

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/2372
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Responsible Officer:	Gareth David
Land to be developed (Address):	Lot 1 DP 124062, 56 Attunga Road NEWPORT NSW 2106
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	C4 Environmental Living SP2 Infrastructure
Development Permissible:	Yes - Zone SP2 Infrastructure Yes - Zone C4 Environmental Living
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Timothy James Wearne Claire Lynne Wearne
Applicant:	Brooke Minto

Application Lodged:	06/12/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	10/12/2021 to 15/01/2022
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 565,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal includes demolition works and alterations and additions to the existing dwelling house as follows:

Lower Floor

- Alterations to the existing subfloor area and storage area to create bedroom, laundry, bathroom and powder room

Mid-Level

- Reconfigure existing floor plan and extend bathroom into existing subfloor area.

Upper Street Level

- Additions to create a formal entry, master bedroom with ensuite and robe, together with a double garage.

External

- New driveway and crossover, stairs and pathway

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone SP2 Infrastructure

Pittwater Local Environmental Plan 2014 - 5.1 Relevant acquisition authority

Pittwater Local Environmental Plan 2014 - 5.1A Development on land intended to be acquired for public purpose

Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards

Pittwater 21 Development Control Plan - A4.3 Bilgola Locality

Pittwater 21 Development Control Plan - B6.1 Access driveways and Works on the Public Road Reserve

Pittwater 21 Development Control Plan - C1.1 Landscaping

Pittwater 21 Development Control Plan - C1.3 View Sharing

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - C1.19 Incline Passenger Lifts and Stairways

Pittwater 21 Development Control Plan - D3.1 Character as viewed from a public place

Pittwater 21 Development Control Plan - D3.6 Front building line

Pittwater 21 Development Control Plan - D3.7 Side and rear building line

Pittwater 21 Development Control Plan - D3.9 Building envelope

Pittwater 21 Development Control Plan - D3.11 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 1 DP 124062 , 56 Attunga Road NEWPORT NSW 2106
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northern side of Attunga Road.</p> <p>The site is irregular in shape with a frontage of 10.06m along Attunga Road and a maximum depth of 54.325m. The site has a surveyed area of 592.5m².</p> <p>The site is located within the C4 Environmental Living zone and accommodates three storey dwelling and swimming pool. The rear (northernmost) portion of the site is zoned SP2 Infrastructure.</p> <p>The site has a crossfall of 14.5m from the southern boundary (Attunga Road frontage) to the northern rear boundary</p> <p>The site does not contain any significant trees or landscape features.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by two, three and four storey dwellings of varying architectural styles. Expansive views of Bilgola Beach and the ocean are available to the north and northeast.</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:

- Pre-lodgement Meeting **PLM2021/0174** was held on 19/08/2021 for Alterations and additions to a Dwelling house
- Development Application **N0243/12** for Erection of aluminium pergola roof to balcony was approved on 06/11/2012
- Development Application **N0075/10** for New swimming pool was approved on 26/05/2010.
- Building Certificate **BC0072/99** for Split level rendered brick sole occupancy dwelling with metal roof

APPLICATION HISTORY

18 March 2022

Council wrote to the applicant, raising concerns primarily in relation to the building envelope and side building line non-compliance on the eastern boundary. Council also requested clarification on the building height.

29 March 2022

Amended plans and additional information were submitted to address Council's concerns. The amended plans resulted in:

- Reduced footprint of proposed upper floor level and a reduction in building envelope noncompliance
- Increased upper floor level eastern side boundary setbacks

In accordance with Northern Beaches Community Participation Plan amendments which have a

reduction of impact or minimal environmental impact to do have to be formally re-notified. It is considered the proposed amendments would have an overall reduction of impact.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(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&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&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&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to amended plans</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&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&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a</p>

Section 4.15 Matters for Consideration	Comments
	<p>condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the 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.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in 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 (prepared by Building Code & Bushfire Hazard Solutions Pty Limited dated 17/11/2021) 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.

The application was referred to the NSW Rural Fire Service. The NSW RFS raised no objections to

approval, subject to conditions. The recommendations of the Bush Fire Report, along with the conditions from the NSW RFS have been included as part of the recommended conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 10/12/2021 to 15/01/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The application seeks consent for the construction of alterations and additions to an existing dwelling.</p> <p>Councils Landscape Referral section has considered the application against the Pittwater Local Environmental Plan, and the following Pittwater 21 DCP controls:</p> <ul style="list-style-type: none"> I B4.22 Preservation of Trees and Bushland Vegetation I C1.1 Landscaping I D10.13 Landscaped Area - Environmentally Sensitive Land <p>The Arborist's Letter prepared by Selena Hannan Consulting Arborist is noted. The letter confirms that 3 trees are to be removed to accommodate the proposed works and that all three are exempt species under PDCP.</p> <p>No significant landscape features are affected by the proposal and no objections are raised with regard to landscape issues subject to conditions.</p>
NECC (Bushland and Biodiversity)	<p>Council's Biodiversity Referrals Team have assessed the Development Application for compliance against the following applicable biodiversity related provisions:</p> <ul style="list-style-type: none"> • Biodiversity Conservation Act 2016 (BC Act) • Pittwater 21 DCP cl. B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land • Coastal Management SEPP 2018 cl. 11 Development on land in proximity to coastal wetlands or littoral rainforest <p>The Development Application seeks consent for alterations and additions to the existing dwelling.</p> <p>The Statement of Environmental Effects states that the proposal does not require the removal of any protected vegetation. This is confirmed by the recommendations of the Arborist (Selena Hannan Landscape Design, November 2021), who states that "Trees 1, 2 and 3 are all recommended for removal. They are all 'Exempt' under Council's</p>

Internal Referral Body	Comments
	<p>DCP and are in a 'designated 10/50 vegetation entitlement clearing area' for fire safety (NSW Rural Fire Service). None of these species are significant species, none are locally native species".</p> <p>As the proposal does not require the removal of any native prescribed trees or vegetation, Council's Biodiversity Referrals team raise no objections, subject to conditions.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Coastal Management) 2018 The subject land has been included on the 'Proximity to Littoral Rainforest Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 11, 14 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Minto Planning Services Pty. Ltd. dated November 2021, the DA satisfies requirements under clauses 11, 14 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>No other coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>

Internal Referral Body	Comments
NECC (Development Engineering)	No objections to approval subject to conditions as recommended.
NECC (Riparian Lands and Creeks)	This application has been assessed against relevant legislation and policy relating to waterways, riparian areas, and groundwater. This site is in proximity to coastal littoral rainforest and Bilgola Beach and the development must not significantly impact on the biophysical, hydrological or ecological integrity of these features, or on the quantity and quality of surface and ground water flows that they receive. Sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover re-established. Subject to conditions, this application is unlikely to have an adverse effect on the integrity and resilience of the biophysical, ecological and hydrological environment of the coastal littoral rainforest or Bilgola Beach.

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.
NSW Rural Fire Service – local branch (s4.14 EPAA)	The application was referred to the NSW Rural Fire Service. The NSW RFS raised no objections to approval, subject to conditions. The recommendations of the Bush Fire Report, along with the conditions from the NSW RFS have been included as part of the recommended conditions of consent.

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.A436170 dated 19 October 2021).

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

SEPP (Infrastructure) 2007

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 who raised no objections.

Roads and Maritime Service (RMS)

No works would be located within the SP2 Infrastructure zone. The proposed works would be primarily within the existing building footprint and would not impact upon Barrenjoey Road or SP2 Infrastructure zone. As such, Transport for NSW was not notified in this instance.

SEPP (Coastal Management) 2018

The site is classified as land in proximity to coastal wetlands or littoral rainforest and land within the coastal use area under the State Environmental Planning Policy (Coastal Management) 2018. Accordingly, an assessment under the SEPP has been carried out as follows:

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and*

Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

The proposed works are not likely to cause an adverse impact upon the matters identified in this clause. The proposed works and tree removal has been reviewed by Council's Biodiversity Officer who has raised no objection.

14 Development on land within the coastal use area

- (1) (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
- (b) is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment:

The proposed development is not likely to cause an impact on the existing access along the foreshore for members of the public, including persons with a disability and will not cause any overshadowing, wind tunnelling or unreasonable impact on the loss of views from public places to foreshores. The visual amenity and scenic qualities of the coast, including the coastal headlands will be preserved. The proposed development will also not have an adverse impact on the cultural and built environment heritage.

It is considered that the proposed development has satisfied the requirement to be designed, sited and will be managed to avoid an adverse impact to the aforementioned cultural and environmental aspects. Furthermore, the proposed development is considered to be of an acceptable bulk, scale and size that is generally compatible with the surrounding coastal and built environment, which consist of low-density residential dwellings.

The proposed works are not likely to cause an adverse impact upon the matters identified in this clause. A condition of consent has been placed to stop works and report the findings to the AHO if any Aboriginal Engravings or Relics are unearthed.

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

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

Comment:

Council is satisfied that the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land.

As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Zone SP2: Yes Zone C4 : Yes
After consideration of the merits of the proposal, is the development consistent with: aims of the LEP?	Yes
zone objectives of the LEP?	Zone SP2: Yes Zone C4 : Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.0m	8.0m	N/A	Yes

* Based on interpolated ground levels for the site (pre-excavation) and AHD levels as per the Building Height definition under PLEP 2014

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
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
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone SP2 Infrastructure

No works are proposed within the SP2 Infrastructure Zone

5.1 Relevant acquisition authority

The northernmost section of the site is zoned as Zone SP2 Infrastructure and marked "Classified road". The Subject application proposes no works within this SP2 zoned land. This is also to be conditioned within any consent.

5.1A Development on land intended to be acquired for public purpose

The northernmost section of the site is zoned as Zone SP2 Infrastructure and marked "Classified road". The Subject application proposes no works within this SP2 zoned land. This is also to be conditioned within any consent.

7.7 Geotechnical hazards

Under Clause 7.7 Geotechnical Hazards, before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

The proposed development is supported by a geotechnical risk assessment that demonstrate all geotechnical risks have been taken into account. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

Development consent must not be granted to development on land to which this clause applies unless:

- (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*

Comment:

The proposed development is supported by a geotechnical risk assessment that demonstrate waste water, stormwater and drainage are suitably managed on site. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

- (b) the consent authority is satisfied that:*

- (i) the development is designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development, or*
- (ii) if that risk or impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that risk or impact, or*
- (iii) if that risk or impact cannot be minimised - the development will be managed to mitigate that risk or impact.*

Comment:

The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent. As such, Council can be satisfied that the proposed

development has been designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	4.65m	28.5%	No
Rear building line	6.5m	26m	N/A	Yes
Side building line	2.5m (W)	Nil (stairs) 1m - 2.1m (additions)	100% 60%	No
	1m (E)	1.2m (garage)	N/A	Yes
Building envelope	3.5m (W)	Outside envelope	N/A	No
	3.5m (E)	Outside envelope	N/A	No
Landscaped area	60% (355.5sqm)	47.5% (281.6sqm)	20.8%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.3 Bilgola Locality	No	Yes
B1.4 Aboriginal Heritage Significance	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
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 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	No	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	No	Yes
C1.6 Acoustic Privacy	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.19 Incline Passenger Lifts and Stairways	No	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D3.1 Character as viewed from a public place	No	Yes
D3.3 Building colours and materials	Yes	Yes
D3.6 Front building line	No	Yes
D3.7 Side and rear building line	No	Yes
D3.9 Building envelope	No	Yes
D3.11 Landscaped Area - Environmentally Sensitive Land	No	Yes
D3.15 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

A4.3 Bilgola Locality

The proposed development includes three storeys, where the locality calls for two storey development.

The proposed development involves minimal environmental impact, is set below the general tree canopy height, is below the required building height and includes building modulation to minimise bulk, and provides an appropriate balance between respecting the landform and encouraging development. The proposal also maintains a stepped design with open rear balconies. Given the slope of the site, the proposed dwelling presents as single storey from Attunga Road. The proposed development would appear as four storeys as viewed from the north, however, existing vegetation downslope of the dwelling house will assist in softening the built form as viewed from surrounding properties and Bilgola Beach.

Overall, it is considered that the proposed alterations and additions represent a relatively modest increase to the existing built form. As such, the proposed development achieves the intention of the desired character of the area and is acceptable in this regard.

B6.1 Access driveways and Works on the Public Road Reserve

The proposed access driveway and road reserve works have been reviewed by Councils Development Engineer who have raised no objection subject to recommended conditions.

C1.1 Landscaping

The landscaping non-compliance is discussed in detail within the section of this report relating to Cause D3.11 of the P21DCP.

The subject application would result in a minor decrease to the existing provision of landscaped area.

The proposed works would be primarily over the existing building footprint and no substantial trees or vegetation is proposed to be removed.

The application has been reviewed by Council's Landscape Officer and Bushland & Biodiversity Officer who raised no objection subject to recommended conditions.

Under these circumstances, the non-compliance is supported in this instance.

C1.3 View Sharing

Expansive views of Bilgola Beach, Headland and the ocean are available across the subject site towards the north and north-east. No concerns have been raised by adjoining neighbours in relation to view loss. Nevertheless, consideration is given to potential view loss created from the proposal below.

No.58 Attunga Road

The proposed additions are primarily within the existing footprint of the building and the proposed works are not anticipated to result in unreasonable view loss to the neighbour to the west, given the comparative elevation the proposed additions and location of this neighbours principle living areas and private open space. Information obtained from a site visit of the subject site, a review of the proposed plans (in comparison of existing built form) and photos obtained through online real estate images, indicate that expansive and unobstructed views of Bilgola Beach, Headland and the ocean would be retained by No.58 Attunga Road over their northern (rear) boundary. Any view loss from the proposal would be over a side boundary and is considered negligible in consideration of the views retained to the north and north-east from principle living areas and a reasonable sharing of views amongst dwellings is achieved. Additionally, no objection to view loss has been received adjoining neighbours.

In consideration of the lack of objection, and the likely minor impacts the proposed development is considered to achieve consistency with the view sharing control.

No.54 Attunga Road

The proposed additions are primarily within the existing footprint of the building and the proposed works are not anticipated to result in unreasonable view loss to the neighbour to the east given the comparative elevation the proposed additions and location of this neighbours principle living areas and private open space. Information obtained from a site visit of the subject site, a review of the proposed plans (in comparison of existing built form) and photos obtained through online real estate images, indicate that expansive and unobstructed views of Bilgola Beach, Headland and the ocean would be retained by No.54 Attunga Road over their northern (rear) boundary. Any view loss from the proposal would be over a side boundary and is considered negligible in consideration of the views retained to the north and north-east from principle living areas and a reasonable sharing of views amongst dwellings is achieved. Additionally, no objection to view loss has been received adjoining neighbours.

In consideration of the lack of objection, and the likely minor impacts the proposed development is considered to achieve consistency with the view sharing control.

Neighbours to the South

During a site visit, Council's Officer was unable to ascertain if and the extent of which the neighbours opposite to the south and south-west (Nos. 41, 43 & 45) obtain ocean and Bilgola Beach views across the subject site. These neighbours were notified of the proposal and Council also received confirmation that the notification sign was erect for the notification period. No view loss concerns have been raised by these neighbours.

As part of the Development Application, the applicant has provided photos and a view analysis of the proposal as viewed from No. 43 & 45 Attunga Road. Reference is made to Architectural Drawings A401 to A403. This analysis demonstrates that both properties currently enjoy views from their north facing first floor balconies of the northern part of Bilgola Beach in relation to No. 45 and the wave zone and Bilgola headland in relation to No. 43. The view analysis provided indicates that no view loss would occur from No.45 and a small section of Bilgola Beach will be lost as viewed from No.43.

The subject site and neighbours opposite to the south (Nos. 41, 43 & 45 Attunga Road) are located on a small plateau. Properties on the southern side of Attunga Road are designed and oriented to the south (towards expansive views of Newport Beach and Newport Headland). As these neighbours are located on the top of a cliff plateau, these southern properties obtain expansive views of Newport Beach, Newport Headland and the ocean to the south and south east. Information obtained from a site visit of the subject site, Council's records and photos obtained through online real estate images, indicate that the primary living areas and private open space of these neighbours are oriented and designed towards these expansive southern views. The view analysis provided by the applicant indicates that views of the ocean and Bilgola Headland will also be retained from the northern elevations of Nos. 43 & 45 Attunga Road.

Given the design and orientation of these adjoining dwellings, as well as the reasonable design of the proposal (as discussed throughout this report) which is below the stipulated height control, any view loss from the proposal is considered minor to negligible (when considering the entirety of views retained from principle living areas and private open space) and reasonable sharing of views amongst dwellings is achieved.

In consideration of the lack of objection, and the likely minor impacts the proposed development is considered to achieve consistency with the view sharing control.

C1.5 Visual Privacy

Clause C1.5 of the P21DCP stipulates that private open space areas and windows of adjoining properties are to be protected from direct overlooking within 9.0m by building layout, landscaping, screening devices or greater spatial separation.

Merit Assessment

- **Proposed Windows - Eastern elevation:**

The proposed upper "street level" eastern facing window to the Robe (W02) would be within 1.8m of the side boundary and courtyard of the adjoining neighbour to the east (54 Attunga Road). In order to minimise privacy impacts and mitigating direct overlooking, it is recommended a condition be imposed for this window to install privacy screens of louvre style construction (with a maximum spacing of 20mm), or be either high sill (i.e. containing a sill height of 1.5m from the FFL) or obscure glazed.

The proposed "mid level" eastern facing window to the Bathroom (W10) would be within 1.8m of the side boundary and courtyard of the adjoining neighbour to the east (54 Attunga Road). In order to minimise privacy impacts and mitigating direct overlooking, it is recommended a condition be imposed for this window to install privacy screens of louvre style construction (with a maximum spacing of 20mm), or be either high sill (i.e. containing a sill height of 1.5m from the FFL) or obscure glazed.

The remaining windows on the eastern elevation are not anticipated to give rise to unreasonable privacy impacts given their offset positioning and comparative elevation with the adjoining neighbour to the east (54 Attunga Road). Additionally, no objections in relation to privacy have been received by this neighbour.

- **Proposed Windows - Western elevation:**

The proposed upper "street level" western facing window to Bedroom 1 (W05) would be within 5m of the side boundary and within 9m of the balcony of the adjoining neighbour to the west (58 Attunga Road). In order to minimise privacy impacts and mitigating direct overlooking, it is recommended a condition be imposed for this window to install privacy screens of louvre style construction (with a maximum spacing of 20mm), or be either high sill (i.e. containing a sill height of 1.5m from the FFL) or obscure glazed.

The remaining windows on the western elevation are not anticipated to give rise to unreasonable privacy impacts given their offset positioning and comparative elevation, high sill (for the stairwell) and proposed external privacy louvres. Additionally, the entryway and stairwell are not considered as high usage areas and no objections in relation to privacy have been received by this neighbour.

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved.

Therefore, the application is supported on merit, subject to conditions.

C1.19 Incline Passenger Lifts and Stairways

Description of non-compliance

The proposal includes the addition of an external staircase located adjacent the site's western side boundary. This stair case is a continuation of an existing path/stairway and provides access from the entrance.

The location of this staircase results in non-compliance with the control as it is not set back 2 meters from the side boundary.

The submitted plans makes reference to an inclinator, however, this is not shown on the submitted plans. As such, no approval is given for a new inclinator under this consent. This is also to be conditioned within any consent.

Merit consideration

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

- *Incline passenger lifts and stairways that cause minimal visual and acoustic disturbance to the environment and neighbours. (En, S)*

Comment:

Given the steep slope of the site, it is considered reasonable to provide an external staircase to the dwelling to provide access between levels. While the staircase is located in close proximity to the adjoining neighbour, this staircase would be a continuation of an existing arrangement and is not considered to result in unreasonable amenity impacts. Existing fencing will ensure reasonable levels of privacy is maintained. As the function of staircases is to provide access between levels and are not typically used for long periods of standing, the setback is considered to be reasonable in this

circumstance.

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

D3.1 Character as viewed from a public place

Description of non-compliance

The control requires garages, carports and other parking structures including hardstand areas not to be the dominant site feature when viewed from a public place. Parking structures must be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.

The proposed garage is positioned forward of the front building line of the dwelling and is setback a minimum 4.65m from the front boundary. The garage structure has a width of 6.0m. This exceeds the 5.03m width permitted based on a lot frontage of 10.06m.

The siting of the parking structure is consistent with a permitted variation prescribed by the front building line development control, which allows parking forward of the front building line on steeply sloping sites. Whilst the existing dwelling features a garage, this garage has insufficient internal dimensions to enable two compliant off-street parking for spaces.

Merit consideration

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

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

Comment:

As discussed with regard to clause A4.3 of P21 DCP (above), the proposed development is considered to be consistent with the desired future character of the Bilgola locality. While positioned forward of the dwelling, the proposed garage is reasonably sited within the context of the site, as well as that of the streetscape. The garage will provide for two (2) compliant on-site parking spaces, which is consistent with surrounding development and satisfies the desired character of the locality.

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

Comment:

Given the spatial characteristics of the site and the location of the existing dwelling, it is considered the location of the proposed garage is a reasonable and practical design solution. The proposed garage is appropriately sited atop of the existing hardsurface area such that site disturbance is minimised and the visual outcome of the development will remain consistent and comparable with that of other properties along Attunga Road. Further, no significant vegetation removal is required to facilitate the works, therefore the development is considered to respond to, reinforce and sensitively relate to the spatial characteristics of the

existing built and natural environment

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

Comment:

The proposed development is below the height of surrounding trees and is compatible with the scale of the natural environment. The proposal would be below the height requirement. Given the slope of the land, the garage would appear as single storey and would be compatible with height of surrounding dwellings and parking structures.

- ***The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation.***

Comment:

The proposal does not require any significant vegetation to be removed as part of the application. The application has been reviewed by Council's Bushland and Biodiversity Officer and Landscape Officer who have raised no objection to the proposal subject to recommended conditions. The built form is suitably designed and incorporates landscaping to ensure the development fits comfortably within the landscape and streetscape character of the locality.

- ***High quality buildings designed and built for the natural context and any natural hazards.***

Comment:

The proposed development has been designed to minimise impacts upon surrounding vegetation, and will be constructed in accordance with the relevant geotechnical recommendations.

- ***Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum.***

Comment:

The development will appear as one storey as viewed from the street, and would appear "human scale". The proposed garage would not attribute to excessive bulk or scale, or dominate the site as seen from the street. The proposal would will achieve consistency with the off-street carparking arrangements of adjoining properties.

- ***To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.***

Comment:

This matter has been addressed elsewhere in this report (refer to Clause C1.3 View Sharing under Pittwater Development Control Plan). In summary, the proposed garage is not considered to result in unreasonable view loss.

- ***To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.***

Comment:

The proposal does not require any significant vegetation to be removed as part of the application. The application has been reviewed by Council's Bushland and Biodiversity Officer

and Landscape Officer who have raised no objection to the proposal subject to recommended conditions. The built form is suitably designed and retains landscaping to ensure the development fits comfortably within the landscape and streetscape character of the locality.

- ***To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land.***

Comment:

The development does not reduce the public use or enjoyment of the public domain within the vicinity of the site, that being the street. The proposed development will compliment the landscape character of the subject site.

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

D3.6 Front building line

Description of Variation

Clause D3.6 of the P21DCP requires development (other than driveways, fences or retaining walls) to be setback at least 6.5m from the front boundary or the established building line, whichever is greater.

With a 4.65m setback to Attunga Road, the proposed garage is inconsistent with the 6.5m minimum prescribed. A variation is available for parking structures on steeply sloping sites, however it prescribes that all other structures must be setback behind the minimum setback. The siting of the garage is consistent with a permitted variation prescribed by the front building line development control, which allows parking forward of the front building line on steeply sloping sites. Whilst the existing dwelling features a garage, this garage has insufficient internal dimensions to enable two compliant off-street parking for spaces.

Merit consideration

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

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

Comment:

As discussed with regard to clause A4.3 of P21 DCP (above), the proposed development is considered to be consistent with the desired future character of the Bilgola locality. While positioned forward of the dwelling, the proposed garage is reasonably sited within the context of the site, as well as that of the streetscape. The garage will provide for two (2) compliant on-site parking spaces, which is consistent with surrounding development and satisfies the desired character of the locality.

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

Comment:

The proposed elements within the front setback are not considered to result in unreasonable view loss. This matter has been addressed under Clause C1.3, above in this report, which has determined that the proposal will allow a reasonable sharing of views.

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

Comment:

The subject site adjoins a local road, therefore, this outcome is not applicable.

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

Comment:

The proposal does not require any significant vegetation to be removed as part of the application. The application has been reviewed by Council's Bushland and Biodiversity Officer and Landscape Officer who have raised no objection to the proposal subject to recommended conditions. The proposed works would be primarily over the existing built footprint. Sufficient landscaped area has been retained at the front and rear of the site to accommodate plantings to minimise the built form.

- ***Vehicle manoeuvring in a forward direction is facilitated. (S)***

Comment:

Vehicle maneuvering is not proposed in a forward direction. Providing such would necessitate a large portion of the front garden to become a driveway and, given the relatively low volume of traffic which traverses Attunga Road, maneuvering in a forward direction is not considered to be essential. The application has been reviewed by Council's Development Engineer who has raised no objection to the proposal.

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

Comment:

The bushland character of the area will be maintained as no significant vegetation is required to be removed as a result of the proposed development. Existing vegetation will assist in maintaining the bushland character as viewed from surrounding properties and the streetscape. The application has been reviewed by Council's Bushland and Biodiversity Officer who have raised no objection to the proposal subject to recommended conditions.

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

Comment:

The development is sited below the established tree canopy and would appear single storey and "human scale" when viewed from the street due to the steep cross fall of the site away from the frontage, and the bulk and scale of the development would not appear inconsistent with existing development along Attunga Road.

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

Comment:

The development is sited below the established tree canopy and would appear "human scale" when viewed from the street due to the steep cross fall of the site away from the frontage, and the bulk and scale of the development would not appear inconsistent with existing development along Attunga Road. Notwithstanding the non-compliance, sufficient space remains within the front setback area for additional vegetation planting to provide an attractive street frontage and retain pedestrian amenity.

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

Comment:

The northern side of Attunga Road accommodates examples of structures located forward of the front building line. In this regard, the location of the garage will not be out of context with the established streetscape character. The majority of the proposed garage would meet the required 6.5m setback. Furthermore, given the slope of the site, the proposed garage would appear as single storey and not dominate the streetscape. Existing vegetation and landscaping will further alleviate the visual impacts when viewed from the street. Based on the above, it is concluded that the development responds to the spatial characteristics of the existing built and natural environment.

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

D3.7 Side and rear building line

Description of non-compliance

Clause D3.7 of the Pittwater 21 DCP requires development be setback at least 6.5m from the rear boundary, 2.5m from the western side boundary and 1m from the eastern side boundary.

The development proposes the following non-compliance:

Rear setback - Complies

Eastern side setback- Complies

Western side setback- Nil (external stairs); 1.1m (Upper level Entry); 1.1m-1.8m (Upper level stairs)

The control provides a variation which allows for the retention and intensification of existing setbacks, subject to consistency with the outcomes of the control.

Merit Consideration

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

Comment

The proposed development (as amended) is considered to be appropriate within its context, consistent with the bulk and scale of surrounding development in the locality and generally in keeping with the desired future character of the locality. This is further discussed in the section of this report relating to A4.3 Bilgola Locality of the Pittwater 21 DCP.

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

Comment

The additions to the dwelling propose to maintain a similar building footprint and scale as to what exists. The dwelling would be appropriately articulated using recessed and modulated walls, balconies and fenestration break up built form. The proposals design maintains the open style rear balcony areas and a modulated form to provide a "stepped" look when viewed from the rear and the neighbouring properties. The proposal reflects the established built form character of existing site and newer dwellings in the vicinity where multi-level, variably stepped houses are prevalent, due to the steep topography of the land. The substantial rear setback and maintenance of a vegetation buffer also allows for some visual relief towards Bilgola Beach. This provides a situation in which presentation of bulk and scale is adequately minimised.

- ***Equitable preservation of views and vistas to and/or from public/private places. To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.***

Comment

The proposed development adequately preserves views and vistas to and from public and private places for the reasons detailed in the section of this report relating to Clause C1.3 View Sharing of the P21 DCP. The elements of the proposal that are non-compliant with side setbacks are not considered to result in unreasonable view loss.

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

Comment

As above, the alterations and additions to the existing dwelling primarily follow the side setbacks of the existing development. It is considered that the proposal provides adequate spatial separation between adjoining buildings. The application has demonstrated that the proposal will not have an unreasonable impact with regards to solar access. The adjoining properties will maintain solar access in accordance with the DCP requirements given the prominence of north facing living room windows and private open space. The matter of privacy has been addressed elsewhere within this report in detail (refer Clause C1.5) and it is considered no unreasonable privacy impacts would occur as a result of the development (subject to recommended conditions).

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

Comment

The proposal does not require any significant vegetation to be removed as part of the application. The application has been reviewed by Council's Bushland and Biodiversity Officer and Landscape Officer who have raised no objection to the proposal subject to recommended conditions.

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

Comment

The proposed development primarily maintain and continues the side setbacks of the existing house. Despite non-compliance in small areas, the proposal is considered to be an

appropriate response to the development of the site. Adequate pedestrian access to the site is maintained

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

Comment

As above, the proposal does not require any significant vegetation to be removed as part of the application. The application has been reviewed by Council's Bushland and Biodiversity Officer and Landscape Officer who have raised no objection to the proposal subject to recommended conditions. The proposed works would be primarily over the existing built footprint. The 25m rear setback and maintenance of a vegetation buffer also allows for some visual relief towards Bilgola Beach.

- ***A landscaped buffer between commercial and residential zones is achieved.***

Comment

N/A the subject site does not adjoin a commercial zoned area.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D3.9 Building envelope

Description of non-compliance

The clause stipulates that buildings are to be projected at 45 degrees from 3.5m above the existing ground level, measured from the side boundaries.

The proposed dwelling additions has a encroachment into the prescribed building envelope along the eastern and western elevations. This variation is represented in figures 1 and 2 below.

This building envelope non-compliance is partially attributed to the slope of the site, which exceeds 30% under the building footprint. P21DCP allows for a variation to the prescribed building envelope for development on steep sites, subject to consistency with the outcomes of this Clause. The building envelope non-compliance also partially arises due to the narrow nature of the site.

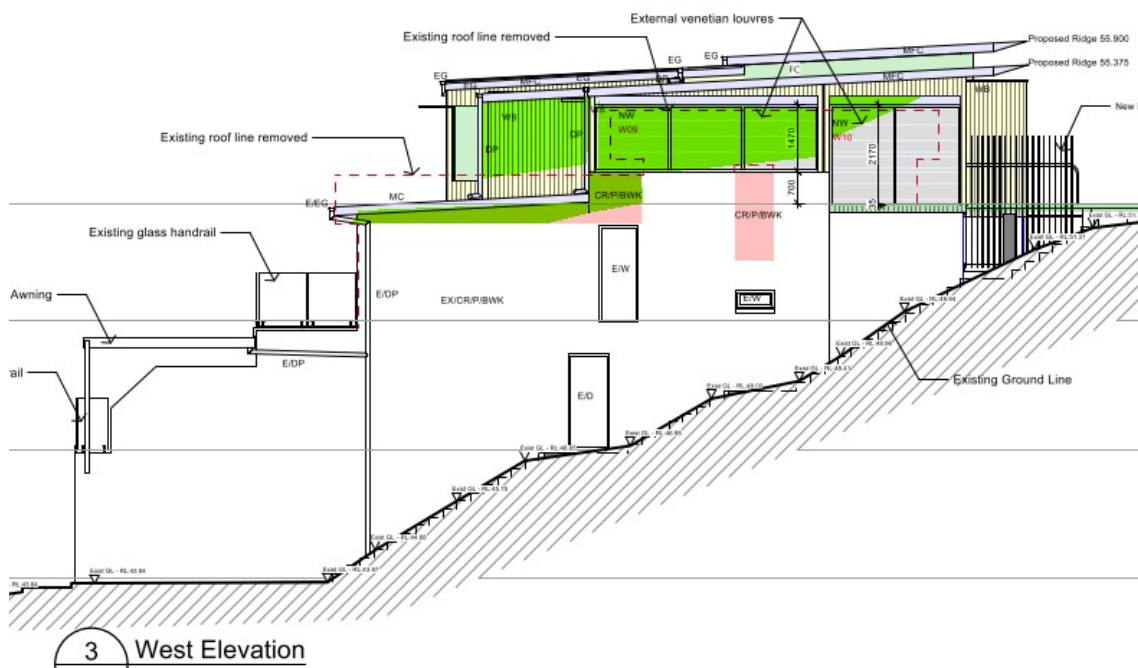
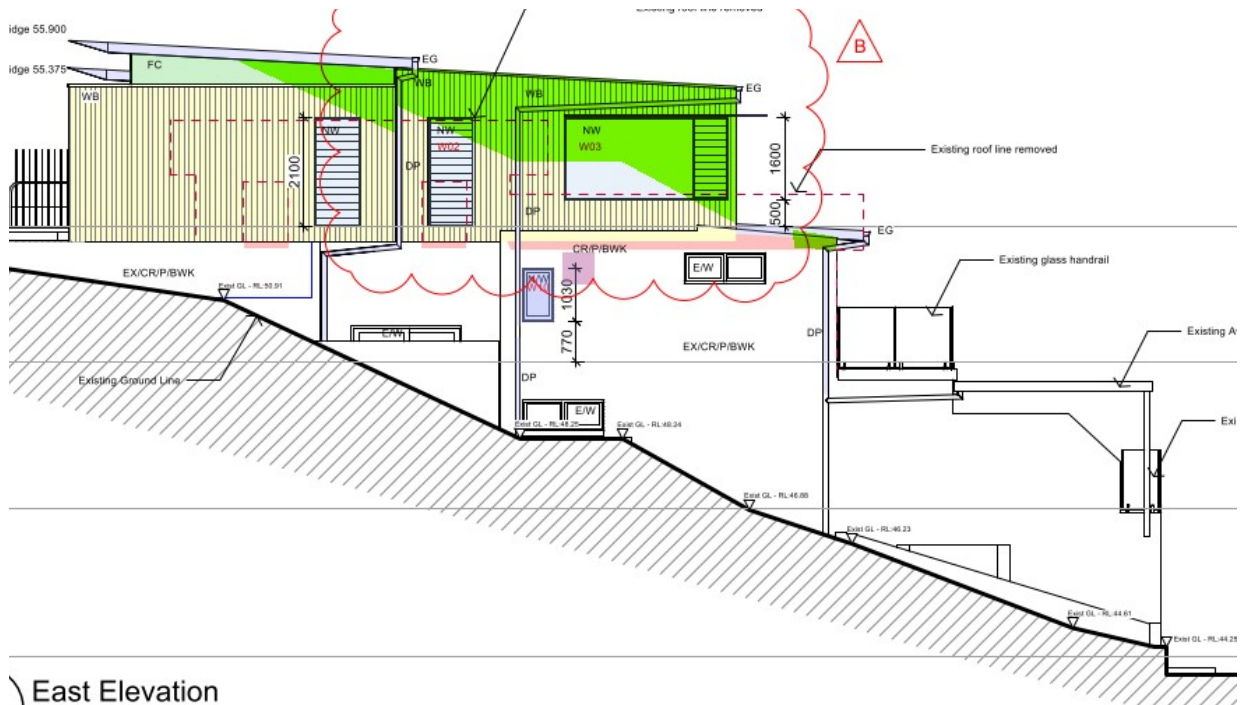


Figure 2 - Proposed building envelope non-compliance on the western elevation (highlighted in green).

Merit Consideration

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

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

Comment:

The proposed development is considered to be appropriate within its context, consistent with the bulk and scale of the existing dwelling and surrounding development in the locality and generally in keeping with the desired future character of the locality. This is further discussed in the section of this report relating to A4.3 *Bilgola Locality* of the Pittwater 21 DCP.

- ***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 would be stepped with the topography of the land and the dwelling will sit below the 8.0m height development standard. Given the subject site slopes away from the street, with the proposed development would have the appearance of being single storey as viewed from Attunga Road and the non-compliances will not be prominent from the streetscape. The proposed development is generally set below the height of surrounding canopy tree surrounding the site. It is considered that the bulk and scale of the proposal is not out of character with the existing site, streetscape and wider locale. Overall, it is considered that the proposed alterations and additions represent a relatively modest increase to the existing built form.

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

Comment:

As above, the slope and topography of the land is considered steep. The works are largely confined to the existing building footprint and do not result in unreasonable excavation, tree removal or environmental impact. The subject site has already been heavily modified, with significant retaining walls and pre-existing excavation currently existing on site. It is therefore considered that the resultant development does not unreasonably impact on natural landforms. The proposal has also been assessed by Council's Bushland and Biodiversity; Landscape Officer, Coasts & Catchments Officer and Development Engineer who have raised no objection to the proposal in relation to the natural environment subject to recommended conditions.

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

Comment:

The additions to the dwelling propose to maintain a similar building footprint and scale as to what exists. The proposed addition is considered appropriate in the context of the site in that the subject site slopes away from the street, with the proposed development having the appearance of being single storey as viewed from Attunga Road. The proposal would be stepped with the topography of the land and the dwelling will sit below the 8.0m height standard.

The proposed additions are comparable with that of the built form of the existing dwelling and surrounding dwellings located on the low side of Attunga Road. During the assessment of this application, amended plans were received which increased the side setback of the proposed upper "Street level" addition from the eastern boundary in order to reduce bulk and scale of the proposal. The bulk and scale of the works are minimised as a result of varied setbacks, modulation of the facades, open rear balconies, stepping of levels and the use of differing materials. The proposal reflects the established built form character of existing site and newer dwellings in the vicinity where multi-level, variably stepped houses are prevalent, due to the steep topography of the land. The 25m rear setback

and maintenance of a vegetation buffer also allows for some visual relief and view corridors for adjoining neighbours and as viewed from Bilgola Beach. This provides a situation in which presentation of bulk and scale is adequately minimised.

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

Comment:

The proposed development adequately preserves views and vistas to and from public and private places for the reasons detailed in the section of this report relating to Clause C1.3 View Sharing of the P21 DCP. The elements of the proposal that are non-compliant with building envelope are not considered to result in unreasonable view loss.

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

Comment:

It is considered that the proposal provides adequate spatial separation between adjoining buildings. The application has demonstrated that the proposal will not have an unreasonable impact with regards to solar access. The adjoining properties will maintain solar access in accordance with the DCP requirements given the prominence of north facing living room windows and private open space. The matter of privacy has been addressed elsewhere within this report in detail (refer Clause C1.5) and it is considered no unreasonable privacy impacts would occur as a result of the development (subject to recommended conditions)

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

Comment:

As above, the proposal does not require any significant vegetation to be removed as part of the application. The application has been reviewed by Council's Bushland and Biodiversity Officer and Landscape Officer who have raised no objection to the proposal subject to recommended conditions. The proposed works would be primarily over the existing built footprint. The 25m rear setback and maintenance of a vegetation buffer also allows for some visual relief towards Bilgola Beach.

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

D3.11 Landscaped Area - Environmentally Sensitive Land

Description of Non-compliance

The control requires a minimum of 60% (355.5sqm) of the site area to be landscaped. The site area is 592.5sqm

The application proposes a total landscaped area of 47.5% (281.6sqm), representing a variation of 20.8%.

Provided the outcomes of this control are achieved, impervious areas less than 1.0m in width and impervious areas used for outdoor recreational purposes (only up to 6% of site area) can be included in

the landscaped area calculation. The inclusion of this variation to the landscaped area increases the calculation to 55.6% (329.6sqm)

It should be noted that that the vast majority of works are proposed atop of the existing building footprint and hard surface area. The proposed landscaped area represents a 8 sqm reduction to the existing landscaped area.

Merit Consideration

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

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

Comment

The proposed development is considered to be appropriate within its context, consistent with the bulk and scale of the existing dwelling and surrounding development in the locality and generally in keeping with the desired future character of the locality. The proposed works would not require the removal any significant trees or landscaping. This is further discussed in the section of this report relating to A4.3 *Bilgola Locality* of the Pittwater 21 DCP.

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

Comment

The additions to the dwelling propose to maintain a similar building footprint and scale as to what exists. The dwelling would be appropriately articulated using recessed and modulated walls, balconies and fenestration break up built form. The proposals design maintains the open style rear balcony areas and a modulated form to provide a "stepped" look when viewed from the rear and the neighbouring properties. The proposal reflects the established built form character of existing site and newer dwellings in the vicinity where multi-level, variably stepped houses are prevalent, due to the steep topography of the land. The substantial rear setback and maintenance of a vegetation buffer also allows for some visual relief towards Bilgola Beach. This provides a situation in which presentation of bulk and scale is adequately minimised.

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

Comment

A reasonable level of privacy, amenity and solar access is maintained by the residents of the subject site and the adjoining dwellings.

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

Comment

The proposal does not require any significant vegetation to be removed as part of the application. The application has been reviewed by Council's Bushland and Biodiversity Officer and Landscape Officer who have raised no objection to the proposal subject to recommended conditions. The proposed works would be primarily over the existing built footprint. The substantial rear setback and maintenance of a vegetation buffer also allows for some visual relief towards Bilgola Beach.

- ***Conservation of natural vegetation and biodiversity.***

Comment

No native vegetation or wildlife species will adversely be affected by the proposed works. The additions are largely sited within the existing building footprint. The application has been reviewed by Council's Bushland & Biodiversity Officer and Landscape Officer who has raised no objection subject to recommended conditions.

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

Comment

The proposal has been reviewed by Council's Development Engineer, having regard to provisions for stormwater management and has raised no objections subject to conditions included in the recommendation of this report. It is considered the site contains a reasonable amount of pervious surface which will contribute to the prevention of soil erosion and siltation of natural drainage channels.

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

Comment

The bushland character of the area will be maintained as no significant vegetation is required to be removed as a result of the proposed development. Existing vegetation will assist in maintaining the bushland character as viewed from surrounding properties and the streetscape. The application has been reviewed by Council's Bushland and Biodiversity Officer who have raised no objection to the proposal subject to recommended conditions.

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

Comment

Sufficient pervious surfacing is provided on-site which will enable the infiltration of water to the water table, whilst minimising run-off and assisting with stormwater management.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

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

A monetary contribution of \$5,650 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$565,000.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/2372 for Alterations and additions to a dwelling house on land at Lot 1 DP 124062, 56 Attunga 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
A100 Rev.B - Site & Roof Plan	29/03/2022	Playoust Churcher Architects
A104 Rev.B - Proposed Basement & Lower Level Floor Plan	28/03/2022	Playoust Churcher Architects
A105 Rev.B - Proposed Mid & Upper Level Floor Plan	28/03/2022	Playoust Churcher Architects
A200 Rev.B - Proposed Elevations	28/03/2022	Playoust Churcher Architects
A804 Rev.A - Driveway Plan and Section	26/10/2021	Playoust Churcher Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (A436170)	19/10/2021	Playoust Churcher Architects
Bushfire Assessment Report (211297B)	17/11/2021	Building Code & Bushfire Hazard Solutions Pty Limited
Preliminary Geotechnical Assessment (AG 21348)	19/10/2021	ASCENT Geotechnical Consulting

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	22/10/2021	Playoust Churcher 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 approved plans.

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

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

Other Department, Authority or Service	EDMS Reference	Dated
NSW Rural Fire Service	RFS Referral Response (CNR-32649) (DA20211207005379-	04/01/2022

	Original-1)	
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(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

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

3. **Approved Land Use**

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

A dwelling house is defined as:

"dwelling house means a building containing only one dwelling."

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

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

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

4. **No Approval for Inclinor**

No approval is granted under this consent for the construction of an inclinor.

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

5. **No Works in SP2 Infrastructure zoned land**

This consent does not permit or authorise any works within SP2 Infrastructure zoned land.

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

6. **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.

7. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

8. **No Works on Adjoining Land**

All approved works are to be located entirely within the subject site. No Approval is granted under this consent for any works within or on the property boundaries of adjoining privately owned land.

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

FEES / CHARGES / CONTRIBUTIONS

9. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$5,650.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning &

Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$565,000.00.

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

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

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

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

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

10. **Security Bond**

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

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

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

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

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

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

11. **Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy. Details by an appropriately qualified and practicing

Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

12. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Ascent Geotechnical Consulting dated 19/10/2021 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

13. **No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

14. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

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

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

Reason: Protection of the receiving environment.

15. **Amendments to the approved plans**

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

- a) **Upper "Street Level" Window (W02)** - A privacy screen is to be installed on the upper "street level " eastern window (labelled W02) adjoining the "Robe" as shown on the approved plans. The privacy screens shall be of louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development. Alternatively, this window shall be fitted with obscured glazing or have a minimum sill height of 1.5m above the Finished Floor Level.
- b) **Upper "Street Level" Window (W05)** - A privacy screen is to be installed on the upper "street level " western window (labelled W05) adjoining the "Bedroom 1" as shown on the approved plans. The privacy screens shall be of louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development. Alternatively, this window shall be fitted with obscured glazing or have a minimum sill height of 1.5m above the Finished Floor Level.
- c) **"Mid Level" Window (W10)** - A privacy screen is to be installed on the "mid level " eastern window (labelled W10) adjoining the "Bathroom" as shown on the approved plans. The privacy screens shall be of louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development. Alternatively, this window shall be fitted with obscured glazing or have a minimum sill height of 1.5m above the Finished Floor Level.

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.

16. **Boundary Identification Survey**

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

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

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

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

17. **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.

18. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

19. **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.

20. **External Finishes**

The external finish to the roof and walls shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

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

21. **Sydney Water "Tap In"**

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

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

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

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

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

22. **Construction site management plan**

Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

23. **Dead or Injured Wildlife**

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

Reason: To protect native wildlife.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

24. **Protection of Rock and Sites of Significance**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

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

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

Reason: Preservation of significant environmental features.

25. **Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected including:
 - i) all trees and vegetation within the site not indicated for removal on the approved plans. Exempt trees and vegetation under the relevant planning instruments of legislation do not require consent,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation.

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

The Certifying Authority must ensure that:

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

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

Reason: Tree and vegetation protection.

26. **Road Reserve**

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

Reason: Public safety.

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

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004), and the Erosion and Sediment Control Plan prepared by Playoust Churcher Architects, prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

28. **Removing, Handling and Disposing of Asbestos**

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

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

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

29. **Geotechnical Requirements**

All recommendations identified in the Geotechnical Report referenced in Condition 1 of this

consent, that are required to occur during works must be done.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

30. **Demolition Works - Asbestos**

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

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

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

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

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

31. **Survey Certificate**

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

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

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

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

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

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

33. **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.

34. Vehicle Crossings

The Applicant is to construct one vehicle crossing 4.0 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ 3NL and the driveway levels application approval. 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.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

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

35. 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.

36. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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

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

37. 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.

38. Certification Elevated Parking Facility Work

The Applicant shall submit a Structural Engineers' certificate certifying that the elevated parking facility was constructed in accordance within this development consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car

parking, in particular Section 2.4.5 Physical controls. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation.

Reason: Compliance with this consent.

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

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

40. **Removal of Sediment and Erosion Controls**

Before demobilising from the site and once vegetation cover has been re-established across 70 percent of the site, the applicant is to remove all temporary sediment and erosion controls.

Any area of the site that requires ongoing stabilisation must have jute mesh or matting incorporated into the revegetated area. Mulch may be used on slopes subject to sheet flow with a gradient of no more than 1 metre in height for every 3 horizontal metres. Mulch must be laid to a depth of 50-100mm. If using mulch within two metres of the top of bank of a waterway, coir logs or similar must be placed at the downslope edge of the mulched area to prevent migration of the mulch to the waterway.

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

Reason: Protection of the receiving environment

41. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

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

42. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

43. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

44. **Use of "Basement level"**

The proposed "Basement level" is not to be used for the purpose of separate habitation (including a secondary dwelling or dual occupancy) and is not to contain any cooking facilities.

Reason: To ensure that the ground floor remains ancillary to the dwelling house.

45. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

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

Signed



Gareth David, Planner

The application is determined on 07/04/2022, under the delegated authority of:



Steven Findlay, Manager Development Assessments