
Land and Environment Court Action:	No
Owner:	Frank Kohlman
Applicant:	Rapid Plans Pty Ltd
Application lodged:	15/03/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	20/03/2018 to 05/04/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval
Estimated Cost of Works:	\$ 289,800.00

### 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 Local Environmental Plan 2014 - 4.6 Exceptions to development standards  
 Pittwater 21 Development Control Plan - A4.10 Newport Locality  
 Pittwater 21 Development Control Plan - C1.4 Solar Access  
 Pittwater 21 Development Control Plan - D10.11 Building envelope (excluding Newport Commercial Centre)

#### **SITE DESCRIPTION**

<b>Property Description:</b>	Lot 7 DP 6248 , 34 Neptune Road NEWPORT NSW 2106
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the northern side of Neptune Road, Newport.</p> <p>The site is regular in shape with a frontage of 12.19m along Neptune Road and a depth of 45.72m. The site has a surveyed area of 557m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a three-storey detached dwelling.</p> <p>The site slopes approximately 9m from north to south, and contains significant vegetation in the front and rear yards.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by one-, two- and three-storey detached dwellings.</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:

- Application N1062/99 for a new single dwelling was approved on 18 January 2000 under staff delegation.
- Application T0453/13 for Tree/Bushland Works was approved on 15 October 2013 under staff delegation.
- Application CDC0003/14 for Construction of a cabana was approved on 06 January 2014 by a private certifying authority.

#### **PROPOSED DEVELOPMENT IN DETAIL**

The proposal seeks consent for the following works:

- Alterations to the lower ground floor;
- Reconfiguration and alterations to ground and first floors;
- Rear extension to existing first floor including deck;
- Reconfiguration of the existing driveway;
- New pool; and
- Landscaping works.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

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

DA2018/0397

Page 3 of 34



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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This 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 clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the</p>





Section 4.15 Matters for Consideration'	Comments
	submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

#### EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

#### 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 David Andrew Browne	36 Neptune Road NEWPORT NSW 2106

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

- The proposed upper storey extension to the north west results in unreasonable bulk and affects the outlook and natural light for No. 36 Neptune Road.
- Balcony works on the south-western corner of the upper floor allow for direct viewing to the main bedroom of No. 36 Neptune Road.
- Drawing No. DA5001 contains errors in the relationship between Nos. 34 and 36 Neptune Road.

DA2018/0397

Page 5 of 34



- There is a discrepancy between the boundary location and the location of the fence. This should be clarified to correctly assess setbacks.

The matters raised within the submissions are addressed as follows:

- Northwest Upper Storey Extension  
Comment:  
The proposed northern extension of the upper floor is compliant with the rear building line control. The extension results in minor breaches to the building envelope control, though the proposal is acceptable in relation to this control for the reasons detailed in the section of this report relating to Clause D10.11 of the Pittwater 21 DCP 2014. In this way, the proposed works are of an acceptable bulk and scale in the context of the site. Further, the proposal is compliant with the requirements of Clause C1.4 Solar Access of the Pittwater 21 DCP 2014, as it does not result in additional overshadowing to the private open space or windows to living areas on adjacent sites or the subject site.
- Southwestern Upper Storey Balcony  
Comment:  
The proposal includes minor extensions to the eastern and western sides of the southwestern upper storey balcony, in order to regularise the shape of the balcony. The extensions are not anticipated to result in intensified use of the balcony beyond that of the existing scenario, as its area is not dramatically increased, and the use of the room it is attached to remains a living room. The balcony is oriented to the public street frontage, and is set forward of the building at No.36 Neptune. As such, the extensions to the balcony are not anticipated to result in any unreasonable overlooking impacts.
- Drawing No. DA5001 Errors  
Comment:  
The submitted perspectives at Drawing No. DA5001 are for illustrative purposes only and are not relied upon for assessment.
- Boundary and Fencing Locations  
Comment:  
The submitted survey plan prepared by Total Surveying - Land & Property Surveyors dated April 2017 has been relied upon in the submitted architectural plans. The assessment of the proposal in relation to the built form controls relies on the boundary line demonstrated on these plans, and not on the fencing line.

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	The landscape component of the proposal is acceptable, subject to completion of the proposed landscaping and subject to conditions to
DA2018/0397	Page 6 of 34



Internal Referral Body	Comments
	<p>protect existing vegetation not proposed for removal.</p> <p>Council's Landscape section has assessed the development application against the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.22 Preservation of Trees and Bushland Vegetation</p> <p>C1.1 Landscaping</p> <p>D10.1 Character as viewed from a public place</p>
NECC (Development Engineering)	<p>I have reviewed the DA in regards to the relevant Development Engineering controls of Council's DCP and can advise that these controls have been satisfied.</p> <p>No Development Engineering objection is raised to the proposed development subject to conditions.</p>
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.</p>

#### **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

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

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

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

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

##### **SEPP 55 - Remediation of Land**

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





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

A BASIX certificate has been submitted with the application (see Certificate No. A305909 dated 31 January 2018).

#### **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	% Variation	Complies
Height of Buildings:	8.5m	9.46m	11.29%	No

##### Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	No

DA2018/0397

Page 8 of 34



Clause	Compliance with Requirements
4.6 Exceptions to development standards	
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.7 Geotechnical hazards	Yes

#### Detailed Assessment

#### **4.6 Exceptions to development standards**

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard has taken into consideration the questions established in *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46.

Clause 4.3(2D) of the PLEP 2014 provides that:

*(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if:*

- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*
- (b) the objectives of this clause are achieved, and*
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

Clause 4.3(2D) is addressed as follows:

The portion of the development above the 8.5m maximum building height is minor, being only for a roof ridge extension and skylights. The objectives of Clause 4.3 are achieved, as detailed below. The proposal does not include significant earthworks. However, the portion of the site being developed has a slope of 14.32%, being less than 16.7 degrees or 30%. As such, Clause 4.3(2D) does not apply in this case and the 8.5m maximum building height applies.

Requirement:	8.5m
Proposed:	9.46m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	11.29% above development standard 0% above existing building height

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the PLEP 2014. The assessment is detailed as follows:

#### **Is the planning control in question a development standard?**



The prescribed Height of buildings limitation pursuant to Clause 4.3 of the PLEP 2014 is a development standard.

**What are the underlying objectives of the development standard?**

The underlying objectives of the standard, pursuant to Clause 4.3 – 'Height of buildings' of the PLEP 2014 are:

(1) The objectives of this clause are as follows:

*a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality*

Comment:

The proposed works result in a modernised redevelopment of the existing dwelling. The proposal is consistent with the existing spatial proportions of the street in terms of setbacks and overall building height, providing a character and bulk consistent with that of the existing area. Further, as detailed in the section of this report relating to Clause A4.10 of the Pittwater 21 DCP 2014, the proposal adequately achieves the desired character of the Newport locality.

*b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development*

Comment:

The proposed development includes a minor breach to the height of building development standard due to the extension of the existing roof at the existing ridge height. The non-compliance arises as a result of the existing excavation of the basement area directly underneath the portion of extended roof. From the external view of the proposal, the works comply with the 8.5m building height, as demonstrated by the submitted elevations. The proposal maintains existing setbacks and therefore adequately manages the bulk and scale of the proposed built form. The height of the proposed development steps with the topography of the sloping land, which has a slope of approximately 15%. As such, the height and bulk of the proposed development are generally consistent with that of the existing development on site and with the surrounding area.

*c) to minimise any overshadowing of neighbouring properties*

Comment:

The proposal leads to a minor increase to overshadowing, as a result of the roof extension. However, the additional overshadowing does not impact on the private open space or windows of the subject site or adjacent sites. As such, additional overshadowing resulting from the proposed development is minimised and does not result in unreasonable impacts to the subject site or neighbouring properties.

*d) to allow for the reasonable sharing of views*

Comment:

The proposed development does not impact upon views to, from or across the subject site to private or public places.

*e) to encourage buildings that are designed to respond sensitively to the natural topography*

Comment:

DA2018/0397

Page 10 of 34



The proposal does not require earthworks for the purpose of redeveloping the existing dwelling. The only additional earthworks are for the purpose of the minor driveway extension. Further, the height of the proposed development steps with the topography of the sloping land. As such, the proposal is designed to respond sensitively to the natural topography.

*f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items*

Comment:

The proposal includes minor works at the existing ridge height and otherwise maintains the existing bulk and scale of the existing development. As such, the proposal does not result in an unreasonable visual impact on the natural environment. The subject site and surrounding sites are not heritage listed, nor within a heritage conservation area.

**What are the underlying objectives of the zone?**

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the R2 Low Density Residential zone.

The underlying objectives of the R2 Low Density Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment:

The proposed development retains the low density residential use of the site. The proposal provides for the redevelopment of the existing dwelling without resulting in any unreasonable impacts on the subject site or adjacent sites.

It is considered that the development satisfies this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

Not applicable. The proposed development retains the low density residential use of the site.

It is considered that the development satisfies this objective.

- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

Comment:

Not applicable. The proposed development retains the low density residential use of the site.

It is considered that the development satisfies this objective.

**Is the variation to the development standard consistent with the objectives of Clause 4.6 of the PLEP 2014?**

(1) The objectives of this clause are as follows:

*(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.*

DA2018/0397

Page 11 of 34



Comment:

The proposed development provides for an appropriate level of flexibility in applying the height of buildings development standard.

*(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The proposed development results in a better outcome, as it allows for redevelopment of the existing dwelling on the subject site, without resulting in any unreasonable impacts to the subject site or adjacent sites.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment:

The applicant has provided the following justification for the proposed variation to the height of building development standard:

**"2 Clause 4.6 Variation to Development Application**

**4.6 Exceptions to development standards**

*(1) The objectives of this clause are as follows:*

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

**2.1 Background**

*The application is in regard to the application for alterations & additions proposed for the Neptune Road residential dwelling.*

*After reviewing Pittwater Council LEP 2014 we advised that a Clause 4.6 Exception to Development Standard is required due to:*

- *This development is classified as a non-complying development due to the dwelling being over the 8.5m height of buildings (Pittwater LEP 2014 Clause 4.3 Height of Buildings)*
- *The favourable option for Council is a Development Application with a Clause 4.6 Variation for the structures to be considered for approval.*

**2.2 Reasons for Clause 4.6 Variation Consideration**

DA2018/0397

Page 12 of 34





#### Height

Pittwater LEP 2014 Clause 4.3 Height of Buildings

PLEP2014 = 8.5m

PROPOSED HEIGHT = 9.46m

#### Zone R2 Low Density Residential objectives:

- a) To provide for the housing needs of the community within a low density residential environment-the housing needs of the community are maintained with this proposal. The existing dwelling is proposed to be expanded for the improved amenity of the owner's family without adversely impacting the current housing within the low-density Newport area. The proposed alterations to the existing dwelling provides a generally consistent pattern of development with regard to surrounding buildings, and as such, the proposal will not result in any visually prominent element that will result in an unreasonable impact on the streetscape which by virtue of its height & scale, is consistent with the housing needs of the community & the desired character of the locality.
- b) To enable other land uses that provide facilities or services to meet the day to day needs of residents. The day to day needs of the residents will be met with this proposal as the rear addition allows for improved internal facilities along with improved circulation throughout the dwelling & expanded bedrooms. Externally, the rear yard area is improved with the new pool, stairs, retaining walls & stairs providing improved external facilities to service outdoor entertaining & flow from the internal areas.
- c) To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses. The range of land uses is comparable to the existing & surrounding properties. The land use for private low-density purposes is maintained under this proposal.

#### As per PLEP2014 Part 4 Clause 4.6

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard

It is in our opinion that the minor non-compliance in regard to the height limit would be unreasonable or unnecessary to enforce, in this case, due to the existing built form on site. The works, under the original DA, would have the excavated garage extending towards the rear of the upper floor allowing for the roof line to be constructed with the pitched style roof with a skillion projection to allow for roof windows for light & airflow. The height would have conformed & the current existing ground level allows for the existing structure to be well clear of the height limit. To enforce a 1.5m step down in the roof from the external walls, due to excavation, is both unnecessary & unreasonable as it would substantially change the pattern of development, adversely impact the amenity for the residents & make construction extremely difficult & expensive. The variation to the development standard would be justified as the planning grounds approved under the original approval would be upheld as the proposal is in keeping with the existing built form as viewed externally. The intention is to match the existing roof line, with the non-conforming section of roof being 1.025m from the back of the lower garage, allowing for the roof to cover the rear addition that is clear due to the ground raised higher at the back of the house. A step down in the roof for 1.025m would be unreasonable as it is in the centre of the building footprint & detract from the overall design & not in keeping with the current or original applications.

#### PLEP2014 Part 4 4.3

DA2018/0397

Page 13 of 34



(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality:

- *Streetscape – The visual quality of the streetscape is to be enhanced with the alterations & additions to the existing dwelling proposing a modern design to complement the surrounding area without varying from the original built form. The proposed alterations to the existing dwelling provides a generally consistent pattern of development with regard to adjoining front building setbacks & height, and as such, the proposal will not result in any visually prominent element that will result in an unreasonable impact on the streetscape which by virtue of its height & scale, is consistent with the desired character of the Newport locality.*
- *Bulk & Scale of the building is maintained & does not impact on height. The bulk & scale to rear of the dwelling, even with the rear addition, is largely maintained as the property slopes up towards the rear of the property & is in keeping with the surrounding neighbourhood. As the existing roof height is proposed to be extended over the rear addition, the building height is slightly over the 8.5m height guideline at the rear of the existing excavated garage for a length of 1.025m. This is due to the ground level rising sharply at the rear of the garage. As the height encroachment is in the centre of the building footprint, & behind the existing roof line, the proposed small section of roof is not considered to be adversely impacting bulk & scale for the nearby development & is in keeping with the desired character of the Newport locality.*

(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development:

- *Setback - The front boundary setback will be maintained with proposed works aligning with existing wall lines with the intention to square off the angled corners. The side walls are to remain with the only addition is to the rear over the raised rear patio. As these items to the front of the dwelling are of a minor nature, the proposal is in keeping with the height and scale of surrounding and nearby development. As the setback is generally consistent with the existing exterior walls of the dwelling, the existing building height at the exterior walls conforms the 8.5m building height guideline. The rear addition incorporates extending the skillion roof which has a 1.025m section of skillion roof that has caused the request for a height concession. The addition is consistent with existing setbacks & is not out of character for the neighbourhood.*

(c) to minimise any overshadowing of neighbouring properties:

- *Overshadowing – The overshadowing is minimised by maintaining the existing ridge line & locating the upper floor in place of part of the existing rear roof line & a roof covering the rear patio. The addition allows the design to flow more efficiently with the natural topography of the property as it is sloping back down to front to assist in minimising overshadowing of neighbouring properties. The shadow cast falls largely on the sloping property with only minor shadowing to the dwelling to the east. There is substantial separation between the dwelling that prevents excessive shadowing to the existing neighbouring dwellings to justify the height encroachment.*

(d) to allow for the reasonable sharing of views:

- *Openness - A sense of openness has been maintained even though the height limit has been exceeded on the skillion part of the roof line. Visually, the proposed design creates flow between the front & rear areas of the property as the topography slopes sharply uphill behind the lower floor garage whilst providing grassed areas adjacent to the pool to allow for a sense*



*of openness to support the desired future character of the Newport area. This openness improves the sharing of district views over Newport by shifting the bulk to the rear which allows for more prominent view corridors from the neighbouring dwellings towards the south. The small section of roof over the height guideline allows for the reasonable sharing of views for the adjacent properties.*

- *Setback - The front boundary setback will be maintained with proposed works aligning with existing wall lines with the intention to square off the angled corners. The side walls are to remain with the only addition is to the rear over the raised rear patio. As the setback is generally consistent with the existing exterior walls of the dwelling the existing building height at existing ground level at the exterior walls conforms the 8.5m building height guideline. The rear addition incorporates extending the skillion roof which has a 1.025m section of skillion roof that has caused the request for height concession. Addition is consistent with existing setbacks & allows for the reasonable sharing of views for the adjacent properties.*

*(e) to encourage buildings that are designed to respond sensitively to the natural topography:*

- *Site Access & Circulation is maintained to the front & sides of the property. The rear is improved with additional stairs allowing access to the rear yard & proposed pool. The existing drive is to be maintained & provides appropriate access & circulation for the owners on the elevated site. It is anticipated that the proposed development will have no detrimental impact on traffic flow. The design of the rear addition uses the raised patio area to the rear of the existing dwelling with pool location in the raised grassed area to the rear. As the design does not create excessive excavation or damage to the environment it is our opinion that the proposal has been designed to respond sensitively to the natural topography.*
- *Planting – There has been a generous amount of area maintained for the existing vegetation & for the provision of planting in the front & rear areas of the property. The proposal minimises visual impact of the natural environment as the existing building footprint & existing rear patio are used for the location of the new addition with no major clearing or damage to the vegetation & local habitats to respond sensitively to the natural topography.*

*(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items:*

- *Bulk & Scale of the building is maintained & does not impact on the visual impact of development on the natural environment, heritage conservation areas and heritage items in the Newport area. The bulk & scale to rear of the dwelling, even with the rear addition, is largely maintained as the property slopes up towards the rear of the property & is in keeping with the surrounding neighbourhood. As the existing roof height is proposed to be extended over the rear addition the building height is slightly over the 8.5m height guideline at the rear of the existing excavated garage for a length of 1.025m as the ground level rises sharply at the rear of the garage. As the height encroachment is in the centre of the building footprint, & behind the existing roof line, the proposed small section of roof is not considered to have an adverse visual impact of development on the natural environment, heritage conservation areas and heritage items in the Newport area.*
- *Landscape Open Space Area has been largely maintained to provide maximum landscape open space for the proposed development & to prevent any adverse visual impact of development on the natural environment, heritage conservation areas and heritage items in the Newport area.*
- *Openness - A sense of openness has been maintained even though the height limit has been exceeded on the skillion part of the roof line. Visually, the proposed design creates flow between the front & rear areas of the property as the topography slopes sharply uphill behind*





*the lower floor garage whilst providing grassed areas adjacent to the pool to allow for a sense of openness to support the desired future character of the Newport area. This openness maintains the sharing of district views over Newport by shifting the bulk to the rear which allows for more prominent view corridors from the neighbouring dwellings towards the south & to prevent any adverse visual impact of development on the natural environment, heritage conservation areas and heritage items in the Newport area.*

- *Planting – There has been a generous amount of area maintained for the existing vegetation & for the provision of planting in the front & rear areas of the property. The proposal minimises impact of the natural environment as the existing building footprint & existing rear patio are to be used for the location of the new addition with no major clearing or damage to the vegetation & local habitats which prevents any adverse visual impact of development on the natural environment, heritage conservation areas and heritage items in the Newport area.*

## CONCLUSION

### 2.3 Summary

*The resulting development has been designed to enhance the existing residential building by improving the amenity for the residents while maintaining where possible the objectives set out by Pittwater Local Environment Plan 2014 zone R2 Low Density Residential, Part 4 Clause 4.3 Height of Buildings & Part 4 Clause 4.6 Exceptions to Development Standards. We consider that the proposal will impose minimal impact and maintains the streetscape & character of the neighbourhood & request that council support the Clause 4.6 Variation of the 8.5m Height of Building for the Development Application."*

(4) Development consent must not be granted for development that contravenes a development standard unless:

*(a) the consent authority is satisfied that:*

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

#### Comment:

The applicant has adequately addressed the relevant matters. It is agreed that compliance with the height of building development standard is unreasonable in the circumstances of this case, for the following reasons:

- The proposed works above the 8.5m building height development standard are minor in nature and follow the existing ridge height;
- The non-compliance arises from existing excavation at the basement level, directly below the roof ridge extension;
- The roof ridge continues to step up with the sloping topography of the land;
- The proposal maintains the general bulk and scale of the existing development with the maintenance of setbacks;
- The proposed development does not result in any unreasonable impacts to the subject site and adjacent sites; and
- The proposed development is consistent with the desired future character of the locality.

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*



Comment:

For reasons detailed above, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone in the PLEP 2013.

*(b) the concurrence of the Director-General has been obtained*

Comment:

Planning Circular PS 17-006 dated 15 December 2017, as issued by the NSW Department of Planning and Environment, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument where the variation to a numerical standard is not greater than 10%. As per written correspondence to Council from the NSW Department of Planning and Environment dated 1 March 2018, concurrence may also be assumed for variations to the Height of Building Development Standard for dwelling houses, for 12 months from the date of the letter. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Height of Building Development Standard is assumed.

### Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	8.8m	N/A	Yes
Rear building line	6.5m	6.5m	N/A	Yes
Side building line	2.5m (east)	2.75m to lower ground 1.96-2.75m to ground and first floor	N/A N/A	Yes Yes - Existing
	1m (west)	940mm to lower ground and ground 1.72m to first floor	N/A N/A	Yes - Existing Yes
Building envelope	3.5m (east)	1.5m outside envelope	26.5%	No
	3.5m (west)	3m outside envelope	57.4%	No
Landscaped area	50%	54%	N/A	Yes

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	No	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.1 Landslip Hazard	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

DA2018/0397

Page 17 of 34



Clause	Compliance with Requirements	Consistency Aims/Objectives
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential (Amended 14/11/15 See B6.3)	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.3 Scenic protection - General	Yes	Yes
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	Yes	Yes
D10.8 Side and rear building line (excluding Newport Commercial Centre)	Yes	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	No	Yes
D10.12 Landscaped Area - General	Yes	Yes
D10.16 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

#### Detailed Assessment

#### **A4.10 Newport Locality**

The proposed development includes three storeys, where the locality calls for a maximum of two storeys. However, the existing development is three storeys in height and the proposed works does not result in any additional storeys. Further, the proposal involves minimal environmental impact, is set below the general tree canopy height, includes building modulation to minimise bulk, does not involve

DA2018/0397

Page 18 of 34



significant earthworks, and provides an appropriate balance between respecting the landform and encouraging development. As such, the proposed development achieves the intention of the desired character of the area and is acceptable in this regard.

#### **C1.4 Solar Access**

Given the slope of the land at the site (approximately 15%), the topography leads to some overshadowing of the subject site and adjacent sites. The proposed development results in a negligible increase to existing overshadowing in the morning and at midday, and a minor increase in the afternoon. However, the proposed works do not result in additional overshadowing to the private open space or windows to living areas on adjacent sites or the subject site.

#### **D10.11 Building envelope (excluding Newport Commercial Centre)**

The proposed development breaches the eastern and western building envelope controls by 26.5% and 57.4%, respectively, due to the topography of the land, and given the proposal extends the existing first floor. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

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

The proposed development is for the purpose of alterations and additions to the existing dwelling house. The works are complementary to the streetscape in that it includes a bulk and scale in proportion with existing development in the area. Further, the proposed development is consistent with the requirements of Clause A4.10 Newport Locality of the Pittwater 21 DCP 2014 and therefore achieves the desired future 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.*

As above, the proposed development is complementary to and consistent with the existing streetscape. The proposed development is consistent with the height of the trees within the area and the height and setbacks of the existing development on site. The proposed height of the development is acceptable for the reasons detailed in the section of this report relating to Clause 4.3 of the Pittwater LEP 2014.

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

The proposed development adequately responds to reinforces and relates to the spatial characteristics of the natural environment in that it retains the height and setbacks of the existing development on site and is consistent with the bulk and scale of surrounding developments.

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

The proposed development is of a bulk and scale that is consistent with existing developments in the locality. The proposed height of the development is acceptable for the reasons detailed in the section of this report relating to Clause 4.3 of the Pittwater LEP 2014.

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

The proposed development is adequately designed and sited so as to preserve views and vistas to and from the subject site and adjacent sites.

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

The proposed development is adequately designed and orientated to maintain a reasonable level of privacy, amenity and solar access for the subject site and adjacent sites.



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

The proposed development includes adequate vegetation within the front and rear yards in order to reduce the visual impact of the proposed works.

#### **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 DA2018/0397 for Alterations and additions to a dwelling house including new swimming pool and landscaping on land at Lot 7 DP 6248, 34 Neptune Road, NEWPORT, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

**1. Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA1003 Site Plan	16 February 2018	Rapid Plans
DA1008 Demolition Lower Ground Floor Plan	16 February 2018	Rapid Plans
DA1009 Demolition Ground Floor Plan	16 February 2018	Rapid Plans
DA1010 Demolition First Floor	16 February 2018	Rapid Plans
DA1011 Demolition Roof Plan	16 February 2018	Rapid Plans
DA1012 Excavation Plan	16 February 2018	Rapid Plans
DA2001 Lower Ground Floor Plan	16 February 2018	Rapid Plans
DA2002 Ground Floor Plan	16 February 2018	Rapid Plans
DA2003 First Floor Plan	16 February 2018	Rapid Plans
DA2004 Roof Plan	16 February 2018	Rapid Plans
DA3001 Section Dwelling	16 February 2018	Rapid Plans
DA3002 Section Pool	16 February 2018	Rapid Plans
DA4001 Elevations 1	16 February 2018	Rapid Plans
DA4002 Elevations 2	16 February 2018	Rapid Plans

Engineering Plans		
Drawing No.	Dated	Prepared By
Sediment & Erosion Control Plan	16 February 2018	Rapid Plans
DA1017 Stormwater Plan	16 February 2018	Rapid Plans

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A305909	31 January 2018	Rapid Plans
Arboricultural Impact Assessment	December 2017	Bluegum Tree Care & Consultancy
Geotechnical Investigation	1 March 2018	White Geotechnical Group



b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
DA1014 Landscape Plan	16 February 2018	Rapid Plans

Waste Management Plan		
Drawing No.	Dated	Prepared By
DA1016 Waste Management Plan	16 February 2018	Rapid Plans

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. (DACPLB01)

## 2. **Prescribed conditions (Demolition):**

(a) 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 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
- (ii) 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.

(b) 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.

(c) 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.

Reason: Legislative Requirement (DACPLB09)

### 3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

DA2018/0397

Page 23 of 34





- (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 (DACPLB09)

**4. General requirements (Demolition):**

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- o 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 a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. 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) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy. )

(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.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

**5. 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. (DACPLB10)

## FEES / CHARGES / CONTRIBUTIONS

### 6. Security Bond

DA2018/0397

Page 26 of 34



A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

7. **Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary ground anchors are to be used within Council land. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

8. **Vehicle Crossings Application**

An application for Driveway levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid. Approval 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

9. **Geotechnical Report Recommendations have been correctly incorporated into designs and structural plans**

The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by White geotechnical group (J1653) dated 1st MARCH, 2018 are to be incorporated into the construction plans.

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.



Reason: To ensure geotechnical risk is managed appropriately.

10. **Compliance with standards (Demolition):**

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 Council prior to the commencement of demolition works.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

11. **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. (DACPLC02)

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

12. **Tree protection**

A) The existing street tree within the road verge fronting the site shall be retained and protected as follows:

i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4,

ii) 1.8m high construction fencing shall be placed around the street tree at the commencement of works and left in place until all construction works are complete. The fencing shall be in place along the back of the kerb and at least 2 metres in all other directions, whilst allowing pedestrian movement to continue along the verge,

iii) no existing tree roots are to be damaged,

iv) to minimise the impact on the street tree to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline,

B) All other trees and vegetation to be retained and protected shall comply with the above requirements i), ii), iii) and iv), as well as the requirements as set out below:

v) no tree roots greater than 50mm diameter are to be cut from protected trees unless authorized by a Arborist on site,

vi) all structures are to bridge tree roots greater than 50mm diameter unless directed by a AQF Level 5 Arborist on site,





vii) should either or both v) and vi) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures provided. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites, and protect the existing amenity that trees provide. (Control B4.22)

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

13. **Vehicle Crossings**

The provision of a vehicle crossing metres 4 wide in accordance with Northern Beaches Council Drawing No A4-3330/2 (or match existing levels) 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

14. **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.

15. **Noise and Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations

Reason: To ensure the amenity of the surrounding area for residents

16. **Protection of Adjoining Property - Excavation**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.

Reason: To ensure private and public safety

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

17. **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

18. **Geotechnical Certification Prior to Occupation Certificate**

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

19. **Restoration of Damaged Public Infrastructure**

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development

20. **Landscaping**

Landscaping is to be implemented in accordance with the Landscape Plans DA-01 to DA-04 inclusive, prepared by Space Landscape Designs, and any associated condition, including the following:

1. The proposed retaining wall at the rear of the site shall limit any excavation from the existing tree trunk to no more than 2.5m. Tree Protection conditions within this consent apply to working near this tree, including:

i) no tree roots greater than 50mm diameter are to be cut from protected trees unless authorized by a Arborist on site,

ii) all structures are to bridge tree roots greater than 50mm diameter unless directed by a AQF Level 5 Arborist on site,

iii) should either or both i) and ii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

The new landscaping is to be approved as completed by the Certifying Authority upon the issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed.

This landscaping is to then be maintained for the life of the development.

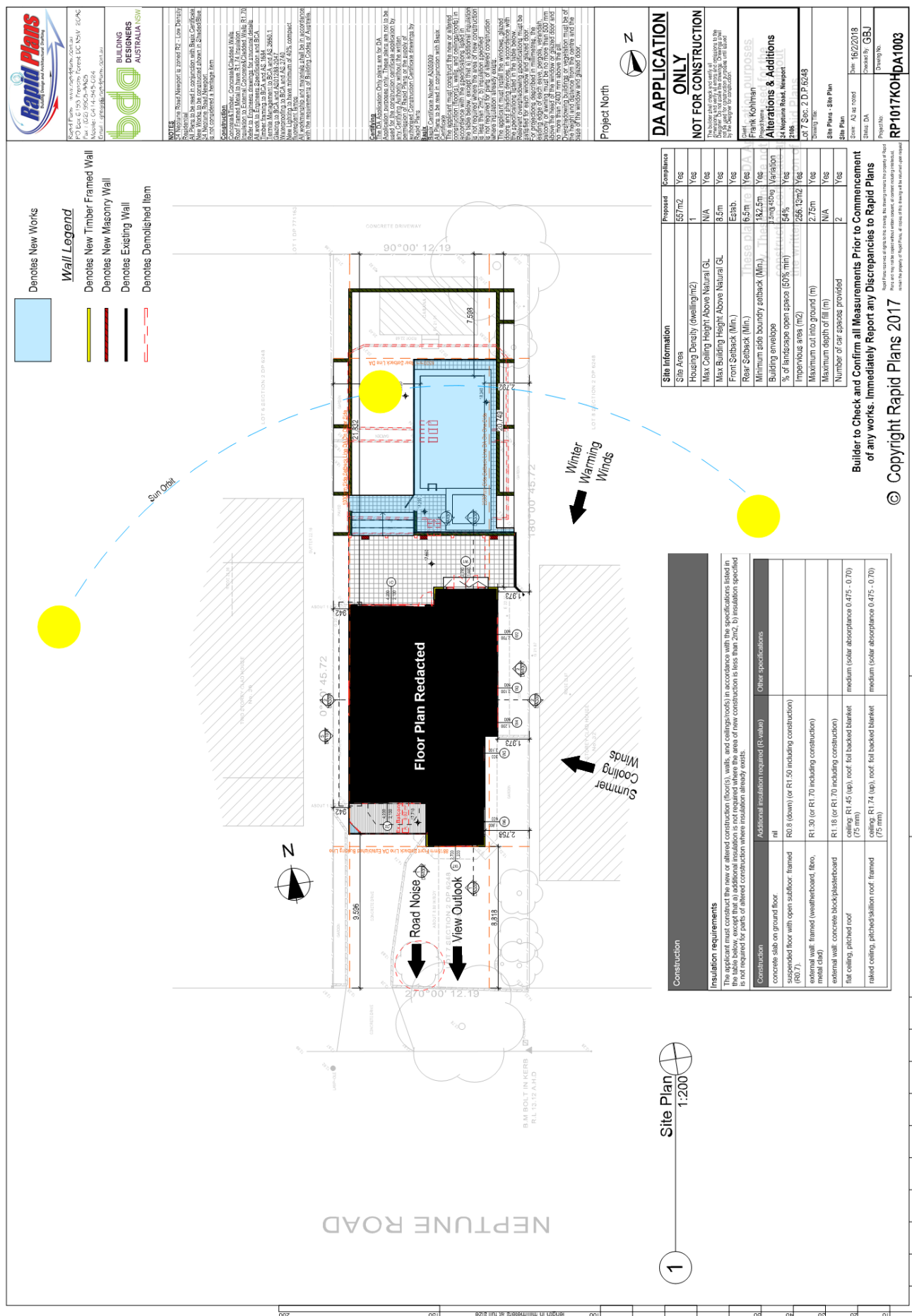
Reason: To ensure the built form is softened and complemented by landscaping, reflecting the scale and form of development. (Control C1.1)

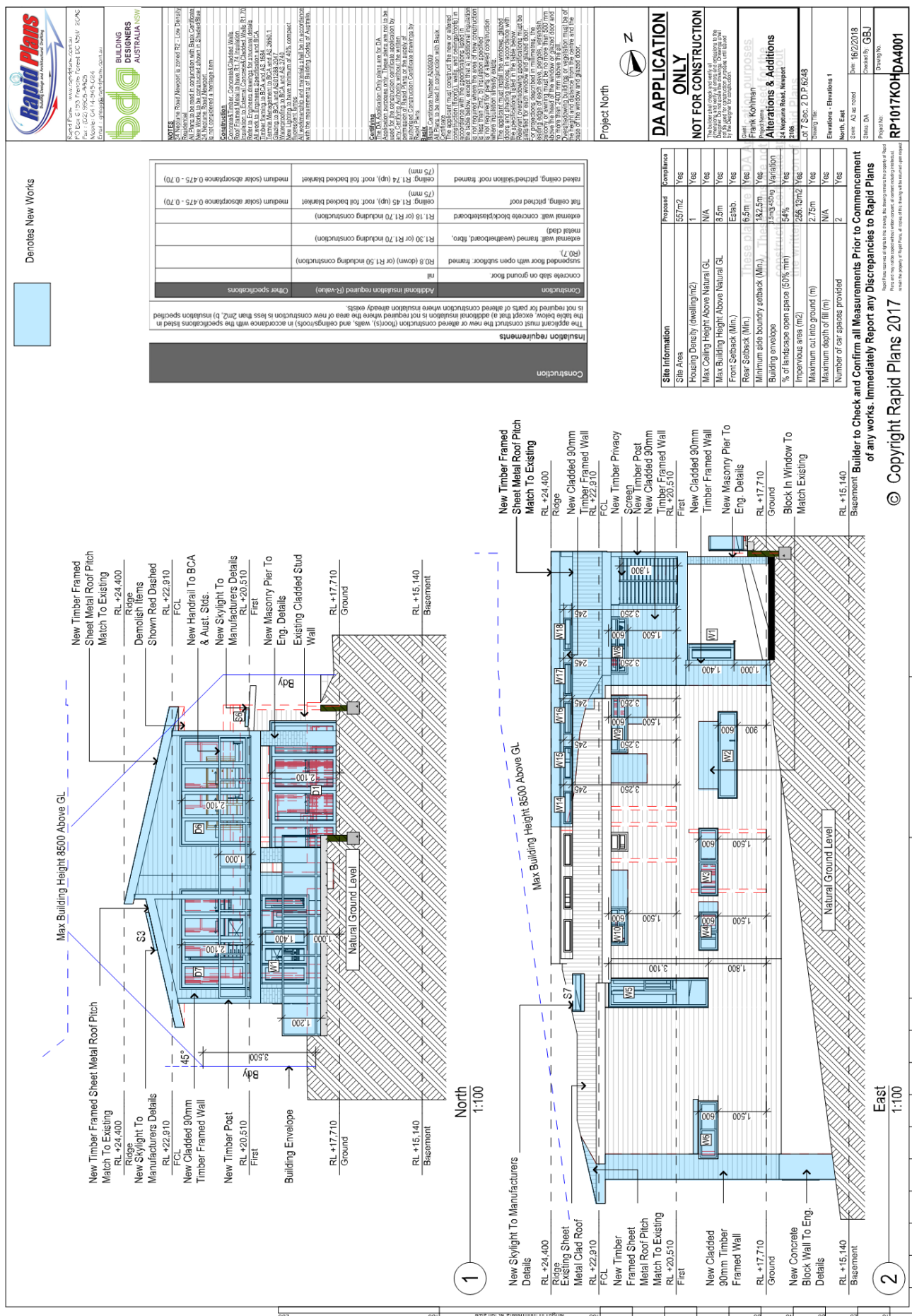
**ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES****21. Landscape maintenance**

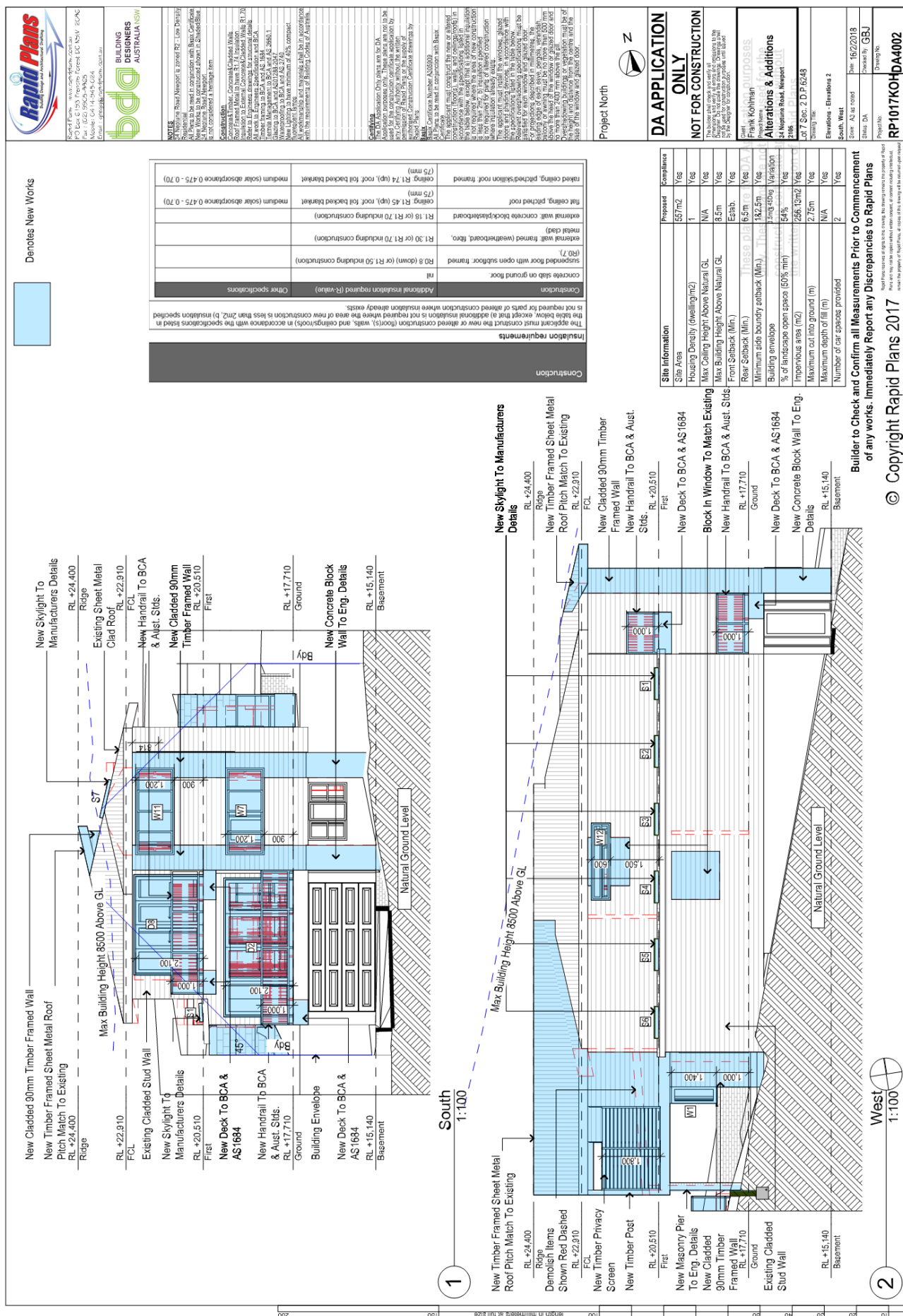
Any existing landscaping required to be retained by this consent together with all new landscaping is to be maintained for the life of the development. Landscape works shall be maintained for a minimum period of 12 months following practical completion. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be in accordance with the approved Landscape Plan, and associated conditions.

Reason: To maintain local environmental amenity and ensure landscaping continues to soften the built form. (Control C1.1)









<b>ITEM 3.2</b>	<b>DA2018/0309 - 8 NARLA ROAD, BAYVIEW - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE</b>
<b>REPORTING MANAGER</b>	<b>Anna Williams</b>
<b>TRIM FILE REF</b>	<b>2018/452603</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a> Assessment Report</b> <b>2 <a href="#">↓</a> Site Plan and Elevations</b>

### **PURPOSE**

To refer the attached application for determination due to directions provided by the Department of Planning & Environment in relation to applications with a clause 4.6 variation to the building height standard.

---

### **RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER**

THAT Council as the consent authority grant Development Consent to DA2018/0309 for Alterations and additions to a dwelling house on land at Lot 2 DP 30530, 8 Narla Road, BAYVIEW, subject to the conditions outlined in the Assessment Report.

---





## REPORT TO DEVELOPMENT DETERMINATION PANEL

Meeting held on 25 July 2018

8 Narla Road Bayview - Alterations and additions to a dwelling house

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0309
Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 2 DP 30530, 8 Narla Road BAYVIEW NSW 2104
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	R5 Large Lot Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Development Determination Panel
Land and Environment Court Action:	No
Owner:	Gbot Investments Pty Ltd
Applicant:	Yiou Tan
Application lodged:	28/02/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	07/03/2018 to 21/03/2018
Advertised:	Not Advertised
Submissions Received:	2
Recommendation:	Approval
Estimated Cost of Works:	\$ 616,048.40

### 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  
DA2018/0309 Page 1 of 50





- 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 - 4.3 Height of buildings  
Pittwater Local Environmental Plan 2014 - 4.6 Exceptions to development standards  
Pittwater 21 Development Control Plan - A4.2 Bayview Heights Locality  
Pittwater 21 Development Control Plan - C1.3 View Sharing  
Pittwater 21 Development Control Plan - C1.12 Waste and Recycling Facilities  
Pittwater 21 Development Control Plan - D2.6 Side and rear building line  
Pittwater 21 Development Control Plan - D2.7 Building envelope

#### **SITE DESCRIPTION**

<b>Property Description:</b>	Lot 2 DP 30530 , 8 Narla Road BAYVIEW NSW 2104
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the northern of Narla Road.</p> <p>The site is generally regular in shape with a frontage of 37.6m along Narla Road and a depth of 106.5m. The site has a surveyed area of 4,114m<sup>2</sup>.</p> <p>The site is located within the R5 Large Lot Residential zone and accommodates a two-storey detached dwelling, tennis court, and pool.</p> <p>The site slopes approximately 18m from south to north and contains significant vegetation and landscaping.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by predominantly two-storey detached dwellings.</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 recent relevant history:

- Application N0287/17 for Alterations and additions to dwelling was refused on 17 October 2017 under staff delegation.
- Application N0479/05 for Tennis Court and associated landscaping was refused on 31 October 2005 under staff delegation.

#### **PROPOSED DEVELOPMENT IN DETAIL**

The proposal seeks consent for the following works:

- Lower ground floor extension;
- Ground floor extensions;
- New terrace with planter;
- New double carport over existing hardstand area;
- First floor extensions;
- Partial removal of tennis court; and
- Landscaping works.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

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

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979,  
DA2018/0309 Page 3 of 50



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 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This 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> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction</p>



Section 4.15 Matters for Consideration'	Comments
	Certificate. This clause is not relevant to this application.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

#### EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

#### 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 2 submission/s from:

Name:	Address:
Rodney John Last	10 Narla Road BAYVIEW NSW 2104
Ms Elizabeth Lesley Vincent Mr Peter John Vincent	16 Narla Road BAYVIEW NSW 2104

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

- Unauthorised works have been carried out on site (closing of garage, works beneath the tennis court, clearing of trees).
- The proposed north-facing balcony off the western bedroom on the first floor is effectively a roof terrace. The balcony breaches the height limit. A non-trafficable roof should be required.





- Concern is raised in relation to the preservation of the Eucalyptus trees near the tennis court that is proposed to be partially demolished.
- Any consent should restrict further development until a reasonable time has passed.
- The Statement of Environmental Effects contains errors (description of vegetation on site, building colour, wildlife corridor conservation) and the Arborist Report is outdated.
- Discrepancies in building heights provided to Council.
- The proposed development will be visually dominant from No. 16 Narla Road, in contradiction to A4.2 of the P21 DCP 2014.
- The proposed development will lead to loss of views to Pittwater and Lion Island from the street.
- Stormwater and sewerage has not been addressed. No hydraulic plans have been included. The existing development channels stormwater into No. 16 Narla Road and Pittwater.

The matters raised within the submissions are addressed as follows:

- **Unauthorised Works**  
Comment:  
The noted unauthorised works in relation to the tennis court and the tree clearing have already been investigated and acted upon. The noted unauthorised works relating to the closing of the garage have been reported to Council's compliance team for investigation.
- **First Floor Western Balcony**  
Comment:  
The proposed first floor balcony on the western wing of the development is located 6.85m from the western side boundary, and over 15m from the nearest window of the dwelling at the adjacent property to the west, and the proposed balcony does not present an unreasonable privacy impact. The height of the proposed balcony is acceptable for the reasons detailed in the section of the report relating to Clause 4.3 of the Pittwater LEP 2014. As such, to require the proposed balcony to be non-trafficable is considered onerous in this case.
- **Site Trees**  
Comment:  
Council's Senior Landscape Architect has reviewed the application and has raised no objections to the proposal, subject to conditions of consent requiring the protection of existing trees and vegetation.
- **Restriction on Development**  
Comment:  
Council cannot impose restriction on the timing of developments. Any new development application will be assessed at the time of lodgement.
- **Statement of Environmental Effects Errors**  
Comment:  
While vegetation may have been cleared on site and the aerial view used in the Statement may be outdated, the Assessing Officer conducted a site visit on 17 April 2018 so as to gain a full understanding of the site. The site description in the Statement is accurate to what was observed on site by the Assessing Officer. The proposed building colour is pebble grey, which is consistent with the Pittwater 21 DCP 2014 requirements. The development proposes and retains adequate vegetation to support the ecological integrity, biodiversity and wildlife corridors of the subject site. Council's Landscape and Bushland & Biodiversity teams have reviewed the

DA2018/0309

Page 6 of 50





application and have raised no objection to the proposal, subject to conditions of consent.

- Outdated Arborist Report

Comment:

The submitted Arborist Report is dated 18 January 2018. This report is referenced in the Statement of Environmental Effects.

- Height of Building

Comment:

The Assessing Officer has independently measured the proposed building height based on the submitted plans. The subsequent assessment of the building height is based on that independent calculation.

- Visual Dominance

Comment:

The proposed development is located 60.6m from the boundary of No. 16 Narla Road, and approximately 78m (as the crow flies) from the dwelling of No. 16 Narla Road. As such, it is considered that adequate distance is retained between the subject site and objecting site, which acts as a suitable buffer in relation to the visual impact of the development. Further, significant vegetation is retained between the subject site and No. 16 Narla Road, which further acts to reduce the visual dominance of the proposed works.

- View Loss

Comment:

The proposed development is acceptable in relation to view loss for the reasons detailed in the section of this report relating to Clause C1.3 of the Pittwater 21 DCP 2014.

- Stormwater and Sewerage

Comment:

The development application included satisfactory stormwater plans. The proposed development has been reviewed by Council's Development Engineer, who raised no objection to the proposal, subject to conditions of consent.

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments	
Environmental Health (Solid Fuel/Oil Heater)	<b>Solid Fuel/Oil Heater Referral</b>	<b>Compliance</b>
	Does the proposed heater meet the emission control requirements of AS 4012:2014 and AS 4013.2014?	NA
	Does the proposed heater meet the requirements of AS/NZS 2918.2001?	NA

DA2018/0309

Page 7 of 50

Internal Referral Body	Comments
	Does the flue pipe extend not less than 4.6m above the top of the floor protector? NA
	If the flue is 3m or less in horizontal distance from the highest point of the roof, is the top of the flue at least 600mm above highest point of the roof? NA
	If the flue is over 3m metres in horizontal distance from the highest point of the roof, is the height of the flue at least 1000mm above the roof penetration? NA
	Does the topography of the site or likely weather patterns or configuration of nearby dwelling/s indicate a potential to cause a smoke nuisance? NA
	Do significant trees or other environmental or structural factors in the immediate vicinity cause a smoke down draught? NA
	Does the application contain site, floor and elevation plans drawn to a scale of 1:100 or 1:200 clearly demonstrating the location of the proposed heater and the proposed flue in relation to the roof line of the dwelling and the closest neighbouring dwelling/building? (Only select this if all criteria are met). NA
	Does the application contain specifications of the appliance to be installed indicating compliance with AS/NZS 2918:2001 and the Building Code of Australia? NA
	<p><b>General Comments:</b></p> <p>This application <u>plans</u> seek to install a new:</p> <p>(i) Internal chimney on the first floor level, and</p> <p>(ii) External BBQ on the ground floor level.</p> <p>I reviewed Trim on 10/4/2018 and it appears that no written submissions were received specific to heating appliances following the neighbourhood notification of this application.</p> <p>Two internal fireplaces exist on the first floor level of the dwelling.</p> <p>The plans show the proposed structures however no information has been submitted to support an assessment of the likely impacts from the proposed appliances. It is unclear of the application is for the installation of solid fuel (wood) heating appliances or gas heating appliances.</p> <p><b>The Statement of Environmental Effects does not mention the structures within the description of the proposed development (page 5) nor anywhere else in the document and application. The Development Application form states that it is not intended</b></p>



Internal Referral Body	Comments
	<p><b>to apply for the installation of a solid fuel heating appliance as the "NO" box has been ticked regarding question 2.6 (page 3) of the application form.</b></p> <p>The plans show that two solid fuel heating appliances already exist at the premises. However, if it is intended to install these structures then there is insufficient information provided to assess the cumulative health impacts relating to emissions and particulates from the proposed operation of all solid fuel (wood) heating appliances at the premises (existing and proposed appliances) in accordance with NSW Environmental Protection Authority guidelines.</p> <p>Where solid fuel heating appliances are intended to be installed information is required to be submitted in order to appropriately assess the application for a solid fuel heating appliance. The information is to address the selection (design/manufacture), installation, operation and maintenance of any proposed solid fuel heating appliance so as to comply with the current legislation, Australia Standards and NSW Environmental Protection Authority (EPA) guidance documents detailed below.</p> <ul style="list-style-type: none"> <li>• NSW EPA Selecting, Installing and Operating Domestic Solid Fuel Heaters, August 1999.</li> <li>• AS/NZS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.</li> <li>• AS/NZS 4012:2014 “Domestic solid fuel burning appliances – Method for determination of power output and efficiency”.</li> <li>• AS/NZS 4013:2014 “Domestic solid fuel burning appliances – Method for determination of flue gas emission”.</li> <li>• National Construction Code – Class 1 building: 3.7.3 Heating Appliances.</li> </ul> <p><b>The application for the internal chimney on the first floor level and the external BBQ on the ground floor level are unable to be supported due to insufficient information for assessment and are recommended for refusal.</b></p> <p><b>The following information is required to be submitted for Council to assess any future application that may be lodged for solid fuel heating appliances at the premises:</b></p> <p>1. Provide evidence that any proposed solid fuel (wood) heating appliance meets the following efficiency and emission control requirements:</p> <ul style="list-style-type: none"> <li>(i) AS/NZS 4012:2014 “Domestic solid fuel burning appliances – Method for determination of power output and efficiency”, and</li> <li>(ii) AS/NZS 4013:2014 “Domestic solid fuel burning appliances – Method for determination of flue gas emission”.</li> </ul> <p>The documentation is to evidence that the heating appliances will:</p> <ul style="list-style-type: none"> <li>(i) have an overall average efficiency of not less than 55% as tested and calculated in with Standard 4012, and</li> <li>(iii) have an appliance particulate emission factor, as tested and</li> </ul>

Internal Referral Body	Comments
	<p>calculated in Standard 4013, not greater than: (A) 2.5 g/kg (for heaters without catalytic combustors), or (B) 1.4 g/kg (for heaters with catalytic combustors).</p> <p>2. Provide evidence that any proposed solid fuel (wood) heating appliances will meet the requirements of AS/NZS 2918:2001.</p> <p>3. Provide evidence that the flue pipe extends not less than 4.6m above the top of the floor protector.</p> <p>4. If the flue is 3m or less in horizontal distance from the highest point of the roof, is the top of the flue at least 600mm above highest point of the roof?</p> <p>5. If the flue is over 3m metres in horizontal distance from the highest point of the roof, is the height of the flue at least 1000mm above the roof penetration?</p> <p>6. Provide evidence that the topography of the site or likely weather patterns or configuration of nearby dwelling/s indicate a potential to cause a smoke nuisance.</p> <p>7. Provide evidence that any significant trees or other environmental or structural factors in the immediate vicinity are likely to cause smoke down draught.</p> <p>8. Provide evidence that the application contains current specifications of the appliance to be installed indicating compliance with AS/NZS 2918:2001 and the National Construction Code (Building Code of Australia).</p> <p>9. Provide evidence that the application contains site, floor and elevation plans drawn to a scale of 1:100 or 1:200 clearly demonstrating the location of the proposed heater and the proposed flue in relation to the roof line of the dwelling and the closest neighbouring dwelling/building.</p> <p>10. Provide evidence that the proposal for any solid fuel heating appliance complies with the NSW EPA Selecting, Installing and Operating Domestic Solid Fuel Heaters, August 1999, and related updated Australian Standards.</p> <p>11. Considering that two solid fuel heating appliances already exist at the premises documented evidence from suitably qualified and experienced person/s is to be submitted confirming that an assessment of the cumulative health impacts relating to emissions and particulates from the proposed operation of all solid fuel (wood) heating appliances at the premises (existing and proposed appliances) has been undertaken and the proposal as a whole is acceptable for approval in accordance with NSW Environmental Protection Authority guidelines.</p> <p><b>ADDITIONAL INFORMATION RELATING TO UPDATED AUSTRALIAN STANDARDS:</b></p> <ul style="list-style-type: none"> <li>• On 1 November 2016 the Protection of the Environment Operations (Clean Air) Amendment (Solid Fuel Heaters) Regulation 2016 came into effect.</li> <li>• The Amendment mandates the updated Australian/New Zealand Standards 4012:2014 and 4013:2014 across NSW that introduce more stringent emission limits and new efficiency limits for domestic solid fuel appliances.</li> </ul>



Internal Referral Body	Comments		
	<p>• Certificate of compliance, in relation to a heater, means:</p> <p>(a) in the case of a heater sold before 1 September 2019 - a certificate issued by a body approved by the EPA and certifying that all heaters of that model:</p> <ul style="list-style-type: none"> <li>(i) comply with Standard 4012 and Standard 4013, and</li> <li>(ii) have an overall average efficiency of not less than 55% as tested and calculated in with Standard 4012, and</li> <li>(iii) have an appliance particulate emission factor, as tested and calculated in Standard 4013, not greater than:</li> </ul> <p>(A) 2.5 g/kg (for heaters without catalytic combustors), or (B) 1.4 g/kg (for heaters with catalytic combustors), or</p> <p>(b) in the case of a heater sold on or after 1 September 2019 - a certificate issued by a body approved by the NSW EPA and certifying that all heater/s of that model:</p> <ul style="list-style-type: none"> <li>(i) comply with Australian Standard 4012 and Australian Standard 4013, and</li> <li>(ii) have an overall average efficiency of not less than 60% as tested and calculated in accordance with Australian Standard 4012, and</li> <li>(iii) have an appliance particulate emission factor, as tested and calculated in accordance with Australian Standard 4013, not greater than:</li> </ul> <p>(A) 1.5 g/kg (for heaters without catalytic combustors), or (B) 0.8 g/kg (for heaters with catalytic combustors).</p> <p><b>The above comments were completed by Robina Bramich on 10 May 2018.</b></p> <p><b>The initial assessment refused the application due to insufficient information. The applicant has now provided correspondence clarifying the type and use of the heating appliances:</b></p> <ul style="list-style-type: none"> <li>• The existing fireplace is located on the Ground floor.</li> <li>• An external chimney shaft to the roof is shown on the Level One plan.</li> <li>• There is only one new fireplace proposed on the first floor (level one). The owners are intending to propose an electric or gas heater to this new fireplace. The new chimney is only an architectural feature so that it reads symmetrically on the facade.</li> <li>• The new ground floor level external BBQ will be gas or electrical operated.</li> </ul> <p><b>As a result of the above information no new or modified solid fuel heating appliance is proposed. The development application can now be approved without the need for any Environmental Health related consent conditions.</b></p> <table border="1" data-bbox="579 1720 1281 1809"> <tr> <td data-bbox="579 1720 1074 1809"><b>Recommendation</b> The application is now able to be supported.</td><td data-bbox="1082 1720 1281 1809">Approval - no conditions</td></tr> </table>	<b>Recommendation</b> The application is now able to be supported.	Approval - no conditions
<b>Recommendation</b> The application is now able to be supported.	Approval - no conditions		



Internal Referral Body	Comments														
	<div>Additional Comments completed by: Robina Bramich Date: 17/5/2018</div>														
Environmental Health (unsewered lands)	<table> <tr> <td>Was sufficient documentation provided appropriate for referral?</td><td>NO</td></tr> <tr> <td>Are the reports undertaken by a suitably qualified consultant?</td><td>NO</td></tr> <tr> <td>Is there a proposed on site sewage management system or an impact to existing onsite sewage management system?</td><td>YES - existing system</td></tr> <tr> <td>For residential applications have you considered AS1547 and Environmental Health &amp; Protection Guidelines?</td><td>YES</td></tr> <tr> <td>For commercial applications have you considered Guidelines for Management Private Recycled Water Schemes and applied the residential guidelines where applicable?</td><td>N/A</td></tr> <tr> <td>Are separate land application areas provided for pool water, waste water from the premises and storm water?</td><td>N/A - insufficient information has been provided</td></tr> <tr> <td>Is approval to install and approval to operate applicable? - if so, recommend the DAO refer commercial waste water systems to Department of Energy &amp; Water.</td><td>N/A</td></tr> </table> <p><b>General Comments</b> The property is not able to be connected to sewer and domestic wastewaters from the premises are managed through the use of an on-site sewage management system.</p> <p>The Statement of Environmental Effects (page 5) advises that the first floor alterations and additions will include an extension to the master bedroom and an extension to bedroom (2). It is therefore understood that the dwelling currently contains and will continue to contain 5 bedrooms however the existing floor plans do not clearly indicate the number of existing bedrooms. In any case, a new ensuite is proposed to be constructed adjacent to bedroom 2 and this will increase the hydraulic loading into the existing on-site sewage management system. No information has been submitted to support an assessment of the capacity and impacts of the additional hydraulic loading on the existing on-site sewage management system.</p> <p>The application is unable to be supported due to insufficient</p>	Was sufficient documentation provided appropriate for referral?	NO	Are the reports undertaken by a suitably qualified consultant?	NO	Is there a proposed on site sewage management system or an impact to existing onsite sewage management system?	YES - existing system	For residential applications have you considered AS1547 and Environmental Health & Protection Guidelines?	YES	For commercial applications have you considered Guidelines for Management Private Recycled Water Schemes and applied the residential guidelines where applicable?	N/A	Are separate land application areas provided for pool water, waste water from the premises and storm water?	N/A - insufficient information has been provided	Is approval to install and approval to operate applicable? - if so, recommend the DAO refer commercial waste water systems to Department of Energy & Water.	N/A
Was sufficient documentation provided appropriate for referral?	NO														
Are the reports undertaken by a suitably qualified consultant?	NO														
Is there a proposed on site sewage management system or an impact to existing onsite sewage management system?	YES - existing system														
For residential applications have you considered AS1547 and Environmental Health & Protection Guidelines?	YES														
For commercial applications have you considered Guidelines for Management Private Recycled Water Schemes and applied the residential guidelines where applicable?	N/A														
Are separate land application areas provided for pool water, waste water from the premises and storm water?	N/A - insufficient information has been provided														
Is approval to install and approval to operate applicable? - if so, recommend the DAO refer commercial waste water systems to Department of Energy & Water.	N/A														



Internal Referral Body	Comments		
	<p>information for assessment and is recommended for refusal.</p> <p>The following information is required to be submitted for Council to assess any future application relating to alterations/additions that are likely to impact the hydraulic load and capacity of the existing on the on-site sewage management system:</p> <p>1. A waste water report is required to be prepared by a suitably qualified waste water consultant detailing how all domestic waste waters from the premises will be managed on site (via tank/s and land application areas) in accordance with the Environment and Health Protection Guidelines, Onsite Sewage Management for Single Households (Department of Local Government 1998).</p> <p>I reviewed Trim on 10/4/2018 and one of the written submissions specifically related to concerns regarding the performance of the existing on-site sewage management system. As the concerns relate to alleged health impacts and run-off of wastewaters into a neighbouring premises I have referred the concerns to the Environmental Compliance team for investigation.</p> <table border="1" data-bbox="579 958 1276 1070"> <tr> <td data-bbox="579 958 1074 1070"><b>Recommendation</b> The application is unable to be supported due to insufficient information for assessment and is recommended for refusal.</td><td data-bbox="1082 958 1276 1070"><b>REFUSAL</b></td></tr> </table> <p>Comments completed by: Robina Bramich</p> <p>Date: 10/4/2018</p> <p>UPDATE 27 June 2018 Anthony Foy EHO</p> <p>The applicant has submitted a waste management report which in summary indicates no future problems in obtaining complying on site disposal( despite any existing alleged issues) .</p> <p>However the report advises that the owner needs to decide on one the options offered ( only for the land application design as existing AWTS size/design is adequate) before formal approval can be issued.</p> <p>It is in the owners interest I believe to have the system approved as part of this DA rather than a separate "Approval to Install" application being lodged with Council for separate approval. Therefore we are recommending APPROVAL subject to a prior to a CC condition:</p> <p><b>CONDITION</b></p> <p><b>Waste Water Disposal</b></p> <p>Prior to commencement of a Construction Certificate the Owner is to submit to council an amended Waste Water Consultants report showing the proposed final design and location of a complying Land Application Disposal area and provision of a deflection drain or swale to minimize any discharge of waste water onto any adjoining property should the waste water application area fail .</p>	<b>Recommendation</b> The application is unable to be supported due to insufficient information for assessment and is recommended for refusal.	<b>REFUSAL</b>
<b>Recommendation</b> The application is unable to be supported due to insufficient information for assessment and is recommended for refusal.	<b>REFUSAL</b>		

DA2018/0309

Page 13 of 50



Internal Referral Body	Comments
	<p>Reason: To document the treated waste water land application disposal system and location.</p>
Landscape Officer	<p>No objection to the landscape proposal subject to the protection of existing trees and vegetation and completion of the landscaping in accordance with the plans and any relevant condition.</p> <p>Council's Landscape section has assessed the development application against the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping C1.5 Visual Privacy C1.7 Private Open Space C1.25 Public Road Reserve landscaping and Infrastructure D2.1 Character as viewed from a public place</p>
NECC (Bushland and Biodiversity)	<p>Council's Bushland and Biodiversity section raise no objection to the development proposal, subject to conditions.</p> <p>Council's Bushland and Biodiversity section has assessed the development application against the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.18 Heathland/Woodland Vegetation Outcomes: Conservation of intact heathland. Regeneration and/or restoration of fragmented and / or degraded heathland. Reinstatement of heathland to link remnants. Long-term viability of locally native flora and fauna and their habitats in the Pittwater LGA through conservation, enhancement and/or creation of habitats and wildlife corridors. Long-term sustainability of hanging swamps and other wetlands. The development application complies with this control.</p>
NECC (Development Engineering)	<p>No OSD will be required since there is significant reduction in impervious area. The proposal is to connect into the existing drainage system which is acceptable.</p> <p>I have reviewed the DA in regards to the relevant Development Engineering controls of Council's DCP and can advise that these controls have been satisfied.</p> <p>No Development Engineering objection is raised to the proposed development subject to conditions</p>

DA2018/0309

Page 14 of 50



Internal Referral Body	Comments
NECC (Riparian Lands and Creeks)	<p>Removal of the tennis court and significant landscaping work will take place in close proximity to the creekline across the rear corner of the site.</p> <p>While it is noted that a partial 'Waste Management Plan' has been provided that provides some information about sediment controls at the uphill part of the site near Narla Road, the lower end of the site has not been addressed. Therefore, a sediment and erosion control plan must be prepared that will ensure sediment will not enter the creek.</p> <p>As the application proposes to reduce the impervious area on the lot, there is no requirement to provide water quality treatment of stormwater.</p> <p>The application is approved with conditions relating to sediment control.</p>
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.</p>

#### **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

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

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

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

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

##### **SEPP 55 - Remediation of Land**

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



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

A BASIX certificate has been submitted with the application (see Certificate No. A301797 dated 12 February 2018).

#### **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	% Variation	Complies
Height of Buildings:	8.5m	9.48m	13.12%	No

##### Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	No
4.6 Exceptions to development standards	Yes

DA2018/0309

Page 16 of 50





Clause	Compliance with Requirements
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

#### Detailed Assessment

#### **4.3 Height of buildings**

See comments in the section of this report relating to Clause 4.6 Exceptions to development standards of the Pittwater LEP 2014.

#### **4.6 Exceptions to development standards**

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard has taken into consideration the questions established in *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46.

Clause 4.3(2D) of the PLEP 2014 provides that:

*(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if:*

- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*
- (b) the objectives of this clause are achieved, and*
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

Clause 4.3(2D) is addressed as follows:

The portion of the development above the 8.5m maximum building height is minor, being only small corners of the development. The objectives of Clause 4.3 are achieved, as detailed below. The portion of the site being developed has a slope of 25.9%, being less than 16.7 degrees or 30%. The proposal relies on significant excavation. As such, Clause 4.3(2D) does not apply in this case and the 8.5m maximum building height applies.

Requirement:	8.5m
Proposed:	9.48m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	13.12%

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the PLEP 2014. The assessment is detailed as follows:

**Is the planning control in question a development standard?**

The prescribed Height of buildings limitation pursuant to Clause 4.3 of the PLEP 2014 is a development standard.

**What are the underlying objectives of the development standard?**

The underlying objectives of the standard, pursuant to Clause 4.3 – 'Height of buildings' of the PLEP 2014 are:

(1) The objectives of this clause are as follows:

*a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality*

Comment:

The proposed development is for the purpose of alterations and additions to the existing dwelling house. Existing development surrounding the subject site is of a similar bulk and scale, being predominantly two- and three-storey detached dwellings with similar building footprints. As such, the proposed development is consistent with the desired character of the locality.

*b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development*

Comment:

As above, the nearby development consists of two- and three-storey detached dwellings of a similar building footprint to the proposed development. As such, the proposed height and scale of the proposed development is consistent with the height and scale of nearby development.

*c) to minimise any overshadowing of neighbouring properties*

Comment:

As demonstrated by the submitted shadow diagrams, the proposed development predominantly results in minor overshadowing to No. 10 Narla Road, and predominantly overshadows the front of the subject site, being the parking area and entrance to the dwelling. As such, the siting of the proposed development minimises overshadowing of neighbouring properties.

*d) to allow for the reasonable sharing of views*

Comment:

The proposed development is acceptable in relation to sharing of views for the reasons detailed in the section of this report relating to Clause C1.3 of the P21 DCP 2014.

*e) to encourage buildings that are designed to respond sensitively to the natural topography*

Comment:

The proposed development is designed to respond sensitively to the natural topography by stepping down with the topography of the land, and providing additional landscaping works.



*f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items*

Comment:

The proposed development includes only minor portions of non-compliance with the 8.5m height of building control. As such, the proposed development is generally compliant and therefore does not result in unreasonable visual impact on the natural environment. The subject site and adjacent sites are not heritage listed, nor within heritage conservation areas.

**What are the underlying objectives of the zone?**

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the R5 Large Lot Residential zone.

The underlying objectives of the R5 Large Lot Residential zone:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

Comment:

The proposed development retains the residential use of the site, while adequately preserving and minimising the impacts on the locality and its scenic quality. The proposal limits earthworks to the northwestern quadrant of the site and steps down with the topography of the land. Further, the proposal includes landscaping works, which further contribute to the scenic and rural quality of the site and locality.

It is considered that the development satisfies this objective.

- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

Comment:

The proposed development is limited to alterations and additions to the existing dwelling, and landscaping works. The proposed development does not hinder the proper and orderly development of the area in future.

It is considered that the development satisfies this objective.

- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

Comment:

The proposed development does not increase the density of the subject site, and therefore does not increase the demand for public services or facilities.

It is considered that the development satisfies this objective.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

DA2018/0309

Page 19 of 50



Comment:

The proposed development is limited to alterations and additions to the existing dwelling, and landscaping works. As such, the proposed development will not result in conflict between land uses within this zone. The subject site does not adjoin any other zone.

It is considered that the development satisfies this objective.

- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

Comment:

The proposed development retains the residential use of the site and therefore does not alter the variety of land uses within the zone.

It is considered that the development satisfies this objective.

**Is the variation to the development standard consistent with the objectives of Clause 4.6 of the PLEP 2014?**

(1) The objectives of this clause are as follows:

*(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.*

Comment:

The proposed development provides for an appropriate level of flexibility in applying the height of buildings development standard.

*(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The proposed development results in a better outcome, as it allows for additional living space for the subject site, without resulting in any unreasonable impacts to the subject site or adjacent sites.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

*(a) that compliance with the development standard is unreasonable or unnecessary in the*

DA2018/0309

Page 20 of 50



*circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment:

The applicant has provided the following written request justifying the contravention of the height of building development standard:





## 5.2 Submission under Clause 4.6 – Building Height Standard

Clause 4.6 of the Pittwater LEP 2014 provides for exceptions to development standards embodied in the planning instrument in the following terms:-

### 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:-
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant consent, the Director-General must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Not applicable.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
  - (c) clause 5.4."

This submission under Clause 4.6 has been prepared in accordance with the recent judgements in the Land & Environment Court including *Four2Five Pty Limited v. Ashfield Council* [2015] NSW LEC 1009, *Randwick City Council v. Micaul Holdings Pty Ltd* [2016] NSW LEC 7, *Moskovich v. Waverley Council* [2016] NSW LEC 1015 and *Wehbe v. Pittwater Council* [2007] NSW LEC 827.

### The Proposal

The proposal is for alterations and additions to a two storey detached dwelling at 8 Naria Road, Bayview, as detailed in Section 4 of this report.



#### ***The Development Standard***

The maximum building height for the Bayview area under Clause 4.4 of the Pittwater LEP 2014 is 8.5 metres.

The building height standard is contravened by a minor extent in respect to the proposed parapet roof form in the following terms:-

- the eastern wing over Bedroom 2 by an area of 0.8 metres by 1.6 metres;
- the western wing over the Master Bedroom by an area of 0.15 metres by 0.30 metres; and
- part of the corner of the clear glass balustrade on the first floor terrace (west wing) also intrudes into the height plane, as detailed in Drawing No DA80 (Figure 5.1).

#### ***Sub-clause 3(a) and (b) of Clause 4.6***

In the context of the provisions in sub-clauses 3(a) and 3(b) of Clause 4.6 of the PLEP, it is considered that compliance with the building height development standard would be unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds arising from the proposed development, namely:-

- the non-compliance arises from the significant variations in the topography across the site resulting in an isolated portion of the roof form to intrude into the 8.5 metre envelope, as demonstrated at Figure 5.1;
- the non-compliant element in the roof form is minor in scope and will not contribute to any detrimental amenity impacts on its neighbours at 6 and 10 Narla Road in terms of overshadowing, privacy and views;
- the built form proposed for the site arising from the proposed alterations and additions to the existing two storey detached dwelling will be consistent with the aims, objectives and development standards embodied in Pittwater LEP 2014 and related DCP;

In the circumstances, given the absence of any detrimental amenity impacts on adjoining properties, it is considered that there are sufficient environmental planning grounds to justify the non-compliance with the building height standard under Clause 4.3 of the Pittwater LEP 2014.

It is considered that compliance with the building height standard is unreasonable and unnecessary for the purposes of Clause 4.6(3)(a) and (b) of the Pittwater LEP 2014.

#### ***Sub-clause 4(a) of Clause 4.6***

#### ***Objectives of the development standard – Building Height***

The objectives of the floor space ratio development standard are:-

#### ***4.3 Height of Buildings***

(1) *The objectives of this clause are as follows:*

- (a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- (b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) *to minimise any overshadowing of neighbouring properties,*
- (d) *to allow for the reasonable sharing of views,*
- (e) *to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items."*



The proposal satisfies the objectives of the building height standard through:-

- the design, scale and massing of the proposed first floor additions are compatible with the adjoining two storey dwellings and consistent with the desired future character of the Bayview Heights locality, as detailed in Section 5.1 of this report;
- the proposal will not have any adverse overshadowing of 6 and 10 Naria Road;
- the proposed additions will not have any impacts on views enjoyed from 6 and 10 Naria Road and from the public domain;
- the existing dwelling and proposed additions respond to the topography of the site; and
- the proposal will not have any adverse impacts on the natural environment and there are no heritage considerations.

In the circumstances, the proposed development is consistent with the objectives of the building height development standard.

**Objectives of the R5 – Large Lot Residential zone**

The proposal satisfies the relevant objectives of the R5 – Large Lot Residential zone through:-

- providing housing accommodation in a rural setting given the 4000m<sup>2</sup> lot size;
- the locality is in an established urban/rural suburb; and
- the proposal will not put any unreasonable demand on public services and facilities.

The proposed development, being consistent with the objectives of the building height standard and the R5 Large Residential zone objectives, is therefore in the public interest for the purposes of Clause 4.6(4)(a).

**Sub-clause 4(b) of Clause 4.6**

Concurrence of the Director-General may be assumed: Planning Circular PS08-003.

**Conclusion**

It is therefore considered that compliance with the building height standard would be unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds for the contravention, and as the proposed development is consistent with the objectives of the building height standard and the R5 zone objectives, the Council can be satisfied about the provisions in Clause 4.6(3)(a), 3(b) and 4 of the Pittwater LEP 2014.

The submission under Clause 4.6 is considered to be substantiated and well-founded.

Assessing Officer's Comment:

The above written justification demonstrates that compliance with the height of buildings development standards is unreasonable and unnecessary in the circumstances of the case, given the variable topography and slope of the site, the minor nature of the non-compliance, and that the proposal does not result in any unreasonable impacts on the subject site or adjacent sites. Further, the proposal meets the objectives of the zone and the development standard. The above justification is considered well-founded.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment:  
DA2018/0309

Page 24 of 50



The applicant's written request has adequately addressed the relevant matters.

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

Comment:

For reasons detailed above, the proposal is considered to be consistent with the objectives of the R5 Large Lot Residential zone in the PLEP 2013.

*(b) the concurrence of the Director-General has been obtained*

Comment:

Planning Circular PS 17-006 dated 15 December 2017, as issued by the NSW Department of Planning and Environment, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument where the variation to a numerical standard is not greater than 10%. As per written correspondence to Council from the NSW Department of Planning and Environment dated 1 March 2018, concurrence may also be assumed for variations to the Height of Building Development Standard for dwelling houses, for 12 months from the date of the letter. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Height of Building Development Standard is assumed.

### **Pittwater 21 Development Control Plan**

#### **Built Form Controls**

<b>Built Form Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>% Variation*</b>	<b>Complies</b>
Front building line	20m	20m	N/A	Yes
Rear building line	20m	60.64m	N/A	Yes
Side building line	6.5m (east)	990mm to carport 6.14m to chimney 6.5m to dwelling	84.7% 5.6% N/A	No No Yes
	6.5m (west)	6.85m	N/A	Yes
Building envelope	3.5m	Outside envelope (east)	29.9%	No
	3.5m	Outside envelope (west)	26.8%	No
Landscaped area	80%	76.3% (3,162sqm)	6.1%	Yes - Variation applies. See comments relating to D2.9 of the P21 DCP 2014

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





Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.2 Bayview Heights Locality	No	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.18 Heathland/Woodland Vegetation	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	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	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D2.1 Character as viewed from a public place	Yes	Yes
D2.2 Scenic protection - General	Yes	Yes
D2.3 Building colours and materials	Yes	Yes
D2.5 Front building line	Yes	Yes
D2.6 Side and rear building line	No	Yes
D2.7 Building envelope	No	Yes
D2.9 Landscaped Area - Non Urban	Yes	Yes
D2.12 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D2.13 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

**A4.2 Bayview Heights Locality**

DA2018/0309

Page 26 of 50





The proposed development includes three storeys, where the locality calls for two storey development. However, the proposed development involves minimal environmental impact, is set below the general tree canopy height, includes building modulation to minimise bulk, steps with the topography of the land, and provides an appropriate balance between respecting the landform and encouraging development. As such, the proposed development achieves the intention of the desired character of the area and is acceptable in this regard.

### **C1.3 View Sharing**

The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

*A reasonable sharing of views amongst dwellings. (S)*

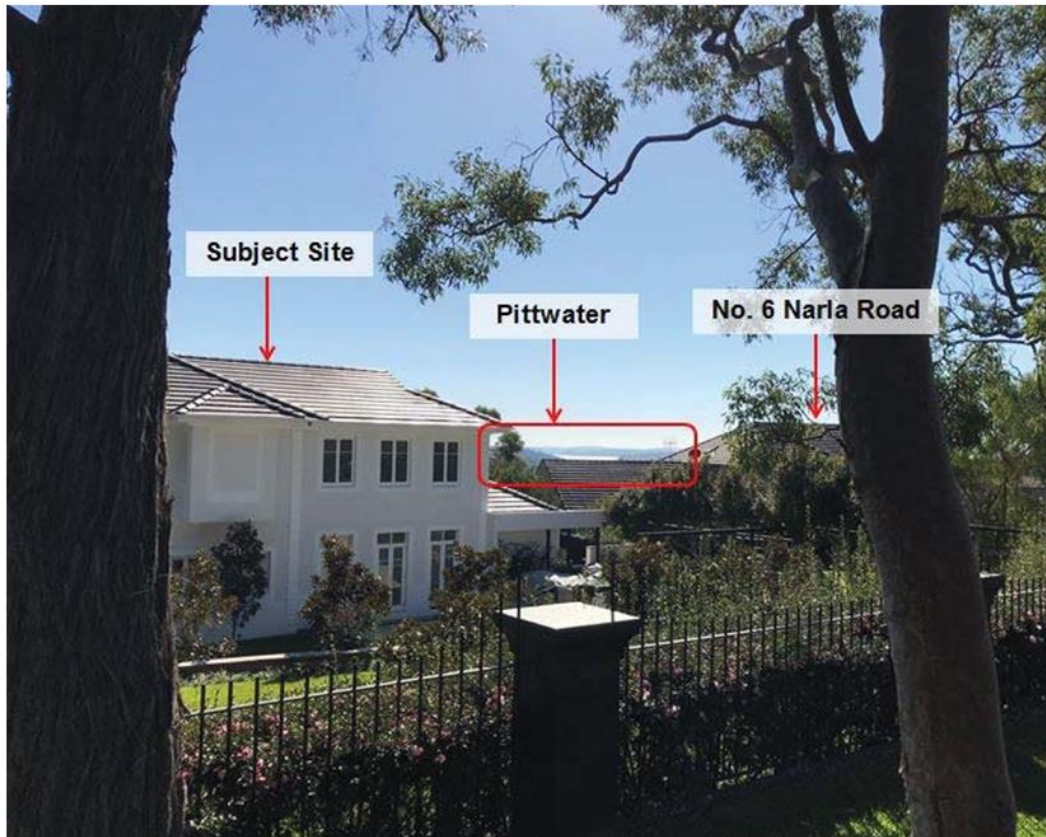
In determining the extent of potential view loss to adjoining and nearby properties, the four planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

#### **Nature of the views affected**

*"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".*

#### **Comment to Principle 1:**

An objection has been received in relation to view loss from the public domain along Narla Road. The views affected contain distant corridor views of Pittwater between Nos. 6 and 8, and Nos. 8 and 10 Narla Road, interrupted by buildings and vegetation. See below photographs from Narla Road, across the subject site, towards the Pittwater to the north:



Above: Photograph from Narla Road, between Nos. 6 and 8 Narla Road, looking north towards Pittwater from a standing position.



*Above: Photograph from Narla Road, between Nos. 8 and 10 Narla Road, looking north towards Pittwater from a standing position in front of the dwelling at No. 10 Narla Road.*





*Above: Photograph from Narla Road, between Nos. 8 and 10 Narla Road, looking north towards Pittwater from a standing position in front of the driveway at No. 10 Narla Road.*



Above: Photograph from Narla Road, between Nos. 8 and 10 Narla Road, looking north towards Pittwater from a standing position in line with the boundary between Nos. 8 and 10 Narla Road.

#### What part of the affected property are the views obtained

*"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".*

#### Comment to Principle 2:

The view is gained from a standing positions only, along Narla Road, between properties. The view is gained along side boundaries of 8 Narla Road to across the rear boundaries of 8 Narla Road, and the adjacent properties to the east and west.

#### Extent of impact

*"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating".*

DA2018/0309

Page 31 of 50





Comment to Principle 3:

The view to Pittwater between Nos. 8 and 10 Narla Road will likely be impacted upon by the proposed development. The extent to which the view is impacted upon is difficult to ascertain, as the view is intermittent as the viewer moves along Narla Road. When standing in front of the dwelling at No. 10 Narla Road, the view is minor but will be retained. When standing in front of the driveway at No. 10 Narla Road, the view may be impeded upon or lost. When standing in line with the boundary between Nos. 8 and 10 Narla Road, the view is not seen. Please refer to photographs above from each of these positions. The view to Pittwater between Nos. 6 and 8 Narla Road will be wholly retained. This view is more significant than the view between Nos. 8 and 10 Narla Road. The overall view loss resulting from the proposed development is considered minor.

**Reasonableness of the proposal that is causing the impact**

*"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."*

Comment to Principle 4:

The portion of the development that leads to the view loss is not compliant with the building envelope control, and results in a minor non-compliance with the height of building development standard. These elements are acceptable for the reasons detailed in the sections of this report relating to Clause D2.7 of the Pittwater 21 DCP 2014 and Clause 4.3 of the Pittwater LEP 2014. To require the development to comply with these clauses would lead to the retention of the view. However, the view itself is not significant in that it is a distant corridor view, predominantly interrupted by vegetation. The affected view that is affected is intermittent in that it is a minor corridor that is gained and lost promptly as the viewer moves along Narla Road. The greater view available around No. 8 Narla Road, being between Nos. 6 and 8 Narla Road, is wholly retained and unchanged by the proposed development. As such, the proposed development is considered acceptable in relation to view loss.

*Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)*

The proposed development does not unreasonably impact upon views from public places.

*Canopy trees take priority over views. (En, S)*

The proposed development does not unreasonably impact upon trees.

**C1.12 Waste and Recycling Facilities**

While waste receptacles are not shown on plans, the site is of adequate dimensions to allow for appropriate storage of waste within the property boundaries.

**D2.6 Side and rear building line**

The proposed development includes breaches to the side building line control. On the eastern elevation, the proposed development includes a 990mm side setback to the carport, and a 6.14m side setback to the new chimney, where 6.5m is required. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:



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

The proposed development is complementary to the streetscape in that it generally retains setbacks consistent with the spatial proportions of the street. As such, the proposed development is consistent with the desired character of the locality.

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

The proposed development is of a bulk and scale that is consistent with existing developments in the locality. The proposed height of the development is acceptable for the reasons detailed in the section of this report relating to Clause 4.3 of the Pittwater LEP 2014.

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

As detailed in the section of this report relating to Clause C1.3 of the P21 DCP 2014, the proposed development is adequately designed and sited so as to preserve views and vistas to and from the subject site and adjacent sites.

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

As above, the proposed development is adequately designed in relation to view sharing.

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

The proposed development is adequately designed and orientated to maintain a reasonable level of privacy, amenity and solar access for the subject site and adjacent sites.

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

The proposed development proposes and retains substantial vegetation in the front and rear yards, and maintains an attractive streetscape.

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

The proposed development is adequately sited to ensure a reasonable level of amenity for the subject site and adjacent sites, while also maintaining access to and around the subject site.

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

The proposed development retains and proposes adequate vegetation and landscaping within the front and rear yards in order to reduce the visual impact of the proposed works. No trees are required to be removed in relation to the proposed development.

*To ensure a landscaped buffer between commercial and residential zones is established.*

Not applicable. The subject site does not adjoin commercially-zoned land.

## **D2.7 Building envelope**

The proposed development breaches the building envelope control of up to 29.9 to the eastern elevation and 26.8 to the western elevation due to the steep topography of the land. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

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

The proposed development is complementary to the area in that it generally retains setbacks consistent with the spatial proportions of the street. As such, the proposed development is consistent with 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.*



The proposed development steps down with the topography of the land, so as to be consistent with the height of the trees within the area. The proposed height of the development is acceptable for the reasons detailed in the section of this report relating to Clause 4.3 of the Pittwater LEP 2014.

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

The proposed development is adequately designed and sited to respond to the spatial characteristics of the subject site and the surrounding area. The proposal steps with the topography of the land and minimises earthworks to the north-west.

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

The proposed development is of a bulk and scale that is consistent with existing developments in the locality. The proposed height of the development is acceptable for the reasons detailed in the section of this report relating to Clause 4.3 of the Pittwater LEP 2014.

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

As detailed in the section of this report relating to Clause C1.3 of the P21 DCP 2014, the proposed development is adequately designed and sited so as to preserve views and vistas to and from the subject site and adjacent sites.

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

The proposed development is adequately designed and orientated to maintain a reasonable level of privacy, amenity and solar access for the subject site and adjacent sites.

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

The proposed development retains and proposes adequate vegetation and landscaping within the front and rear yards in order to reduce the visual impact of the proposed works. No trees are required to be removed in relation to the proposed development.

#### **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;

DA2018/0309

Page 34 of 50



- 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 DA2018/0309 for Alterations and additions to a dwelling house on land at Lot 2 DP 30530, 8 Narla Road, BAYVIEW, 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>
DA01 Site Plan / Site Analysis	15 November 2017	Metropoint Group Architects
DA03 Lower Ground Floor Plan	15 November 2017	Metropoint Group Architects
DA04 Ground Floor Plan	15 November 2017	Metropoint Group Architects
DA05 Ground Floor Carport Plan	15 November 2017	Metropoint Group Architects
DA06 First Floor Plan	15 November 2017	Metropoint Group Architects

DA2018/0309

Page 35 of 50





DA07 Roof Plan	15 November 2017	Metropoint Group Architects
DA31 South Elevation	15 November 2017	Metropoint Group Architects
DA32 West Elevation	15 November 2017	Metropoint Group Architects
DA34 North Elevation	15 November 2017	Metropoint Group Architects
DA35 East Elevation	15 November 2017	Metropoint Group Architects
DA40 Section A-A	15 November 2017	Metropoint Group Architects

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Drainage Concept Plan and Details	5 February 2018	KD Stormwater

<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. A301797	12 February 2018	Gradwell Consulting
Arboricultural Impact Assessment	18 January 2018	Footprint Green
Bushfire Assessment Report	December 2017	Roger Fenwick
Geotechnical Assessment	4 June 2018	JK Geotechnics
On-site Wastewater Management Report	18 June 2018	Envirotech

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
LA-DA.0.01 Landscape Concept Plan	7 February 2018	Metropoint Group Architects

<b>Waste Management Plan</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA51 Site Waste Management Plan	15 November 2017	Metropoint Group Architects

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  
DA2018/0309

Page 36 of 50





approved plans. (DACPLB01)

**2. Prescribed conditions (Demolition):**

(a) 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 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
- (ii) 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.

(b) 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.

(c) 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.

Reason: Legislative Requirement (DACPLB09)

**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:

DA2018/0309

Page 37 of 50



- (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 (DACPLB09)

**4. General requirements (Demolition):**

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- o 8.00 am to 5.00 pm Monday to Friday only.

DA2018/0309

Page 38 of 50



(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 a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. 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) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy. )

(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.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

## 5. 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. (DACPLB10)

## FEES / CHARGES / CONTRIBUTIONS

### 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 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

**7. Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

(a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and

(b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

**8. Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

**9. Geotechnical Report Recommendations have been correctly incorporated into designs and structural plans**

A geotechnical Engineer risk assessment must be undertaken in accordance with Geotechnical Risk Management Policy for Pittwater - 2009. This will require Form 1 and 1 (a) declaration and certificate made by Geotechnical Engineer must be submitted to Council and to the Principal Certifying Authority.

The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report are to be incorporated into the construction plans.

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

Reason: To ensure geotechnical risk is managed appropriately.

**10. 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

DA2018/0309

Page 42 of 50



- o Locations and methods of all erosion and sediment controls;
- o North point and scale.

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

Reason: To mitigate environmental impact resulting from site disturbance (DACNEC22)

**11. Compliance with standards (Demolition):**

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 Council prior to the commencement of demolition works.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

**12. Waste Water Disposal**

An amended wastewater report is to be prepared detailing the final design and location of a complying land application disposal area, and provision of a deflection drain or swale to minimise any discharge of wastewater onto any adjoining property in the case of the wastewater application area's failure. The report is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the treated waste water land application disposal system and location is documented and approved.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

**13. Tree and vegetation protection**

a) Existing trees and vegetation shall be retained as follows:

i) all trees and vegetation within the site, nominated on the plans for retention, shall be protected during all construction stages, excluding exempt trees under the relevant planning instruments or legislation,

ii) all other trees and vegetation located on adjoining properties,

iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and according to the Arboricultural Impact Assessment prepared by Footprint Green, dated 18th January 2018,

ii) any tree roots exposed during excavation with a diameter greater than 50mm within the TPZ must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,

iii) to minimise the impact on trees and vegetation to be retained and protected, no excavated



material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,

iv) no tree roots greater than 50mm diameter are to be cut from protected trees unless authorized by the Project Arborist on site,

v) all structures are to bridge tree roots greater than 50mm diameter unless directed by the Project Arborist on site,

vi) should either or both iv) and v) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures provided. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites, and protect the existing amenity that trees and/or bushland vegetation provide. (Control B4.22)

#### 14. **Tree Protection Measures**

Tree protection measures shall be undertaken as recommended in the Arboricultural Impact Assessment prepared by Footprint Green, section 5 Tree Protection Plan, including tree protection fencing for trees 1, 2 and 3 as identified in the report.

- i) The Principal Certifying Authority or Project Arborist must ensure that:
  - (a) the activities listed in section 4.2 of AS4970- 2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site, and
  - (b) 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.
- ii) The tree protection measures specified in this clause must:
  - (a) be in place before work commences on the site, and
  - (b) be maintained in good condition during the construction period, and
  - (c) remain in place for the duration of the construction works.

Note. A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: To ensure tree protection is provided and maintained (Control B.22)

#### 15. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with



vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

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

16. **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.

17. **Noise and Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations

Reason: To ensure the amenity of the surrounding area for residents

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

18. **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

19. **Geotechnical Certification Prior to Occupation Certificate**

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

20. **Landscape completion certificate**

Landscaping is to be implemented in accordance with the landscape concept plan prepared by LSA Design, drawing number LA-DA.0.0.1, and as required by any associated condition.

a) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the landscape concept plan and inclusive of any conditions of consent.

b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been established and maintained in accordance with the landscape



concept plan.

This landscaping is to then be maintained for the life of the development.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity.  
(Control C1.1)

21. **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an AQF Level 5 Arborist (or equivalent), shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

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

Reason: To ensure the long term survival of vegetation to be retained. (Control 4.22)

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

22. **Environmental and priority weed control**

All weeds are to be removed and controlled in accordance with the Biodiversity Conservation Act 2016.

Reason: Preservation of environmental amenity.

23. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

**Reason:** Weed management.



Metropoint Group 2012

Metropoint Group Pty Ltd is the owner of the copyright subsisting in these drawings, plans, designs and specifications. It is not to be used, reproduced or copied, in whole or in part, nor may the information, ideas and concepts therein contained (which are confidential to Metropoint Group Pty Ltd) be disclosed to any third party without the prior written consent of that company.

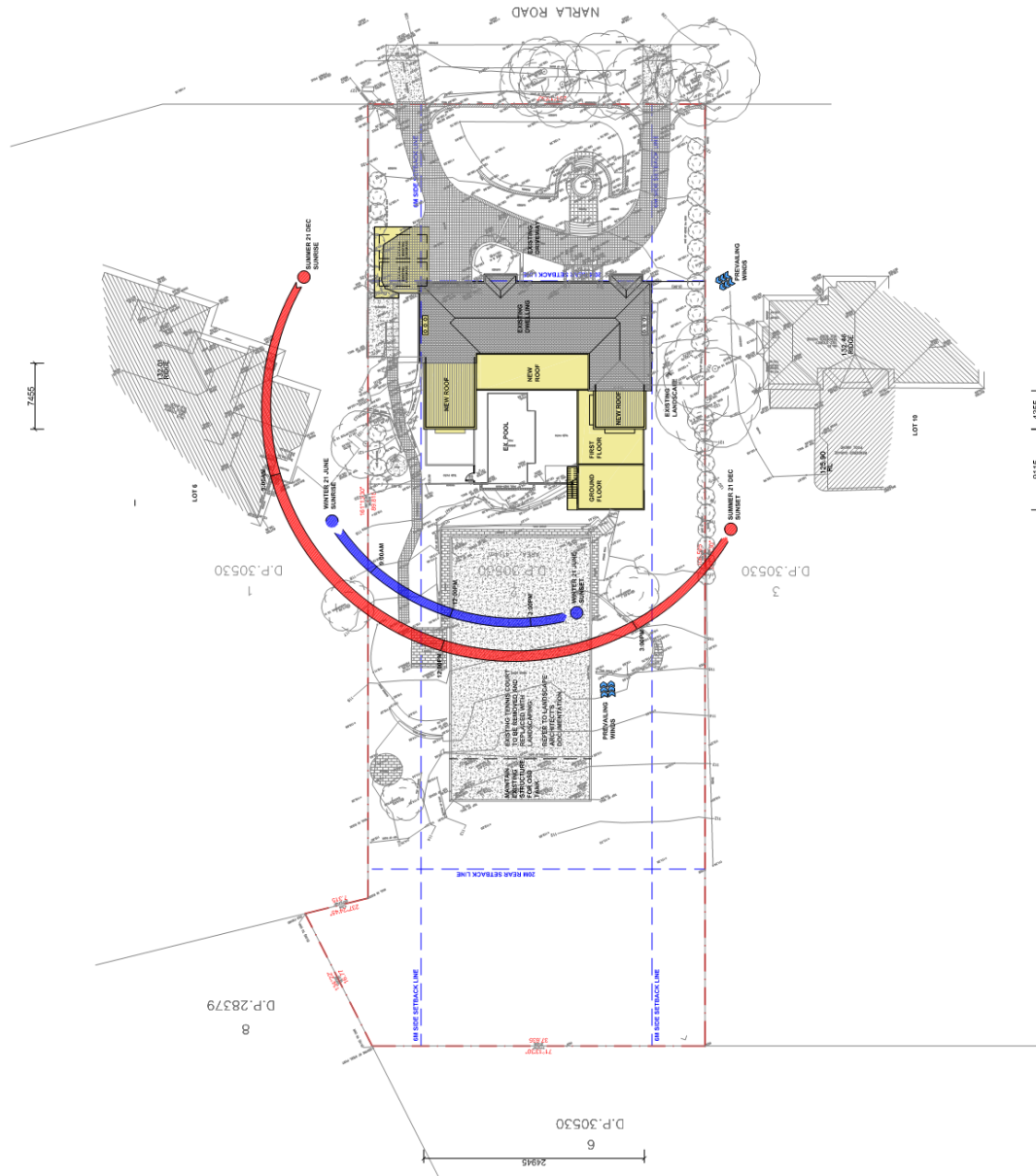
Do not scale drawings.  
Verify all dimensions on site.

Issue	Amendment	Date
A	Issued for Development Application	24.11.2017

<span style="border: 1px solid red; display: inline-block; width: 10px; height: 10px;"></span>	DEMOLITION LINES ON PLANS
<span style="border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span>	EXISTING WALLS
<span style="border: 1px solid yellow; display: inline-block; width: 10px; height: 10px;"></span>	NEW WALL
<span style="border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span>	NEW ADDITION TO EXISTING DWELLING

**LEGEND:**

W - WINDOW  
GL - GLAZING  
TM - TIMBER  
EX PF - EXISTING PAINT FINISH  
BL2 - FRAMELESS GLASS BALUSTRADE  
RL - REDUCED LEVEL



**mga**  
Metropoint Group Architects  
29 Hutchinson Street  
Surrey Hills NSW 2010  
P 02 9439 0000  
info@metropoint.com.au  
ABN 84 116 791 229

**DEVELOPMENT APPLICATION FOR  
ALTERATIONS AND ADDITIONS TO AN  
EXISTING TWO STOREY DETACHED  
DWELLING**

Project	8 NARLA ROAD, BAYVIEW
Drawing	SITE PLAN / SITE ANALYSIS
Scale	1:500 @A3
Drawn By	DA01
Checked By	RK/SX
Project No	YT
Client	CBOT INVESTMENTS

Metropoint Group 2012

Metropoint Group Pty Ltd is the owner of the copyright subsisting in these drawings, plans, designs and specifications. They must not be used, reproduced or copied, in whole or in part, nor may the information, ideas and concepts contained herein be used for any purpose without the prior written consent of that company.

Do not scale drawings.  
Verify all dimensions on site.

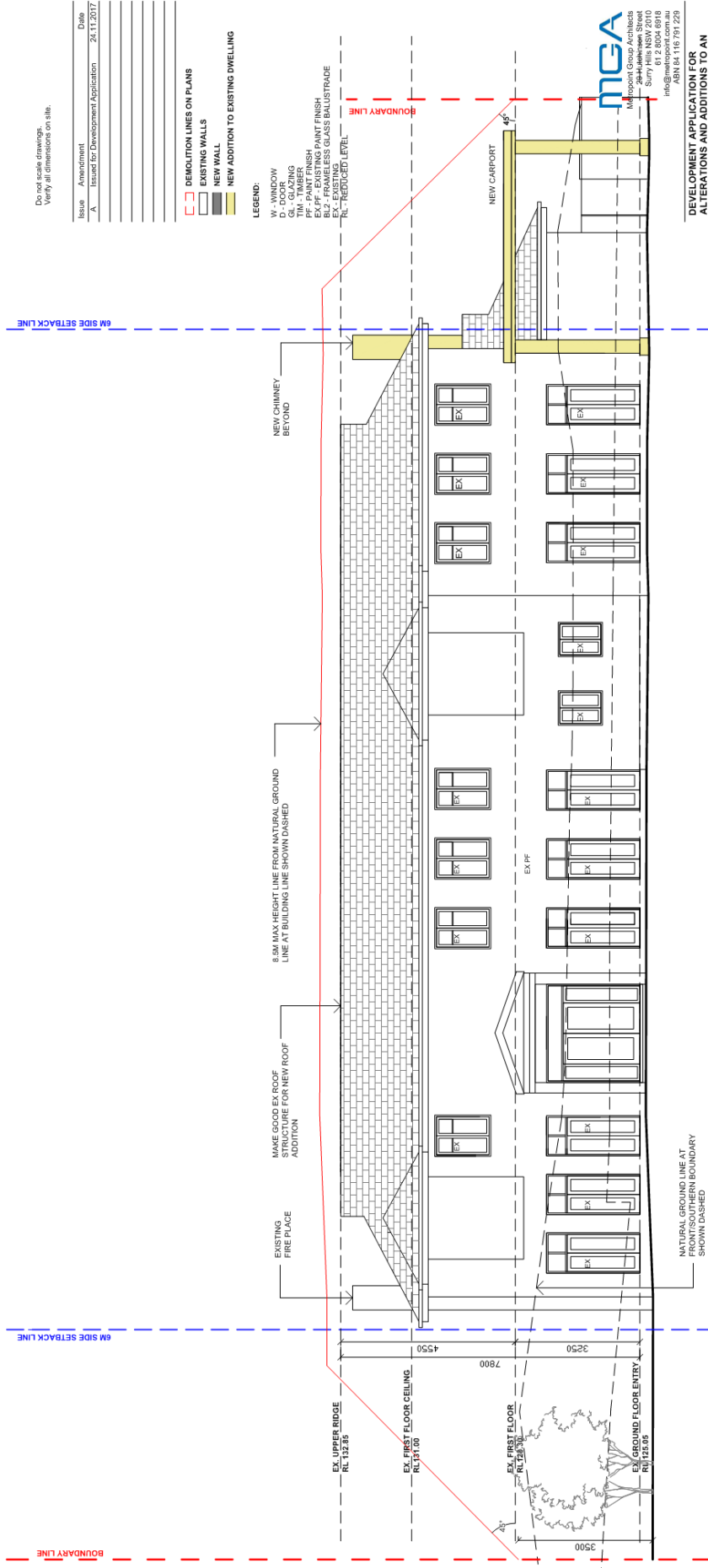
Issue	Amendment	Date
A	Issued for Development Application	24.11.2017

**DEMOLITION LINES ON PLANS**

EXISTING WALLS  
NEW WALL  
NEW ADDITION TO EXISTING DWELLING

**LEGEND:**

W - WINDOW  
D - DOOR  
GL - GLAZING  
PF - PAINT FINISH  
EX PF - EXISTING PAINT FINISH  
EX GL - EXISTING GLAZING  
EX - EXISTING  
RL - REDUCED LEVEL



metropoint.com.au

ABN 84 116 791 229

info@metropoint.com.au

284-4 Melville Street  
Sydney NSW 2000 6818

Metropoint Group Architects

Project

8 NARLA ROAD, BAYVIEW

Drawing

SOUTH ELEVATION

Scale 1:100 @A3

DA31

Drawn By RK/SX

Issue

Checked By YT

Project No 1702

Client GEOT INVESTMENTS

Development Application for Alterations and Additions to an Existing Two Storey Detached Dwelling

Metropoint Group 2012

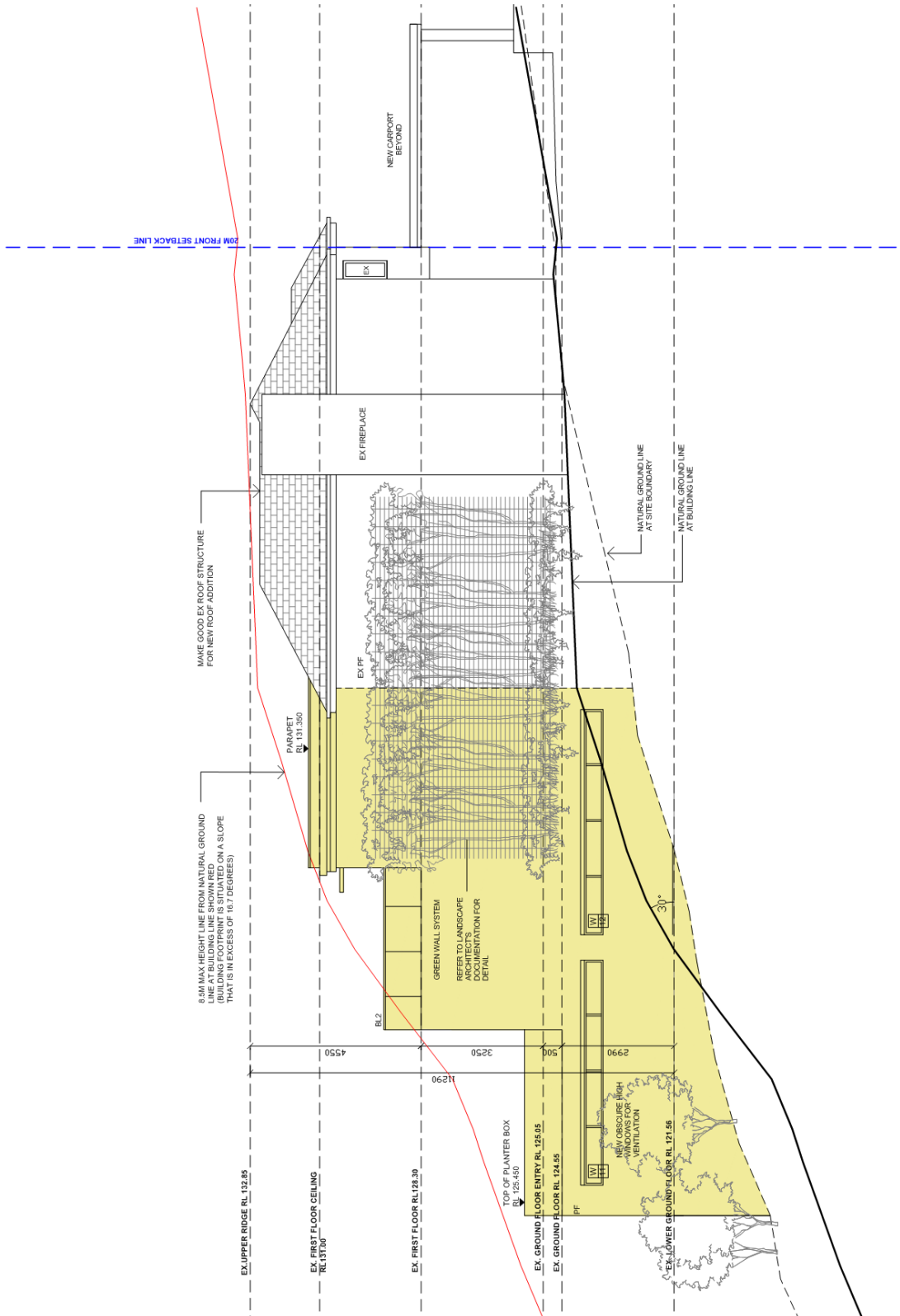
Metropoint Group Pty Ltd is the owner of the copyright subsisting in these drawings, plans, designs and specifications. They must not be used, reproduced or copied, in whole or in part, nor may the information, ideas and concepts contained herein be used for any purpose without the prior written consent of that company.

Do not scale drawings.  
Verify all dimensions on site.

Issue	Amendment	Date
A	Issued for Development Application	24.11.2017

**DEMOLITION LINES ON PLANS**  
  EXISTING WALLS  
  NEW WALL  
  NEW ADDITION TO EXISTING DWELLING

**LEGEND:**  
 W - WINDOW  
 D - DOOR  
 GL - GLAZING  
 PF - PAINT FINISH  
 EX PF - EXISTING PAINT FINISH  
 EX ZF - EXISTING ZINC PLATE  
 EX - EXISTING  
 RL - REDUCED LEVEL



**mga**  
 Metropoint Group Architects  
 29 Hutchinson Street  
 Surry Hills NSW 1540  
 Australia  
 Tel: 61 2 8004 8818  
 info@metropoint.com.au  
 ABN 84 116 791 229

**DEVELOPMENT APPLICATION FOR  
ALTERATIONS AND ADDITIONS TO AN  
EXISTING TWO STOREY DETACHED  
DWELLING**

Project	8 NARLA ROAD, BAYVIEW
Drawing	WEST ELEVATION
Scale	1:100 @A3
Drawn By	DA32
Checked By	RK/SX
Project No	YT
Issue	A
Client	GEOT INVESTMENTS



Metropoint Group 2012

Metropoint Group Pty Ltd is the owner of the copyright subsisting in these drawings, plans, designs and specifications. No part of this document may be reproduced or in part, nor may the information, ideas and concepts contained herein be used for any purpose without the prior written consent of that company.

Do not scale drawings.  
Verify all dimensions on site.

Issue	Amendment	Date
A	Issued for Development Application	24.11.2017

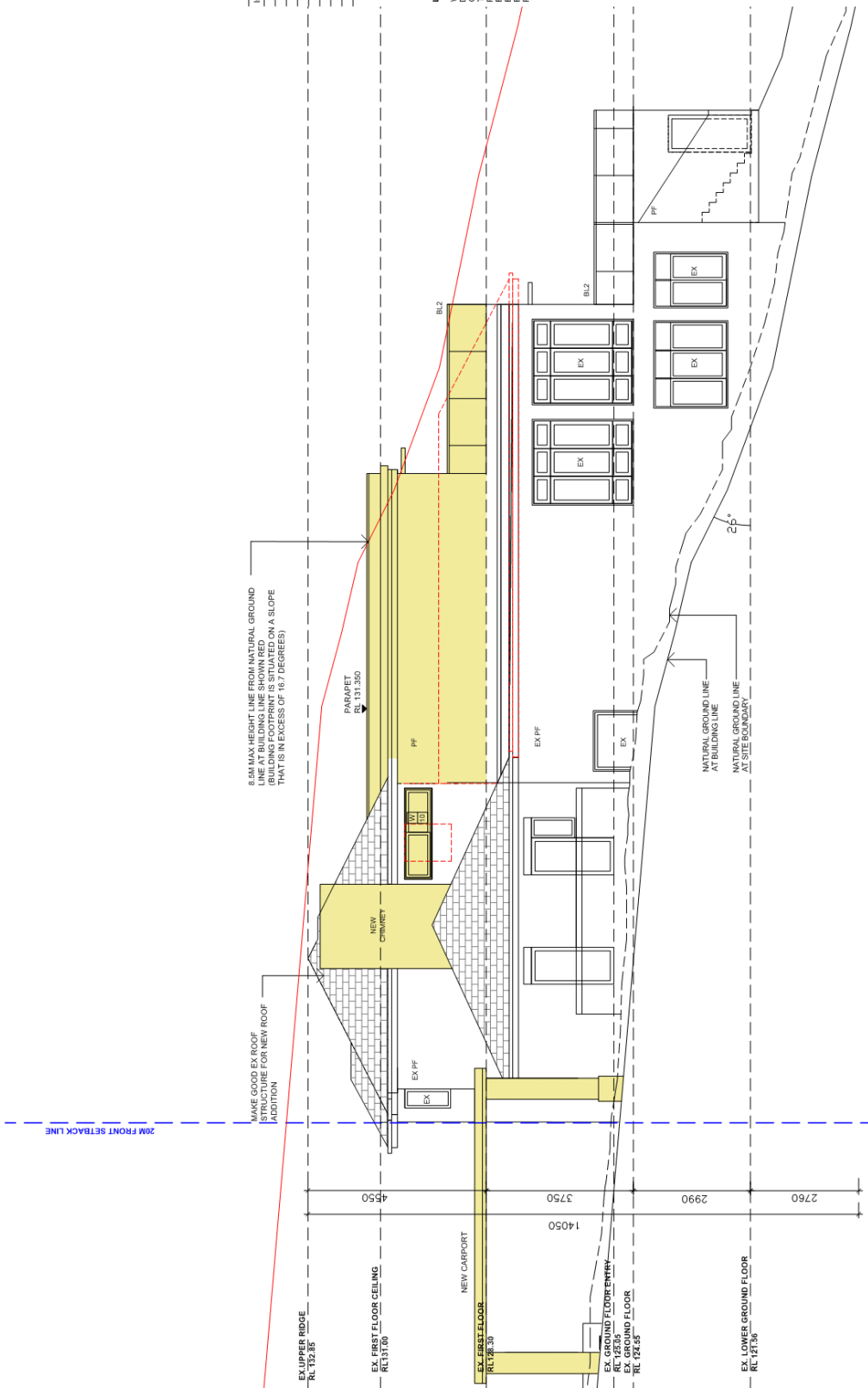
<span style="border: 1px dashed red; display: inline-block; width: 10px; height: 10px;"></span>	DEMOLITION LINES ON PLANS
<span style="border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span>	EXISTING WALLS
<span style="background-color: yellow; display: inline-block; width: 10px; height: 10px;"></span>	NEW WALL
<span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span>	NEW ADDITION TO EXISTING DWELLING

W	WINDOW
D	DOOR
GL	GLAZING
PF	PAINT FINISH
EX PF	EXISTING PAINT FINISH
EX GL	EXISTING GLASS BALUSTRADE
EX	EXISTING LEVEL

**mga**  
Metropoint Group Architects  
29 Hutchinson Street  
Surry Hills NSW 1540  
Ph: 02 9390 8818  
info@metropoint.com.au  
ABN 84 116 791 229

**DEVELOPMENT APPLICATION FOR  
ALTERATIONS AND ADDITIONS TO AN  
EXISTING TWO STOREY DETACHED  
DWELLING**

Project	8 NARLA ROAD, BAYVIEW
Drawing	EAST ELEVATION
Scale	1:100 @A3
Drawn By	RK/SX
Checked By	YT
Project No	1702
Client	GEOT INVESTMENTS





**ITEM 3.3**                      **DA2018/0434 - 1A ELANORA ROAD, ELANORA HEIGHTS -  
CONSTRUCTION OF A NEW DWELLING HOUSE****REPORTING MANAGER**      **Matthew Edmonds****TRIM FILE REF**              **2018/452626****ATTACHMENTS**            1 [↓](#) **Assessment Report**  
2 [↓](#) **Site Plan and Elevations****PURPOSE**

To refer the attached application for determination due to directions provided by the Department of Planning & Environment in relation to applications with a clause 4.6 variation to the building height standard.

---

**RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER**

THAT Council as the consent authority grant Development Consent to DA2018/0434 for Construction of a new dwelling house on land at Lot 2 DP 1230186, 1A Elanora Road, Elanora Heights, subject to the conditions outlined in the Assessment Report.

---



## REPORT TO DEVELOPMENT DETERMINATION PANEL

Meeting held on 09 July 2018

1 A Elanora Road Elanora Heights - Construction of a new dwelling house

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0434
Responsible Officer:	Rebecca Englund
Land to be developed (Address):	Lot 2 DP 1230186, 1 A Elanora Road ELANORA HEIGHTS NSW 2101
Proposed Development:	Construction of a new dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Barray Civil Pty Ltd
Applicant:	Barray Civil Pty Ltd
Application lodged:	22/03/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	27/03/2018 to 16/04/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval
Estimated Cost of Works:	\$ 955,449.00

### 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)  
DA2018/0434 Page 1 of 28



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 - 4.6 Exceptions to development standards

Pittwater 21 Development Control Plan - C1.4 Solar Access

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

Pittwater 21 Development Control Plan - D5.7 Building envelope (Excluding Elanora Heights Village Centre)

#### **SITE DESCRIPTION**

<b>Property Description:</b>	Lot 2 DP 1230186 , 1 A Elanora Road ELANORA HEIGHTS NSW 2101
<b>Detailed Site Description:</b>	The site has a legal description of Lot 2 in Deposited Plan 1230186, and is commonly referred to as 1a Elanora Road, Elanora Heights. The site does not have a frontage to a local road, but rather benefits from an easement over two adjoining lots to the east (Lots 1 and 3 in DP 1230186) to gain access to Elanora Road/Wakehurst Parkway. The site has a total area of 1097m <sup>2</sup> , and with the exception of a hardstand parking area and turning bay at the eastern end of the site, is otherwise free of development. The site is divided by a significant cliff/ridgeline, and a number of significant rock outcrops and boulders are located on the lower half of the site, interspersed with existing vegetation. The site is surrounded by residential development of varying age and character, and is located opposite Billarong Reserve and Narrabeen Lake.

Map:



## **SITE HISTORY**

### Background of Site

On 12 June 2013, Development Application N0077/13 was approved by Council for the subdivision of 1 Elanora Road into 3 lots, being 2 residential lots and one for future road widening purposes.

On 1 February 2018, Modification Application Mod2018/0003 was approved by Council, providing for minor changes for the location of parking structures.

### Background of Application

On 22 March 2018, the subject Development Application was lodged with Council.

On 27 June 2018, Council's Development Engineers identified a minor discrepancy in the geotechnical risk management report provided to support the application, in that it predated the drawings provided to Council at lodgement.

On 2 July 2018, the Applicant provided correspondence from the geotechnical engineer as an addendum to geotechnical risk management report provided at lodgement. The Applicant also provided amended plans demonstrating a reduction to the garage/ and storeroom and the incorporation of a trafficable box gutter.

## **PROPOSED DEVELOPMENT IN DETAIL**

The application seeks consent for the construction of a new dwelling and swimming pool at the subject site.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

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

DA2018/0434

Page 3 of 28



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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters can be addressed via a condition of consent.</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 can be 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. / This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter can be 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 can be addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental</p>





Section 4.15 Matters for Consideration'	Comments
	economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

### EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

### BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

### NOTIFICATION & SUBMISSIONS RECEIVED

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

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

### MEDIATION

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

### REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The landscape outcome of the proposal is acceptable subject to completion of landscaping, and protection of existing vegetation proposed for retention.</p> <p>Council's Landscape section has assessed the development application against the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.22 Preservation of Trees and Bushland Vegetation</p>

DA2018/0434

Page 5 of 28



Internal Referral Body	Comments
	C1.1 Landscaping  D5.1 Character as viewed from a public place
NECC (Bushland and Biodiversity)	Council's Bushland and Biodiversity section raise no objection to the development application, subject to conditions for original subdivision N0077/13.  Council's Bushland and Biodiversity section has assessed the development application against the following Pittwater 21 DCP 2014 Controls:  B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor Outcomes: Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats.  The development application complies with this control.
NECC (Development Engineering)	The submitted Geotechnical report and subsequent letter satisfies the DCP requirements. The concept stormwater plan is satisfactory. There is an existing driveway and crossing that the proposal relies upon which is satisfactory.  No objection to approval, subject to conditions as recommended.
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

#### **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

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

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

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

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



#### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has not been used for any prior purpose. 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.907877S).

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

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

A condition is recommended to require compliance with the commitments indicated in the BASIX Certificate.

#### Pittwater Local Environmental Plan 2014

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

#### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	12.4m	46%	No

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	No
4.6 Exceptions to development standards	Yes
5.1 Relevant acquisition authority	Yes
5.1A Development on land intended to be acquired for public purpose	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes

DA2018/0434

Page 7 of 28



Clause	Compliance with Requirements
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

#### Detailed Assessment

#### **4.6 Exceptions to development standards**

#### **and 4.3 Height of Buildings**

The proposal is non-compliant with the 8.5m maximum building height prescribed by clause 4.3 (Height of Buildings) of PLEP 2014. The maximum building height is a development standard, as defined by the *Environmental Planning and Assessment Act 1979*, and as such, the provisions of clause 4.6 of PLEP 2014 can be applied.

Pursuant to clause 4.6(2) of PLEP 2014, consent may be granted for development even though the development would contravene a development standard prescribed by an environmental planning instrument. However, pursuant to clause 4.6(4), consent can only be granted if Council is satisfied that the applicant's written request to vary the development standard has addressed the criteria of clause 4.6(3) and if the proposal is in the public's interest by being consistent with the objectives of the specific development standard and the relevant zoning.

Requirement:	8.5m (possible 10m variation)
Proposed:	12.4m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	46%

#### **Is compliance with the standard unreasonable or unnecessary in the circumstances of the case?**

In accordance with the NSWLEC decision in *Wehbe v Pittwater Council*, one way in which strict compliance can be seen to be unreasonable or unnecessary is if it can be demonstrated that the objectives of the standard are otherwise achieved, despite non-compliance with the development standard.

The objectives of the building height development standard are considered as follows:

- *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

**Comment:** The desired future character for the Elanora Heights locality is prescribed by clause A4.5 of P21 DCP. In relation to height and scale, the desired character statement prescribes that dwelling houses are to be a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Furthermore, future development is to maintain a building height limit below the tree canopy, and minimise bulk and scale. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance.

DA2018/0434

Page 8 of 28



Despite reaching a maximum height of 12.4m above existing ground, the eastern side of the dwelling is limited to two storeys in height, hovering over existing rockforms and vegetation. Furthermore, the garage has been designed to shield the western side of the dwelling, and contribute to an appearance of built form that steps down the slope of the site. The height of the dwelling will sit below surrounding canopy, and is of a scale that is not dissimilar with other development in close proximity of the site. Overall, despite exceeding two storeys in any one place, the height and scale of the development is considered to be consistent with the desired future character of the locality.

- *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

Comment: The height and scale of nearby residential development is varied, with a single storey dwelling situated to the south of the site and a three storey dwelling of a similar scale located 4 blocks to the east. The height and scale of the development is compatible with surrounding built form.

- *to minimise any overshadowing of neighbouring properties,*

Comment: The proposed development does not result in any unreasonable impacts upon adjoining properties with regards to overshadowing, noting that any impact associated with the dwelling occurs at a time when the sites are otherwise overshadowed by ridgeline to the north.

- *to allow for the reasonable sharing of views,*

Comment: The proposal does not result in any unreasonable impacts upon views currently enjoyed by surrounding or nearby dwellings.

- *to encourage buildings that are designed to respond sensitively to the natural topography,*

Comment: The subject site is constrained by virtue of the slope of the site, the location of the cliff/ridgeline and the presence of a number of significant boulders and rock outcrops. The proposal is considered to respond sensitively to these natural features.

- *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

Comment: Despite the height of the development exceeding 8.5m, the proposal is compatible with the scale of the surrounding natural and urban environment, and the dwelling has been broken down with articulation and the use of varied materials such that the resultant development will not have an adverse impact upon the natural environment.

Overall, the proposed development is consistent with the objectives of the building height development standard, and with this in mind, it can be said that requiring the development to be amended to achieve strict compliance is unreasonable and unnecessary in the circumstances of this application.



**Are there sufficient environmental planning grounds to justify contravention of the development standard?**

As discussed above, the site is highly constrained by a number of different factors, including:

- the slope of the site,
- the cliff line that dissects the site in half,
- significant vegetation and canopy trees,
- the orientation of the site, and
- the presence of large rock boulders.

With these factors combined, the physical location and footprint of the development is comparably limited, and to achieve a dwelling of a size that is commensurate with surrounding dwellings, a two storey built form is required. However, to achieve a connection to the approved and constructed parking area, and to limit the creep of the development up the slope, this two storey built form is proposed above significant rock formations of heights up to 4m, which directly attributes to the resultant height of the development. The proposed development is a site specific, architectural solution for the highly constrained and unique characteristics of the site. Despite the height non-compliance, the proposal is considered to reflect the desired character of the locality and sensitively respond to the design criteria and outcomes of PLEP 2014 and P21 DCP.

Clause 4.6 of PLEP 2014 aims to achieve better outcomes for and from development by allowing flexibility in certain circumstances. A compliant dwelling could be designed on the subject site; however this would likely come at the cost of the significant rock features and existing canopy trees on the site, by virtue of the excavation that would be necessary to remain below the height limit. It is with this in mind, that there are considered to be sufficient environmental planning grounds to justify contravention of the building height development standard.

**Has the Applicant's submission adequately addressed these matters?**

The applicant has provided a written submission addressing the provisions of clauses 4.3 and 4.6 of PLEP 2014, which demonstrates that compliance with the 8.5m building height development standard is both unreasonable and unnecessary, and that the unique characteristics of the site provide sufficient justification for the proposed contravention.

**Is the development in the public's interest?**

A development is said to be in the public's interest if it is consistent with the objectives of the development standard in question, and the objectives of the zone. As identified above, the proposal is consistent with the objectives of the building height development standard. Furthermore, the proposal is consistent with the relevant objectives of the E4 Environmental Living zone, as follows:

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

Comment: The proposed development is primarily of post and beam construction, to ensure the retention of the significant natural features of the site.

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



Comment: The proposed development will not have an adverse impact upon the significant natural and aesthetic features of the site.

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

Comment: The proposed dwelling is a low density development, and despite the height non-compliance, the scale of the development is appropriately minimised and integrated with the unusual landform and landscaped setting.

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

Comment: The proposed retains and enhances vegetation on the site.

As such, the proposal is considered to be in the public's interest, as it is consistent with the objectives of both the building height development standard and the E4 Environmental Living zone.

#### **Has Concurrence been obtained?**

As per correspondence from the Deputy Secretary, dated 4 May 2018, Council may assume the concurrence of the Secretary for Class 1 buildings where the development contravenes a numerical standard prescribed by PLEP 2014 by greater than 10%. As such, Council may assume the Secretary's concurrence in relation to this application.

Overall, Council can be satisfied of the matters prescribed by clauses 4.6(3) and 4.6(4) of PLEP 2014, and that the proposed variation is consistent with the objectives of clause 4.6 of PLEP 2014.

#### **Pittwater 21 Development Control Plan**

##### Built Form Controls

Built Form Control	Requirement	Proposed	Variation	Complies
Front building line	-	-	-	-
Rear building line	6.5m	30m	-	Yes
Side building line	2.5m	1.5m	40%	No
	1m	1-2m	-	Yes
Building envelope	3.5m	Outside envelope	5.3m	No
	3.5m	Outside envelope	5.5m	No
Landscaped area	60%	69%	-	Yes

##### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.5 Elanora Heights Locality	Yes	Yes

DA2018/0434

Page 11 of 28

Clause	Compliance with Requirements	Consistency Aims/Objectives
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B5.4 Stormwater Harvesting	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	N/A	N/A
B6.2 Internal Driveways	N/A	N/A
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
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	No	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)	No	Yes
DA2018/0434		Page 12 of 28



Clause	Compliance with Requirements	Consistency Aims/Objectives
D5.7 Building envelope (Excluding Elanora Heights Village Centre)	No	Yes
D5.9 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D5.13 Construction, Retaining walls, terracing and undercroft areas (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.14 Scenic Protection Category One Area	Yes	Yes

#### Detailed Assessment

#### **C1.4 Solar Access**

The proposed new dwelling will be overshadowed by the escarpment at the rear of the site for the majority of the day, and as such, the living rooms will not receive 3 hours of direct sunlight between 9am and 3pm in midwinter. Whilst the proposal cannot achieve direct sunlight, the proposal has been designed to maximise indirect light into the dwelling and is oriented to obtain an outlook to the lake opposite the site. Clause C1.4 of P21 DCP provides a variation that allows for a merit consideration where there is adverse slope or topography that prevents compliance with the 3 hour minimum prescribed. The constraints of the subject site is considered to warrant the application of this variation, as the proposal is otherwise consistent with the outcomes of this clause.

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

The application does not have a street frontage, and as such the provisions of clause D5.5 of P21 DCP do not apply. As such, the reasonableness of all setbacks are considered with regard to the provisions of this development control, as follows:

Southern setback - Nil to garage  
 Eastern side setback - Nil to pool, 1.5m to dwelling (non-compliant)  
 Western side setback - 1m to dwelling (non-compliant)  
 Northern rear setback - 30m to pool, 35m to dwelling

#### Setback to garage

The proposed garage is located with a nil setback to the southern boundary; the common boundary dividing the subject site from the site to the east, 1 Elanora Road. The proposed garage is located on the hardstand parking area that was approved as part of the recent subdivision of these sites and cannot be located in any other position on the site without extensive excavation and the disturbance of significant rock outcrops. Whilst the location is consistent with that approved as part of the subdivision, there is no easement on the adjacent lot to provide for maintenance and access associated with a nil setback and as such, concern is raised in regards to the nil setback, particularly noting the pitch of the roof over the garage and the proposed location of gutters. These concerns were raised with the Applicant, who subsequently provided amended plans to incorporate a 450mm wide trafficable box gutter with harness points, such that access for maintenance of the gutters will not be required along the southern boundary.

#### Eastern setback to dwelling

The eastern elevation of the proposed dwelling is sited with a setback of 1.5m - 1.95m from the eastern side boundary, inconsistent with the 2.5m minimum setback prescribed by this control. The reduced setback is limited in length, and occurs at a point where the setback on the opposite side of the building is 2m; being 1m greater than the 1m minimum setback prescribed. The dwelling is sited to provide adequate spatial separation on both sides, to enable the retention and enhancement of the natural





features of the site, and to ensure consistency with the outcomes of this development control.

#### Eastern setback to pool and terracing

The swimming pool and elevated turfed terrace is located with a nil setback to the eastern side boundary. As a consequence, the necessary pool fencing and balustrade will be elevated above existing ground levels, resulting in boundary fencing of a height more than 1.8m when measured from the adjoining property. There is no apparent reason as to why these areas are located with a nil setback to the eastern boundary, and in relation to the pool, the extra decking could be provided on the opposite side of pool without necessitating any other changes to the proposal. To avoid unnecessarily high boundary fencing, and a condition of consent is recommended to ensure a 1m setback between these areas and the eastern side boundary.

Overall, it is considered that the proposal has been sensitively designed and sited to minimise site disturbance and maintain the natural features of the site, consistent with the desired future character of the Elanora Heights locality. The built form is well-articulated to minimise bulk and scale and the proposal has been designed to minimise impacts upon adjoining properties. Overall, subject to conditions requiring minor changes to the setback of the swimming pool and terrace, the siting and design of the proposal represents consistency with the relevant outcomes of this development control.

#### **D5.7 Building envelope (Excluding Elanora Heights Village Centre)**

The proposed dwelling extends beyond the prescribed building envelope on both side elevations, with a maximum protrusion of 5.3m on the western elevation and 5.5m on the eastern elevation. Whilst the slope of the site exceeds 30%, and thus qualifies for a variation under the provisions of this clause, the breach is largely associated with a contemporary architectural design that preserves the existing significant natural rock formations on the site, such that they become a feature of the site specific design. It is for this unique reason that the proposed variation is supported, as the design is consistent with the desired future character of the locality, which aims to maintain significant features of the site and minimise site disturbance.

Furthermore, the design is consistent with the other relevant outcomes of the building envelope development control, as follows:

- *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 setback from the street frontage, well below the ridgeline to the rear and surrounding canopy trees. The proposal has been designed such that most exposed portion of the dwelling (being the portion that aligns with the battleaxe style driveway), is a two storey structure that hovers/floats over the existing vegetation and rock formations, with the extent of the lift shaft screened by the proposed garage.

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

Comment: The site is highly constrained by the slope of the site, hazards, orientation, canopy trees and rock formations. The proposed dwelling sits lightly on the site, and the design is considered to sensitively relate to, preserve and highlight the significant features of the site.

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

Comment: The proposed built form is well articulated, to ensure that the visual impact of the





height of the development is appropriately minimised. The front facade of the development will be in shade for the vast majority of the year, and the colours and finishes proposed will ensure that the dwelling recedes into the surrounding natural environment.

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

Comment: The proposed development will not result in any unreasonable impacts upon views currently enjoyed from public or private places.

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

Comment: The proposal has been designed to maximise amenity for future occupants of the dwelling, with minimal impacts upon adjoining properties.

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

Comment: The site is constrained, with limited opportunity to introduce additional vegetation noting the presence of significant rockforms on the site. However, the proposal is considered to retain existing vegetation on the site, with additional vegetation provided where possible.

## **POLICY CONTROLS**

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

S94 Contributions are not applicable to this application.

## **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

DA2018/0434

Page 15 of 28



- 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 DA2018/0434 for Construction of a new dwelling house on land at Lot 2 DP 1230186, 1 A Elanora Road, ELANORA HEIGHTS, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

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

##### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plans A.01, revision A	21 March 2018	Gartner Trovato Architects
Garage A.02, revision A	8 March 2018	Gartner Trovato Architects
Loft + Entry A.03, revision A	8 March 2018	Gartner Trovato Architects
Level 1 A.04, revision B	2 July 2018	Gartner Trovato Architects
Level 2 A.05, revision A	8 March 2018	Gartner Trovato Architects
East Elevation A.06, revision B	2 July 2018	Gartner Trovato Architects
West Elevation A.07, revision B	2 July 2018	Gartner Trovato Architects
North & South Elevation A.08, revision B	2 July 2018	Gartner Trovato Architects
Section A A.09, revision B	2 July 2018	Gartner Trovato Architects
Schedule of Finishes A.10, revision A	21 March 2018	Gartner Trovato Architects
Landscape Plans - Endorsed with Council's stamp		
Landscape Plan A.11, revision A	8 March 2018	Gartner Trovato Architects

DA2018/0434

Page 16 of 28



Landscape Plan A.12, revision A	8 March 2018	Gartner Trovato Architects
---------------------------------	--------------	----------------------------

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report</b>	<b>Dated</b>	<b>Prepared By</b>
Geotechnical Risk Management Report	March 2018	Crozier Geotechnical Consultants
Geotechnical Risk Management Report Addendum	1 July 2018	Crozier Geotechnical Consultants
Bushfire Risk Management Report	21 February 2018	Bush Fire Planning Services
BASIX Certificate 907877S	22 March 2018	Gartner Trovato Architects
Arboricultural Impact Assessment Report	19 February 2018	Jacksons Nature Works

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. **Amendments to the approved plans**

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

- a 1m (minimum) setback is to be provided between the pool deck and the eastern side boundary. The deck may be extended by 1m on the western side of the pool to offset this required change.
- a 1m (minimum) setback is to be provided between the terraced lawn (and the associated retaining retaining walls to the north and south) and the eastern side boundary, with existing ground levels maintained within the resultant 1m setback.

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

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

## 3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and



- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
    - (i) in the case of work for which a principal contractor is required to be appointed:
      - A. the name and licence number of the principal contractor, and
      - B. the name of the insurer by which the work is insured under Part 6 of that Act,
    - (ii) in the case of work to be done by an owner-builder:
      - A. the name of the owner-builder, and
      - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
  - (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
    - (i) protect and support the adjoining premises from possible damage from the excavation, and
    - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
    - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
    - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement

#### 4. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
  - 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,



- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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

### 5. Security Bond

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

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

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is

DA2018/0434

Page 20 of 28



located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

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

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

### 6. On-site Stormwater Detention Compliance

Drainage plans are to be prepared, detailing the provision of On-site Stormwater Detention, by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering. The design is to be in accordance with Northern Beaches Council's Pittwater DCP21 Clause B5.7, and the concept drawing by Gartner Travato, drawing number 1733 A.03 Rev A dated 08/03/2018.

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

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

### 7. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

(a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and

(b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

### 8. Geotechnical Report Recommendations have been correctly incorporated into designs and structural plans

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Crozier Geotechnical Consultants dated March 2018 are to be incorporated into the construction plans.

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

Reason: To ensure geotechnical risk is managed appropriately.

### 9. 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.

DA2018/0434

Page 21 of 28



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

### CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

#### 10. Tree protection

- (a) Existing trees and vegetation shall be retained as follows, as reported and recommended in the Arboricultural Impact Assessment, referenced in this consent:
  - (i) all trees and vegetation within the site, nominated within the Arboricultural Impact Assessment shall be protected during all construction stages, including Tree 3: *Ficus rubiginosa*; Tree 5: *Livistona australis*; and Tree 8: *Livistona australis*,
  - (ii) all other trees and vegetation located on adjoining properties, including Tree 1: *Ficus rubiginosa*,
  - (iii) all road reserve trees and vegetation,
  - (iv) all proposed transplanted vegetation, including Tree 2: *Livistona australis*.
- (b) The following trees are approved for removal as reported in the approved Arboricultural Impact Assessment: Tree 4: *Araucaria heterophylla*; Tree 6: *Eleocarpus reticulatus*; and Tree 7: *Angophora costata*, including exempt trees under the relevant planning instruments or legislation
- (c) Tree protection shall be undertaken as follows:
  - (i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and in accordance with the Arboricultural Impact Assessment,
  - (ii) any tree roots exposed during excavation within the TPZ must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
  - (iii) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
  - (iv) no tree roots are to be cut from protected trees unless authorised by an Arborist on site,
  - (v) all structures are to bridge tree roots unless directed by an Arborist on site,
  - (vi) should either or both iv) and v) occur during site establishment and construction works, the Arborist shall provide recommendations for tree protection measures provided. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites, and protect the existing amenity that trees and/or bushland vegetation provide.

#### 11. Tree Protection Measures

Tree protection measures shall be undertaken for all existing trees to be retained and protected,

DA2018/0434

Page 22 of 28



as follows:

- (a) A Project Arborist with minimum qualification equivalent to AQF Level 5 is to be appointed.
- (b) All excavation and construction works in the vicinity of existing trees to be retained shall be supervised and directed on site by the Project Arborist.
- (c) The Project Arborist is to oversee all tree protection measures for the existing trees identified as T3, T5, and T8.
  - (i) Additionally, tree transplanting of Tree 2 shall be supervised and directed on site by the Project Arborist.
  - (ii) The following activities as referenced in the Arboricultural Impact Assessment shall be undertaken in accordance with section 4(f) Tree Protection Measures and/or 4(g) Trunk Protection.
- (d) The Certifying Authority or Project Arborist must ensure and certify that;
  - (i) the activities listed in section 4.2 of AS4970-2009 Protection of Trees on Development Sites shall be undertaken for any tree on the lot or any tree on an adjoining site,
  - (ii) protective fencing, as required by 4.3 of AS4970-2009, should be erected before the commencement of works including demolition. Once erected, protective fencing shall be maintained in good condition during the construction period, and remain in place for the duration of the construction works.
  - (iii) any temporary access to, or location of scaffolding within the tree protection zone during the construction, is undertaken using the protection measures specified in the Arboricultural Impact Assessment.
  - (iv) tree protection measures satisfy the recommendations of the Arboricultural Impact Assessment.
- (e) 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.

Note. A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: To ensure tree protection is provided and maintained.

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

12. **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.

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

13. **Authorisation of Legal Documentation Required for Onsite Detention**  
DA2018/0434

Page 23 of 28



An application for the authorisation of legal documents is to be made with Council and be approved. The application is to include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA), a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and photographs of the system.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land.

**14. Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land.

**15. On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council.

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 stormwater disposal is constructed to Council's satisfaction.

**16. Positive Covenant and Restriction as to User for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

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 the on-site detention system is maintained to an appropriate operational standard

**17. Geotechnical Certification Prior to Occupation Certificate**

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

DA2018/0434

Page 24 of 28





Reason: To ensure geotechnical risk is mitigated appropriately.

18. **Landscaping**

Landscaping is to be implemented in accordance with the approved Landscape Plans referenced in this consent, inclusive of the following requirement:

- the twelve (12) nominated Blueberry Ash trees shall be reduced to ten (10), with two (2) Angophora costata to be planted to replace the two (2) existing native trees approved for removal.

This landscaping is to then be maintained for the life of the development.

Reason: To ensure the built form is softened and complemented by landscaping, reflecting the scale and form of development.

19. **Condition of protected trees and vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an AQF Level 5 Arborist (or equivalent), shall be submitted to the Certifying Authority, assessing the health and impact on trees and vegetation required to be retained as a result of the proposed development, including the following information:

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

The report shall reference the existing trees required to be protected: T1, T3, T5, and T8, and additionally shall report on the condition of the transplanted Tree 2.

Reason: To ensure the long term survival of vegetation to be retained.

20. **Colours and Finishes**

The architect is to provide written certification that the as-built development is consistent with the Schedule of Finishes referenced in this consent. Furthermore, where visible from the public domain, the existing block work retaining walls have been rendered and painted in a dark grey colour, equivalent to or darker than Colorbond 'Basalt'.

Reason: To ensure that the visual impact of the development is minimised.

21. **Bushfire Certification**

A suitably qualified bushfire consultant is to provide written confirmation that the as-built development is consistent with the recommendations of the approved Bushfire Risk management Report referenced in this consent.

DA2018/0434

Page 25 of 28



Reason: To ensure that the as-built development is safe from hazards.

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

22. **Landscape maintenance**

Any existing landscaping required to be retained by this consent together with all new landscaping is to be maintained for the life of the development.

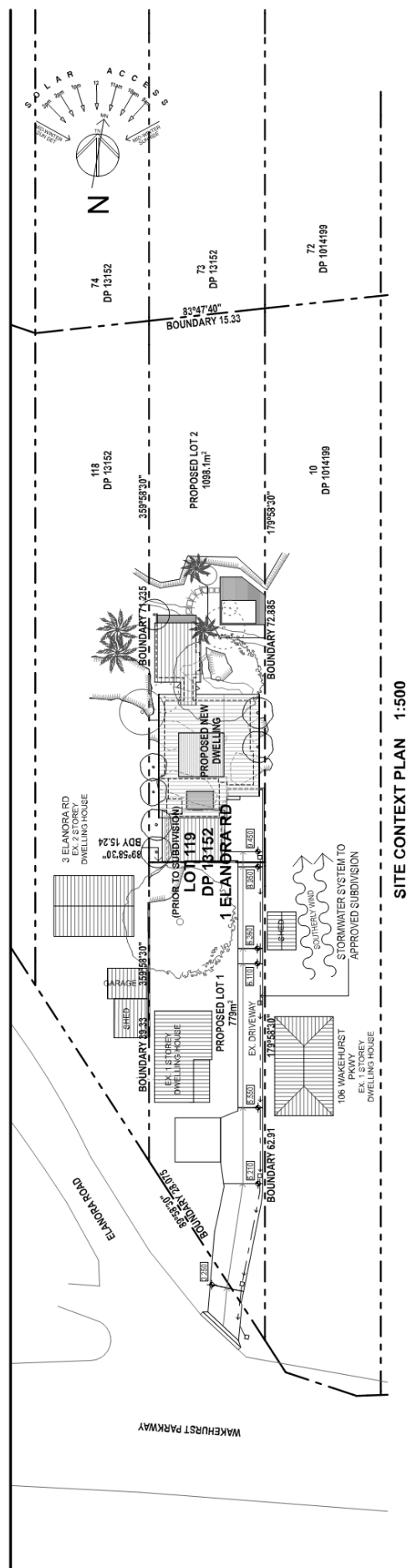
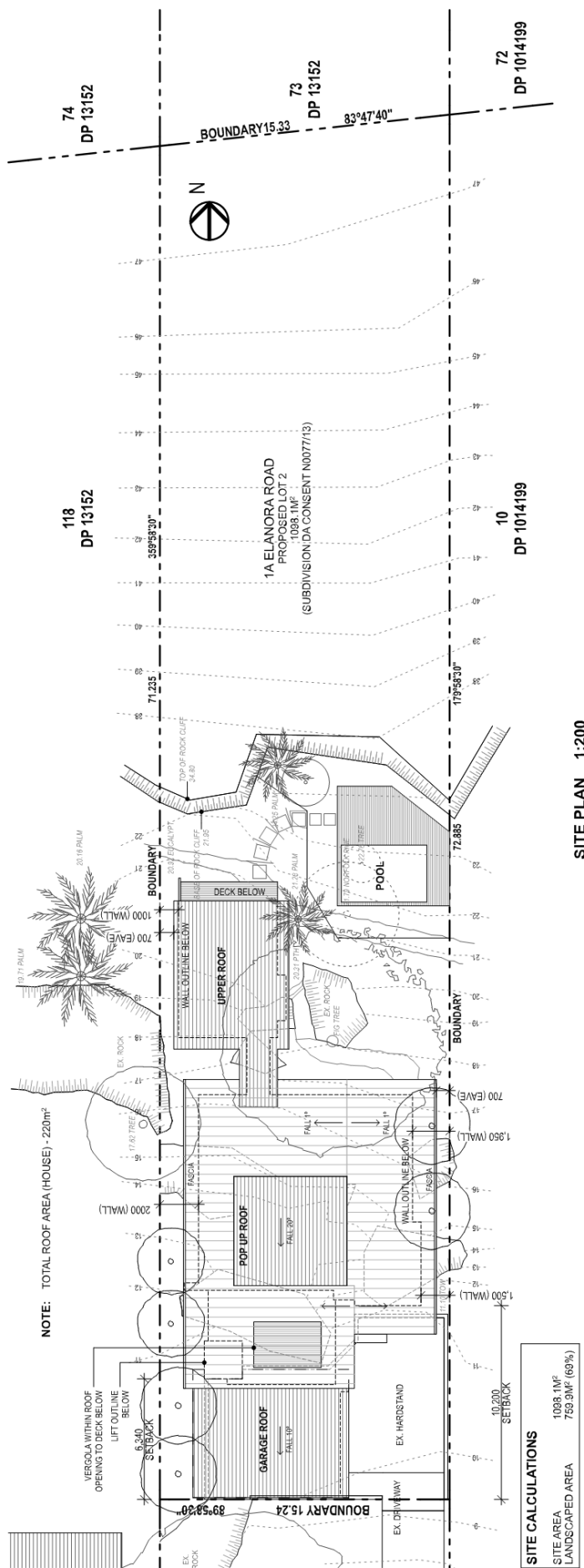
Landscape works shall be maintained to achieve establishment for a minimum period of 12 months following practical completion. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be in accordance with the Landscape Plan, and associated conditions.

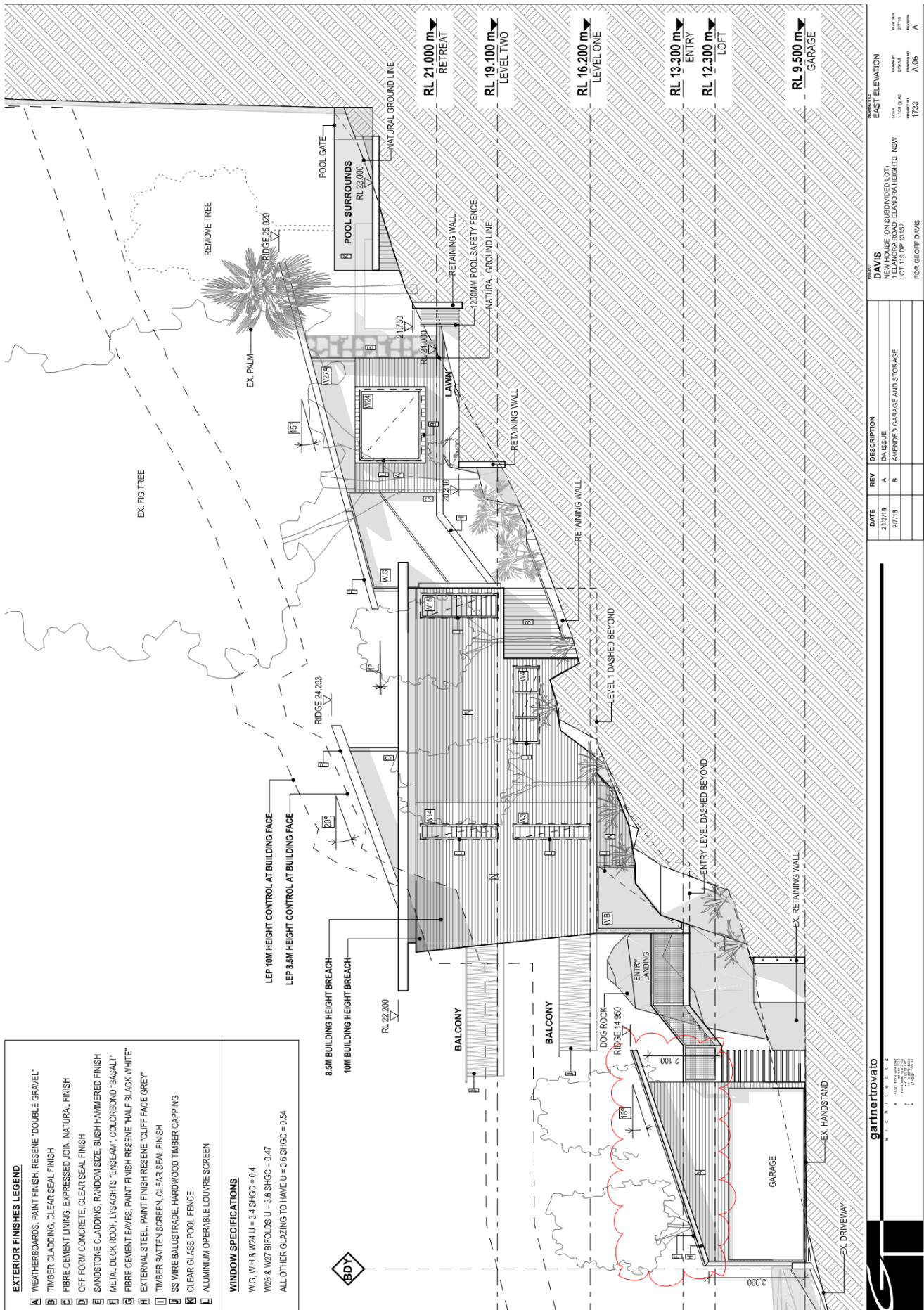
Reason: To maintain local environmental amenity and ensure landscaping continues to soften the built form.

23. **Colours and Finishes**

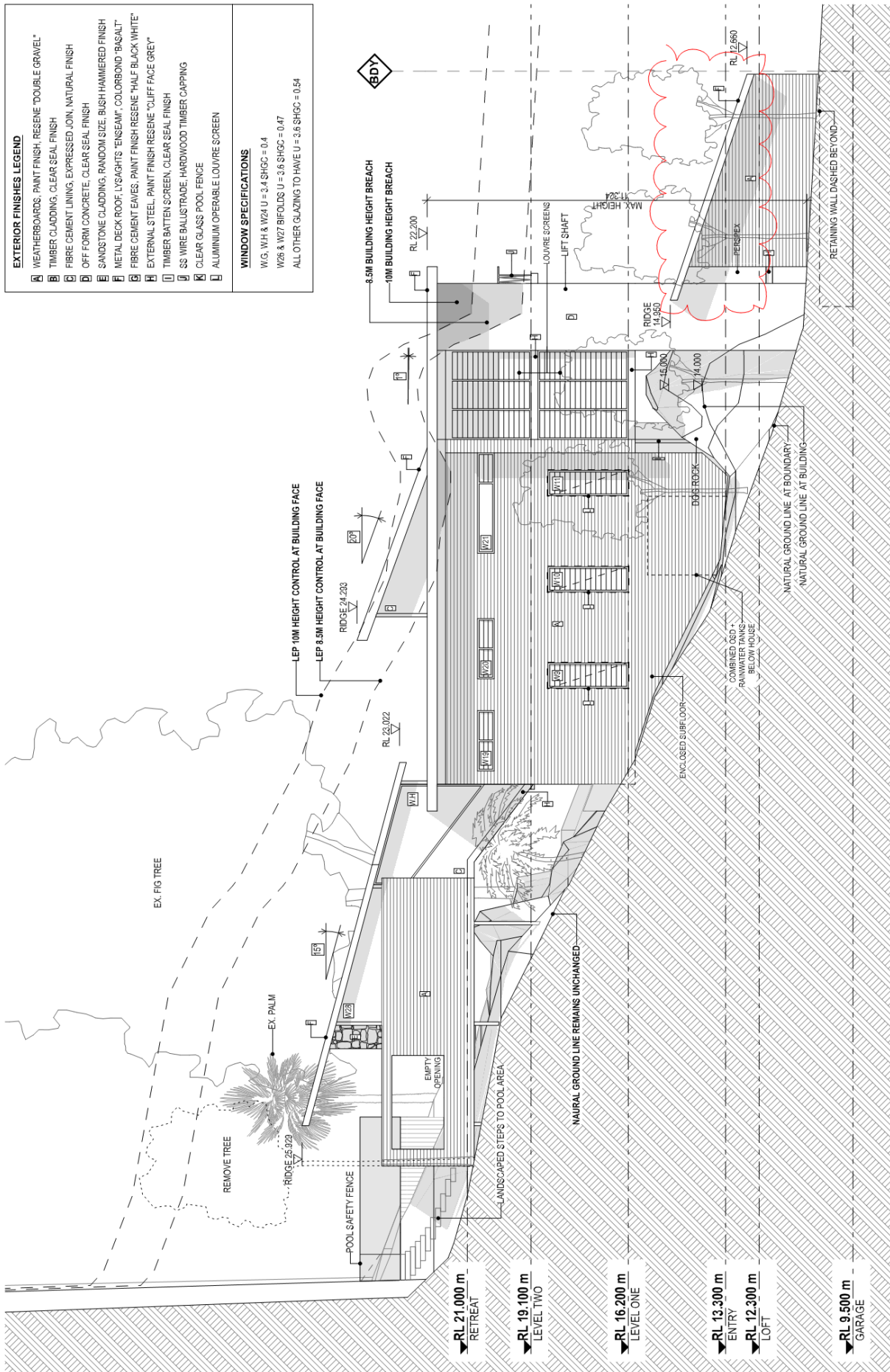
The external finishes of the development are to remain consistent with those nominated on the Approved Schedule of Finishes, referenced in this consent.

Reason: To ensure that the visual impact of the development is appropriately minimised for the life of the development.

[illegible]







DATE	REV	DESCRIPTION	DATE	REV	DESCRIPTION
21/01/18	A	DA ISSUE	21/01/18	A	DA ISSUE
27/1/18	B	AMENDED GARAGE AND STORAGE	27/1/18	B	AMENDED GARAGE AND STORAGE

<b>garnierirovato</b>		<b>DAVIS</b>	
ARCHITECTS		NEW HOUSE (ON SUBDIVIDED LOT)	
1 ELANORA ROAD, ELANORA HEIGHTS, NSW		1 ELANORA ROAD, ELANORA HEIGHTS, NSW	
LOT 119 DP 13152		LOT 119 DP 13152	
FOR GEOFF DAVIS		FOR GEOFF DAVIS	
1733		1733	
A.07		A.07	





<b>ITEM 3.4</b>	<b>DA2017/0793 - 22 IAN LANE, NORTH CURL CURL - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE</b>
<b>REPORTING MANAGER</b>	<b>Steve Findlay</b>
<b>TRIM FILE REF</b>	<b>2018/452640</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a> Supplementary Assessment Report</b> <b>2 <a href="#">↓</a> Site Plan and Elevations</b>

### **PURPOSE**

To refer the attached application for determination due to directions provided by the Department of Planning & Environment in relation to applications with a clause 4.6 variation to the building height standard.

---

### **RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER**

That the Development Determination Panel grant Development Consent to DA2017/0793 for Alterations and additions to a dwelling house on land at Lot 10 DP 16602, 22 Ian Lane North Curl Curl NSW 2099, subject to the conditions outlined in the Supplementary Assessment Report.

---



northern  
beaches  
council

**DEVELOPMENT DETERMINATION PANEL  
SUPPLEMENTARY REPORT**

<b>DA Number</b>	DA2017/0793
<b>LGA</b>	Northern Beaches Council
<b>Proposed Development</b>	Alterations and Additions to a dwelling house
<b>Street Address</b>	Lot 10 DP 16602, 22 Ian Lane North Curl Curl NSW 2099
<b>Applicant/Owner</b>	Sonja Mei Lin Gan
<b>Date of DA lodgement</b>	11 August 2017
<b>Number of Submissions</b>	<p><b>Public Exhibition</b></p> <p><b>A. 15/08/2017 to 31/08/2017 (inclusive)</b></p> <p>2 submissions received</p> <p>(Part A was considered in the Assessment Report and is not the subject of this Supplementary Report)</p> <p><b>B. 15/05/2018 to 31/05/2018 (inclusive)</b></p> <p>1 submissions received</p> <p>(Part B forms the subject of this Supplementary Report)</p>
<b>Recommendation</b>	Approval subject to conditions
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulation 2000</li> <li>• Warringah Local Environmental Plan 2011</li> <li>• Warringah Development Control Plan 2011</li> </ul>
<b>Report by</b>	Catriona Shirley - Planner
<b>Report date</b>	25 July 2018

## PURPOSE OF THIS REPORT

The purpose of this report is to assess the applicant's submission of amended plans in accordance with the Development Determination Panels reasons for deferral and request for amendments.

## RELEVANT BACKGROUND

The Development Determination Planning Panel considered Development Application DA2017/1793 for Alterations and Additions to a dwelling house at 22 Ian Lane, North Curl Curl at its public meeting on Wednesday, 28 March 2018.

In considering the Assessment Report and Recommendation, the Panel resolved to defer its decision on the matter for the following reasons:

*"That the application should be deferred seeking amendments to the architectural plans to reduce the extent of non-compliance with the 8.5 height limit in the area of the eastern terrace at floor level at FFL 44.18 including the additional floor space to the east of the current building alignment and a reduction in the roof skylight where it is not non-compliant with the 8.5 height limit. The Panel remained concerned regarding the extent of the height variation in the circumstances where there was a minor to moderate impact upon views."*

The Panel also requested as follows:

*"The Panel also considered that the overland flow study required by Condition 8 should be provided during the deferral period and assessed prior to the determination of the application."*

Amended Plans were provided to Council on 11 May 2018. The amended plans were renotified from 15th May 2018 to 31st May 2018. One submission was received.

A letter addressing the overland flow requirement was also submitted to Council on the 11 May 2018 by the applicant. The letter sought the removal of the Overland Flow Study requirement and was supported by a "Flood Study Analysis and Recommendation" from Northern Beaches Consulting Engineers Pty Ltd. The letter also queried the total dollar amount of bonds conditioned by Council's Development Engineers as part of the consent.

## REVISED PLANS AND ASSESSMENT

### Building Height 4.3 Height of Buildings (WLEP 2011)

Standard	Requirement	Original Proposal	Original Variation	Amended Proposal	Amended Variation	Complies
Height of Buildings:	8.5m	11.1m	30.6%	10.6m	25%	No

The amended plans submitted by the applicant demonstrate a reduction in the extent of non-compliance with the building height. The overall building height has been reduced from 11.1m to 10.6m, a reduction of 0.5m. This represents a decrease in the building height variation from 30.6% to 25%.

The reduction is a direct result of the first floor terrace and associated roofing being setback further from the rear eastern boundary by 1.6m, as per the Panel recommendations.

The proposed eastern terrace area will now be setback further than the existing terrace rear boundary.

A reduction in the length of the clerestory roof element by 3.3m, and also reduces the area of non-compliant building height.

The modification to the clerestory roof element has reduced the building height in this area by 0.7m, and results in a building height of 9.9m. This represents a decrease in the building height variation for this portion of the building from 24.7% to 16.5%.

The reduction in building height has lessened the view impacts, and amenity impacts on the southern adjoining site (No.24 Ian Lane).

The amendments are consistent with the original assessment of the variation proposed to the Development Standard in the Assessment Report.

Therefore, the proposal as amended improves the level of compliance and reduces the impacts of the proposal and satisfies the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the R2 Low Density Residential zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the WLEP 2011.

The amendments satisfactorily address the matters raised by the Panel and are supported.

#### **Built Form Controls (WDCP 2011)**

<b>Built Form Control</b>	<b>Requirement</b>	<b>Original Proposal</b>	<b>Original Variation</b>	<b>Amended Proposal</b>	<b>Amended Variation</b>	<b>Complies</b>
B1 Wall Height	7.2m	10.3m	43%	10m	38%	No
B3 Side Boundary Envelope	45 Degrees at 5m (South)	Breach of envelope for length of 10.8m at a height of up to 4.2m	Up to 84%	No change	Up to 84%	No
B9 Rear Boundary Setback	6m	8.6m Rear Terrace	N/A	10.3m Rear Terrace	N/A	Yes
		11.3m Clerestory Roof	N/A	14.5m Clerestory Roof	N/A	Yes

#### **B1 Wall Height**

The amended plans include a decrease in the proposed wall height of 0.3m, from 10.3m to 10m, reducing the wall height variation from 43% to 38%.

The decrease in wall height, combined with the decrease building height will reduced the amenity impacts of the proposal, particularly for No.24 Ian Lane, including less view obstruction and less visual bulk.

Therefore, the proposal as amended satisfies the objectives of the B1 Wall Height Control under the Warringah Development Control Plan 2011.

The amendments are consistent with the original assessment of the variation proposed to the Development Standard in the Assessment Report.

Therefore, the proposal as amended improves the level of compliance and reduces the impacts of the proposal and satisfies the objectives of B1 Wall Height in the WDCP 2011.

The amendments satisfactorily address the matters raised by the Panel and are supported.



### **B3 Side Boundary Envelope**

Whilst there is no change to the overall numerical breach of the southern side boundary building envelope, the amended plan does display a reduction in the additional southern side boundary envelope variation as a result of the change in the length of the first floor rear terrace area.

The southern elevation first floor additional building envelope encroachment has been reduced from 2.7m to 0.9m in length, with an unchanged height of 4.2m. This is represented in figures 1 and 2 below.

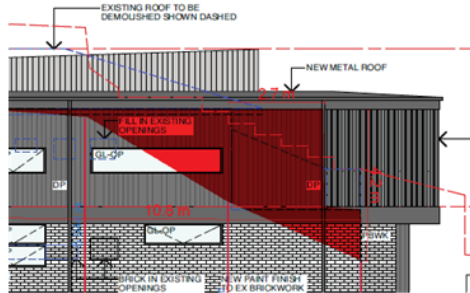


Figure 1 - The original southern side boundary envelope variation.

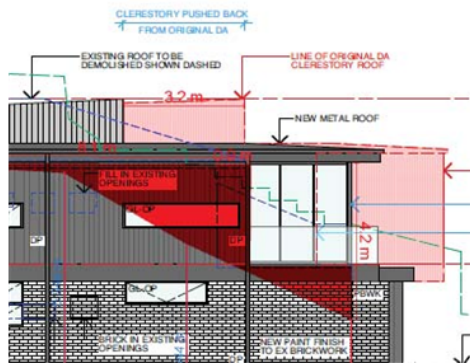


Figure 2 - The amended southern side boundary envelope variation.

In this regard, the relationship of the proposed development with the adjoining southern property is improved and the amended proposal is consistent with the objectives of the B3 Side Boundary Envelope control in respect to overshadowing, building bulk and visual dominance.

The amendments are consistent with the original assessment of the variation proposed to the Development Standard in the Assessment Report.

Therefore, the proposal as amended improves the level of compliance and reduces the impacts of the proposal and satisfies the objectives of B3 Side Boundary Envelope in the WDCP 2011.

The amendments satisfactorily address the matters raised by the Panel and are supported.

### **D7 Views**

The amended plans demonstrate an improvement to the view sharing for No.24 Ian Lane.

A reduction in the building height and length of the clerestory roof element, combined with the removal of the privacy screen on the southern elevation, has improved the north-east view line of ocean water from No.24 Ian Lane; the area most impacted by the proposal.

The amendments result in the extent of the view loss from No.24 Ian Lane to change from moderate to minor.

The amended proposal will maintain the existing views from No.24 Ian Lane to the north of Long Reef Beach (land and water interface), Long Reef Golf Course, Long Reef Headland and ocean/horizon views. The ocean and horizon views directly to the east and the south of No.24 continue to be unchanged.

Therefore, the amended proposal better reflects view sharing between the two properties.

The amendments are consistent with the original assessment of the variation proposed to the Development Standard in the Assessment Report.

Therefore, the proposal as amended improves the level of compliance and reduces the impacts of the proposal and satisfies the objectives of D7 Views in the WDCP 2011.

The amendments satisfactorily address the matters raised by the Panel and are supported.

### **D8 Privacy**

As stated in the original assessment report, the sloping topography of the land results in some unavoidable and existing overlooking into surrounding properties.

The amended plans show a reduction in the length of the proposed first floor terrace area, and the removal of the privacy screen on the first floor southern elevation.

The removal of the privacy screen does not impact on the level privacy to the southern adjoining site due to the change in the proposed terrace area.

The amended plans demonstrate that the dining room is stepped in from the southern side boundary providing a 0.9m and 0.7m terraced area around the proposed room providing a greater separation distance and avoiding any direct overlooking into the private open space of No.24 Ian Lane.

The terrace area has been reduced in length by 1.7m, and the terrace area adjacent to the southern side boundary will not be a high trafficable or recreational area due to its width (0.9m), therefore, reducing any additional potential privacy impacts to No.24 Ian Lane.

The amendments are consistent with the original assessment of the variation proposed to the Development Standard in the Assessment Report.

Therefore, the proposal as amended improves the level of compliance and reduces the impacts of the proposal and satisfies the objectives of D8 Privacy in the WDCP 2011.

The amendments satisfactorily address the matters raised by the Panel and are supported.

#### **NOTIFICATION AND SUBMISSION RECEIVED**

As a result of the notification of the amended plans a submission was received by the owners of No. 20 Ian Lane.

A submission was received by the owners of the northern adjoin site, No. 20 Ian Lane North Curl Curl.

The following issue was raised in the submission:

- **Privacy**

The submission highlighted concern in relation to the privacy impact due to the 0.7m increase in length to the first floor terrace area.

This matter was addressed in the original assessment Report However, a further site visit and assessment was undertaken to check whether the concern is significant.

Given the topography of the site and the close relationship between the dwellings, it is considered that it is an unreasonable expectation for complete level of privacy between dwellings.

The existing windows on the first floor of the existing dwelling on the subject site currently overlook No.20 Ian Lane. This overlooking is demonstrated in Photo 1 below. The first floor windows will be removed as part of the proposal, therefore reducing and improving the privacy situation for No.20.



Photo 1 – Taken from the existing window on the northern elevation of No.22 Ian Lane (subject site).

The proposed additional window on the northern elevation of the proposal provides a larger setback from the side boundary at 1.6m. The terrace area that directly adjoins this window is 0.7m in width and the access to this area is primarily for cleaning purposes. Therefore, this additional terrace area is not a high traffic area or recreational area, thus mitigating any additional potential privacy impacts.

The existing outdoor terrace area currently also overlooks No.20 as shown in Photo 2 and 3 below.



Photo 2 - Taken from the first floor terrace area of No.22 Ian Lane where the proposed privacy screen is to be located.



Photo 3 – Taken from the north east corner of the first floor terrace of No.22 Ian Lane.

Whilst the length of the terrace area is to be increased by approximately 0.7m along the northern elevation, the installation of a new louvered privacy screen (for a length of 2.6m) will greatly reduce the privacy impacts by removing the existing direct line of sight into No.20 Ian Lane.

No.20 Ian Lane is also angled away from the subject site and the extended terrace area provides adequate separation of approximately 9.2m. This level of separation, combined with existing privacy walls on No.20 Ian Lane, mitigate additional and unreasonable privacy impacts from the proposed development.

Therefore, this matter does not warrant the refusal or further amendment of the application.

## OVERLAND FLOW STUDY AND DEVELOPMENT ENGINEERING CONDITIONS

The Panel's resolved as follows;

*"The Panel also considered that the overland flow study required by Condition 8 should be provided during the deferral period and assessed prior to the determination of the application."*

The applicants request for deletion of this requirement was forwarded to Councils Development Engineers who responded to the effect that it is not necessary for the Overland Flow Study required by Condition 8 to be provided prior to the determination of the application.

Alternatively, Councils Development Engineers recommend that a new deferred commencement condition be applied to the conditions of consent.

The new deferred commencement condition titled "Overland Flow Study" will address the necessary matters under the LEP, DCP and Water Management Policy for overland flow, and will significantly streamline what is required after the deferred commencement work is completed.

The Development Engineers additional recommendations also include the following:

1. Amendment to existing Condition 8; and
2. An addition of a new ongoing condition "No.22 Maintenance of Overland Flow Path".

## CONCLUSION

The amended plans have satisfactorily addresses the issues raised by the Panel and will result in a better planning outcome for the adjoin property and the site improving the view sharing and create a design that better responds to the topography of the site.

This alternative method of dealing with the overland flow issue is supported and the conditions of consent have been amended accordingly.

Therefore, amendments are consistent with that requested by the Panel and the applicant has satisfactorily addressed this matter.

## RECOMENDATION

That the Development Determination Panel grant Development Consent to DA2017/0793 for Alterations and Additions to a Dwelling House on land at Lot 10 DP 16602, 22 Ian Lane North Curl Curl NSW 2099, subject to the conditions outlined below.





 Logo

## CONDITIONS OF APPROVAL

Application Number:	DA2017/0793
Land to be developed (Address):	Lot 10 DP 16602 22 Ian Lane NORTH CURL CURL NSW 2099
Proposed Development:	Alterations and additions to a dwelling house

## DEFERRED COMMENCEMENT CONDITIONS

### 1. Overland Flow Study

A Civil Engineer who is currently registered on the National Professional Engineers Register (NPER), shall investigate and provide Council with a written report as to whether the subject property is affected by overland flows during a 1 in 100 ARI event, including whether it is High, Medium or Low Flood Risk as defined by Warringah Development Control Plan 2011.

If the property is affected by overland flow, the report must demonstrate how the following conditions will be satisfied:

- Demonstrate how the development complies with flood related development controls, in particular the Warringah Local Environment Plan 2011 and Warringah Development Control Plan 2011.
- Demonstrate how overland flow paths will be established so that flow up to and including the design 1 in 100 ARI event is safely collected and directed to the existing channel on the property and does not enter any part of the dwelling.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties. (DACENA04)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 2. 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:

- Approved Plans

DA2017/0793

Page 1 of 10



<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Site and Roof Plan DA02 L	09/05/2018	Watershed Design
First Floor Plan DA03 L	09/05/2018	Watershed Design
Ground Floor Plan DA04 I-1	10/08/2017	Watershed Design
Lower Ground Floor Plan DA05 I-1	10/08/2017	Watershed Design
Section AA DA06 L	09/05/2018	Watershed Design
Section BB and CC DA07 L	09/05/2018	Watershed Design
East Elevation DA08 L	09/05/2018	Watershed Design
Northern Elevation DA09 L	09/05/2018	Watershed Design
Southern Elevation DA10 L	09/05/2018	Watershed Design
Western Elevation (Ian Lane) DA11 I-1	10/08/2017	Watershed Design
Ground and Lower Floor Landscape Plan Issue D	03/08/2017	Paul Scrivener Landscape Architecture
First, Ground, and lower Ground Floor Planting Plan Issue D	03/08/2017	Paul Scrivener Landscape Architecture

<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>
Report on Geotechnical site investigation for 22 Ian Lane North Curl Curl	June 2017	Crozier Geotechnical Consultants
Arboricultural Impact Report 22 Ian Lane North Curl Curl	June 2017	Landscape Matrix Pty Ltd

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

<b>Waste Management Plan</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	11/8/2017	Sonja Gan

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. (DACPLB01)

### 3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

DA2017/0793

Page 2 of 10



- (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 (DACPLB09)  
DA2017/0793

Page 3 of 10





#### 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) 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. (DACPLB10)

## FEES / CHARGES / CONTRIBUTIONS

### 5. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development	
---	--

DA2017/0793

Page 5 of 10





Contributions Plan		
Contribution based on a total development cost of \$ 1,791,832.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 17,022.40
Section 94A Planning and Administration	0.05%	\$ 895.92
Total	1%	\$ 17,918.32

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

#### 6. Security Bond

A bond (determined from cost of works) of \$10,000 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.

#### 7. Works Bonds

(a) Construction, Excavation and Associated Works Bond (Drainage)

A Bond of \$20,000 as security against any damage to Council's stormwater drainage infrastructure within Ian Lane and development site as part of this consent.

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

DA2017/0793

Page 6 of 10



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.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

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

**8. Overland flow certification**

A Civil Engineer who is currently registered on the National Professional Engineers Register (NPER) shall certify that the measures required to manage overland flow as defined in the report in Condition 1 have been adequately incorporated into construction certificate documentation.

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

Reason: Requirement of Council's PL 850 Water : Water Management Policy (DACENCPC1)

**9. Pre-Construction Dilapidation Survey**

A pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at <https://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/stormwater-and-development/2014-119050-guidelines-preparing-dilapidation-survey-council-stormwater-assets-april-2014.pdf>

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACNEC20)

**10. 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. (DACPLC02)

**11. External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

DA2017/0793

Page 7 of 10



Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

#### CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

##### 12. Tree protection

- (a) Existing trees which must be retained
  - i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
  - ii) Trees located on adjoining land
- (b) Tree protection
  - i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
  - ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
  - iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
  - iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause
  - E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
  - v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

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

##### 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. (DACENE09)

##### 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.

##### 15. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:





- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLAEO3)

**16. Protection of rock and sites of significance**

- a) All rock outcrops outside of and below the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.
- b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features (DACLAEOG1)

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

**17. 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. (DACENF05)

**18. Overland flow certification**

A certification from a suitably qualified and Civil Engineer, who has membership to the Engineers Australia and registered with National Engineers Register stating that all measures required to protect the development and adjoining properties from surface stormwater inundation as detailed in the approved Study have been satisfactorily implemented/constructed.

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

Reason: Requirement of Council's PL 850 Water : Water Management Policy (DACENFPO1)

**19. Required Planting**

Trees shall be planted in accordance with the following schedule:

DA2017/0793

Page 9 of 10



No. of Trees Required.	Species	Location	Minimum Pot Size
All trees	As indicated on Lower Ground Floor Planting Plan Sheet 2 Issue D prepared by Paul Scrivener	As indicated on the Landscape Plan	25 litre

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To maintain environmental amenity. (DACLAF01)

20. **Post-Construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <https://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/stormwater-and-development/2014-119050-guidelines-preparing-dilapidation-survey-council-stormwater-assets-april-2014.pdf>

The post construction dilapidation report must be submitted to the Council for review and the Certifying Authority prior to the issue of the Occupation Certificate. Any damages to Council's stormwater infrastructure are to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure (DACNEF11)

21. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

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

22. **Maintenance of Overland Flow Path**

Overland flow paths identified as part of the report in Condition 1 are to be kept free of obstruction and must not be landscaped with loose material that could be removed during a storm event, such as wood chip or pine bark.

Reason: To ensure appropriate provision for disposal and stormwater management (DACENGOG1)







ADDRESS	22 Ian Lane, North Curl Curl
TITLE	East Elevation

Sonja Gan  
Alterations & Additions

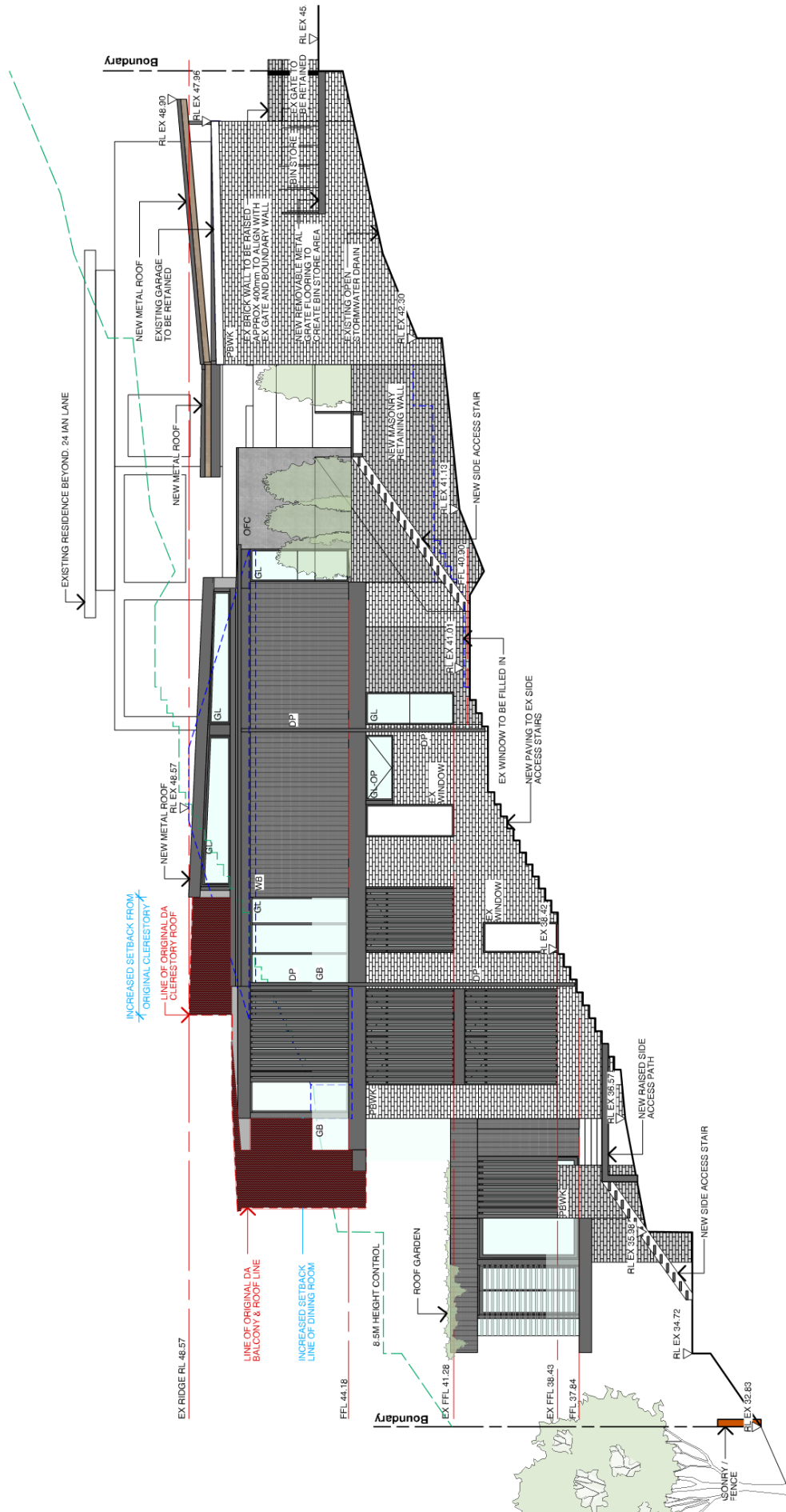
CLIENT

**WATERSHED**  
DESIGN  
architecture  
interiors  
landscapes

Phone: 02 9377 1076 Fax: 02 9376 0625 info@watersheddesign.com.au

REVISIONS		no	amendment	date
	I	DA ISSUE		10.08.17
	J	DA - VIEW ANALYSIS		06.12.17
	K	DA REVIEW - SKETCH		05.04.18
	L	AMENDED DA		09.05.18

## NOTES



**NOTES**

- Any discrepancies to be brought to the Architect's attention.
- Drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.

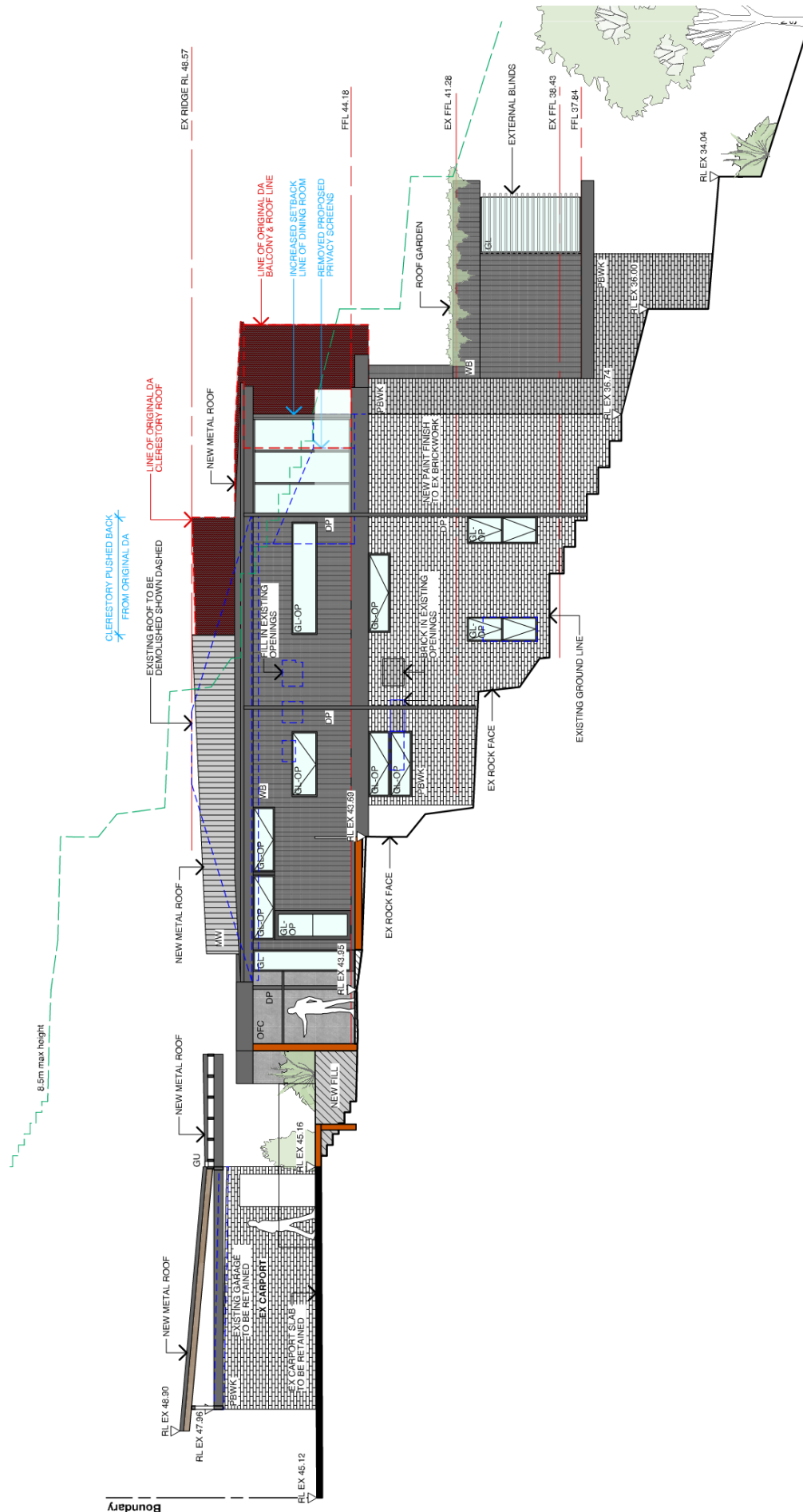
NO	REVISIONS	DATE
1	DA ISSUE	10.04.17
2	DA - VIEW ANALYSIS	06.12.17
3	DA REVIEW - SKETCH	05.04.18
4	AMENDED DA	00.05.18

**WATERSHED  
DESIGN** architecture  
interiors  
landscapes

Phone: 02 9977 1076 Fax: 02 9976 0625 info@watersheddesign.com.au

CLIENT	Sortja Gan	ADDRESS	22 Ian Lane, North Curl Curl
PROJECT	Alterations & Additions	TITLE	North Elevation

JOB NO	16017	DRAWING NO	DA09
DRAWN	EH	ISSUE	L
CHECKED	MK	SCALE	1:100



NOTES

- Any discrepancies to be brought to the Architect's attention.
- Drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.
- The drawings are to be used in accordance with the Architect's instructions.

NO	REVISIONS	DATE
1	DA - VIEW ANALYSIS	10.04.17
2	DA - REVIEW - SKETCH	05.12.17
3	AMENDED DA	05.04.18
4		00.05.18

WATERSHED  
DESIGN  
interiors  
landscapes  
Phone: 02 9977 1076 Fax: 02 9976 0625 info@watersheddesign.com.au

CLIENT: Sortja Gan  
PROJECT: Alterations & Additions  
ADDRESS: 22 Ian Lane, North Curl Curl  
TITLE: South Elevation

JOB NO: 16017  
DRAWN: EH  
CHECKED: MK  
SCALE: 1:100  
DRAWING NO: DA10  
ISSUE: L