

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/2490
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Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 2 DP 1214257, 34 Plateau Road BILGOLA PLATEAU NSW 2107
Proposed Development:	Construction of a dwelling house
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Craig Lester Nicole Elizabeth Johnson
Applicant:	Craig Lester Nicole Elizabeth Johnson

Application Lodged:	04/01/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	16/02/2022 to 02/03/2022
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 505,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal is for demolition and Construction of a new dwelling. In detail, this involves:
Ground Floor

- Two bedrooms
- Two bathrooms

First Floor

- Kitchen and living

- Office and powder room
- Outdoor balcony and deck

External

- Parking
- Vehicular access

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - 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 2 DP 1214257 , 34 Plateau Road BILGOLA PLATEAU NSW 2107
Detailed Site Description:	<p>The subject site consists of an allotment located on the eastern side of Plateau Road.</p> <p>The site is irregular in shape with a frontage of 18.89m along Plateau Road and a depth of 41m. The site has a surveyed area of 558.9m².</p> <p>The site is located within the C4 Environmental Living zone</p>

and accommodates an outbuilding.

The site has a slope from the front of the site down to the rear.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by residential development.

Map:



SITE HISTORY

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

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any	None applicable.

Section 4.15 Matters for Consideration	Comments
planning agreement	
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 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 NSW Rural Fire Service, dated 4 March 2022) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 16/02/2022 to 02/03/2022 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 process council is in receipt of 1 submission/s from:

The above issues are addressed as follows:

- **Concern was raised with the incomplete plans**

Comment:

A full set of plans was provided and re-notified until 2 March 2022. No submissions were received with respect to the re-notification.

- **Concern was raised with regard to Stormwater**

In particular, concern was raised with regard to compliance with Geotechnical recommendations.

Concern is also raised with regard to general Stormwater management.

Comment:

Conditions are imposed to ensure that geotechnical recommendations are adhered to.

Council's Stormwater engineer has stated that evidence has been provided to show that drainage easement rights could not be achieved. As such, relevant conditions have been imposed for stormwater management.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>Further updated comments: A Arboricultural Impact Assessment is submitted and reports that a total of eleven existing trees are required to be removed to accommodate the proposed dwelling. Of these nine are Exempt Species that do not require Council consent for management or removal, including one Illawarra Flame Tree, six Bangalow Palms, and two Kentia Palms. Two prescribed trees that require Council consent for removal include one Port Jackson Fig and one Tree Fern, and should the application be approved, removal is subject to tree replacement within the property. All road reserve verge street trees and neighbouring trees within proximity to the works shall be retained and protected and conditions shall be imposed.</p> <p>No Landscape Plan is submitted and conditions shall therefore be imposed for tree replacement and any other necessary landscape treatment.</p> <p>updated comments: As requested the following information is required to progress the Landscape Referral assessment:</p> <ul style="list-style-type: none"> • Arboricultural Impact Assessment on existing trees within the road reserve in regards to the impact from the proposed elevated driveway structure and associated pier footings • Landscape Plan or landscape analysis on how the development complies with the landscape objectives of C4 zone and DCP controls C1.1 <p>previous comments: The development application is for a new dwelling including a new driveway and parking bay within the site.</p> <p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause C4 zone Environmental Living, and the following Pittwater 21 DCP controls (but not limited to):</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D3 Bilgola Locality <p>The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.</p> <p>No Landscape Plan or Arboricultural Impact Assessment is submitted with the application. The proposed new dwelling is located upon cleared land with no prescribed (ie. protected) existing trees present.</p>

Internal Referral Body	Comments
	<p>Under the requirements of the C4 zone Environmental Living and DCP control C1.1, landscape amenity including any existing prescribed trees are to be maintained or enhanced when not existing to ensure compliance with the LEP and DCP. No information is provided with the application and a Landscape Plan shall be provided to demonstrate compliance with the C4 zone Environmental Living and DCP control C1.1.</p> <p>The proposed driveway alignment within the road reserve is in close proximity to an existing Gum tree located within the road verge and no Arboricultural Impact Assessment is submitted to determine the impact to the existing Gum or other existing trees within the road reserve verge. No engineering information is submitted on the design of the crossover and driveway to determine the extent of excavation or otherwise in the vicinity of the proposed driveway.</p> <p>Landscape Referral are unable to provide an assessment without the information referred to in the above comments.</p>
NECC (Bushland and Biodiversity)	<p><u>Updated Referral</u></p> <p>The submitted Arborist Report details the trees that may potentially be impacted by the proposal, which totals eleven trees. All road reserve verge street trees and neighboring trees within proximity to the works shall be retained and protected and conditions have been imposed by the landscape Referral.</p> <p>While the proposed development is considered unlikely to have a significant impact to the environment, further consideration of the proposed mitigation measures such as site landscaping works is warranted. In order to satisfy the objectives and requirements of the relevant biodiversity controls, the proposed canopy tree replacements and re-instatement of existing landscaped areas is to consist of at least 60% native species found on the site, or listed in Littoral Rainforest Endangered Ecological Community.</p> <p><u>Original Referral Comments</u></p> <p>Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:</p> <p>Biodiversity Conservation Act 2016 (BC Act) Biodiversity Conservation Regulation 2017 State Environmental Planning Policy (Coastal Management) 2018</p> <ul style="list-style-type: none"> • 11 Development on land in proximity to coastal wetlands or littoral rainforest <p>Pittwater Local Environmental Plan (PLEP)</p> <ul style="list-style-type: none"> • 7.6 Biodiversity Protection <p>Pittwater Development Control Plan (PDCP)</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor <p>The potential impact to prescribed trees and native vegetation within the front setback has been highlighted by others, and an Arborist Report and Landscape Plan requested.</p> <p>The applicant must address the objectives and requirements of the above controls, including inclusion of any requirements into the requested Landscape Plan. While the Coastal SEPP has been identified in the SEE submitted, the site is mapped as being in proximity to Littoral Rainforest rather than a Coastal Wetland. The SEE is to be amended to reflect this, and provide information in relation to the significance of potential impacts of the proposal.</p> <p>While the potential impacts to the biodiversity values of the site that may result from the proposed dwelling are generally low, uncertainty remains regarding the driveway crossing. Therefore the proposal will be re-assessed following provision of the additional information contained within the SEE, Arborist and Landscape Plans</p>
NECC (Development Engineering)	<p>The proposed development is for a dwelling house at the front, rear dwelling is retained and double vehicular driveway access.</p> <p>No detail plans for the proposed dwelling has been provided or available in trim.</p> <p>Only one access driveway per allotment is permissible, The proposed development does not comply with B6.1 "Access driveways and Works in the Public Road Reserve". The plan are to be amended to show a single access for proposed development site.</p> <p>A concept stormwater management for the proposed development has not been submitted. The concept stormwater management plan shall demonstrate that stormwater from the new development is designed in accordance with Clause B5.5 controls of Northern Beaches Council's "Water Management for Development Policy". .</p> <p><u>DATED 22/04/2022</u></p> <p>The property slopes to the rear properties. Stormwater plans provides for a detention drainage system with a dispersion drainage system (Level Spreader). Applicant's geotechnical reports recommends drainage to the road. Council's Water Management for Development Policy, in particular Stormwater Drainage from Low Level Properties clause 5.5.1.1. recommends various stages for stormwater drainage disposal assessment, which does not appear to have been considered and/or undertaken. Written evidence for negotiation for drainage easements rights/refusal in accordance with stage1</p>

Internal Referral Body	Comments				
	<p>of Clause 5.5.1.1.1 of Northern Beaches Council's "Water Management for Development Policy" has not been submitted with the application,.</p> <p>The existing rear dwelling obtains access and currently park on Council land. Please refer this matter to Building Compliance.</p> <p>The access is reliant on existing shared driveway with right of carriageway and was created as part of the subdivision. The existing shared driveway access is considered safe and provides for vehicles to exit in a forward direction. The additional access with a suspended driveway over the road reserve is not safe since vehicles would need to reverse onto road traffic. Furthermore suspended slab and additional access over the road reserve is not supported since it may impacts on public authority services both present and future. Council Pittwater DCP Clause B 6.1 Access driveway and works on the public road does not permit dual access to property with less than 30 metres road frontage. The existing car space can be widened to provide for additional parking. Council Road Assets have not supported the application. As result the application in its current form is not supported.</p> <p>DATED 06/07/2022</p> <p>The submitted amended plan shows a separate and direct access to the development. A Road Act approval with detail engineering plans will be required to be submitted to Council for approval as conditions of consent. The applicant has provided evidence that drainage easement rights could not be achieved.</p> <p>No Development Engineering objections subject to recommended conditions.</p>				
Road Reserve	<p>The proposal does appear to impact existing road infrastructure therefore no objection is raised in principle. Development Engineering to assess driveway requirements, however insufficient details are provided to fully assess the proposed driveway structure.</p> <p>17/7/2022</p> <p>The proposal does appear to impact existing road infrastructure therefore no objection is raised in principle.</p>				
Strategic and Place Planning (Heritage Officer)	<table border="1"> <thead> <tr> <th data-bbox="520 1850 1439 1888">HERITAGE COMMENTS</th> </tr> <tr> <th data-bbox="520 1888 1439 1926">Discussion of reason for referral</th> </tr> </thead> <tbody> <tr> <td data-bbox="520 1926 1439 2101"> <p>This application has been referred to Heritage, as the subject site adjoins a heritage item and is within the vicinity of a heritage item, listed in Schedule 5 of Pittwater Local Environmental Plan 2014.</p> </td> </tr> <tr> <td data-bbox="520 2101 1439 2139"> <p>Item 2270497 - House called Trees - 36 Plateau Road</p> </td> </tr> </tbody> </table>	HERITAGE COMMENTS	Discussion of reason for referral	<p>This application has been referred to Heritage, as the subject site adjoins a heritage item and is within the vicinity of a heritage item, listed in Schedule 5 of Pittwater Local Environmental Plan 2014.</p>	<p>Item 2270497 - House called Trees - 36 Plateau Road</p>
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Internal Referral Body	Comments
	<p>Item 2270460 - Sandstone kerb and gutter - Palmgrove Road (portion)</p> <p>Details of heritage items affected</p> <p>Details of the listed items as contained within the Pittwater Heritage Inventory are:</p> <p>Item 2270497 - House called Trees <u>Statement of significance:</u> The house called Trees at 36 Plateau Road, Bilgola Plateau, built c1930s for the Handley family, has historic and aesthetic significance as a good example of a vernacular holiday house typical of the early Pittwater subdivisions that evolved into a permanent residence demonstrating the changes in the development of the Northern Beaches from a holiday destination to permanent residential suburbs. The house was designed as a structure subordinate to the landscape. Despite the two extensions made to the rear, the original portion of the house is an increasingly rare example of its type.</p> <p>The Gardeners Cottage on Lot 492 is of lesser value due to substantial alterations with no significant contribution to the heritage significance of the main house, therefore it is excluded from the heritage listing.</p> <p><u>Physical description:</u> The house is set below the road on a sloped site with scenic views over the Avalon Golf Course and Pittwater in the distance. The view from the street is screened by luxuriant vegetation creating a lush bush setting dominated by a large Ficus Hillii and underplantings of Strelitzia Nicolas and Schefflera Actiophylla. The house comprises a stone ground level and a timber framed second level with a timber trussed roof structure originally clad with timber shingles. Recent works have replaced the shingled roof with green terracotta tiles.</p> <p>Typical features of the weekender include the use of natural materials (stone, brick and timber) to harmonise with the natural environment, simple detailing, timber frame structure, brick edged stone chimney stack, highly pitched roof and timber joineries.</p> <p>The interiors of the house are simple in design with Inter-War cornices and timber joinery. The most intact part of the house are the stone fireplace and the main entrance hall and some of the lower ground rooms. Some of the awkward junction detailing between the ceiling, wall and the stairs reflect the building's vernacular construction. It is understood that most of the exposed roof fabric and structure of the living room have been replaced and the extended veranda/balcony was made to match the overall</p>

Internal Referral Body	Comments																		
	<p>materials and character of the house.</p> <p>Item 2270460 - Sandstone kerb and gutter <u>Statement of significance:</u> The remnant sandstone kerb and gutter are of local significance as evidence of local government infrastructure activities, road construction and landscape formation to control the water drainage along the streets of Avalon. The kerb and gutter represent one of the few remaining such road and streetscape elements.</p> <p><u>Physical description:</u> A line of sandstone kerb and gutter at the bottom of the sloping land of the adjoining properties along Palmgrove Road. Commencing at the bottom of the Walter Burley Griffin Lodge abutting 32 Plateau Road, Avalon Beach and extending up to 61 Palmgrove Road, Avalon Beach.</p> <p>Other relevant heritage listings</p> <table border="1" data-bbox="520 949 951 1491"> <tr> <td data-bbox="520 949 852 1093">Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td> <td data-bbox="852 949 951 1093">No</td> <td data-bbox="951 949 1437 1093"></td> </tr> <tr> <td data-bbox="520 1093 852 1167">Australian Heritage Register</td> <td data-bbox="852 1093 951 1167">No</td> <td data-bbox="951 1093 1437 1167"></td> </tr> <tr> <td data-bbox="520 1167 852 1240">NSW State Heritage Register</td> <td data-bbox="852 1167 951 1240">No</td> <td data-bbox="951 1167 1437 1240"></td> </tr> <tr> <td data-bbox="520 1240 852 1314">National Trust of Aust (NSW) Register</td> <td data-bbox="852 1240 951 1314">No</td> <td data-bbox="951 1240 1437 1314"></td> </tr> <tr> <td data-bbox="520 1314 852 1420">RAIA Register of 20th Century Buildings of Significance</td> <td data-bbox="852 1314 951 1420">No</td> <td data-bbox="951 1314 1437 1420"></td> </tr> <tr> <td data-bbox="520 1420 852 1491">Other</td> <td data-bbox="852 1420 951 1491">N/A</td> <td data-bbox="951 1420 1437 1491"></td> </tr> </table> <p>Consideration of Application</p> <p>The proposal seeks consent for a new dwelling and suspended parking bay at the subject property. The heritage house is located immediately to the north of the subject site. Originally both Lot 1 and Lot 2 formed part of the heritage house's property, but they were separated in 2015. The retention of the house on Lot 1 has meant the indent within Lot 2 where the lot has been drawn around the heritage house.</p> <p>The new house is comparatively small compared to other new dwellings in the area. It contains only two bedrooms, two bathrooms and laundry at the lower level with a combined living/dining/kitchen area at the upper level with rear deck. While Heritage would have preferred the larger setback be afforded to the heritage item with a smaller setback to the reserve, it acknowledges the awkward pattern created by the subdivision and the smaller nature of the new dwelling. As the house is relatively small with a smaller impact than a more conventionally sized</p>	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No		Australian Heritage Register	No		NSW State Heritage Register	No		National Trust of Aust (NSW) Register	No		RAIA Register of 20th Century Buildings of Significance	No		Other	N/A	
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Internal Referral Body	Comments
	<p>dwelling, it will not press this point. However it notes that no specific external colours of the dwelling have been provided and these are important given the context of the heritage item and its significance - these should be provided.</p> <p>Where Heritage has significant concerns relate to the frontage of the property to the street. Heritage echoes the concerns regarding the impact of the new driveway and parking slab on the vegetation at the front of the property and within the road reserve. The appearance of this property to the street and how that might relate to the heritage item next door is important given the identified visual landscape character of the item. In this regards, Heritage cannot assess this development without the review of a landscape plan and arborist report on how the driveway may impact upon the trees and visual character within the road reserve.</p> <p>Heritage also notes the potential impact of the elevated parking slab and request that lowering the height of the slab be considered, or that opportunities to screen it, particularly to the south, be considered.</p> <p>There is no impact to the sandstone kerbs.</p> <p>The proposal is therefore unsupported.</p> <p><u>Consider against the provisions of CL5.10 of Pittwater LEP 2014.</u> Is a Conservation Management Plan (CMP) No Required? Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p> <p>Updated Comments 12 May 2022</p> <p>An arborist report has been submitted detailing the impact of the works on trees within and adjoining the site. The arborist report indicates that the significant trees in the road reserve outside the property can be retained and this will help to screen the driveway slab and retain the vegetated landscape character. Heritage no longer raises this point as a concern.</p> <p>However no landscape plan indicating how the elevated parking bay will be screened by vegetation has been provided and the arborist report notes a number of existing palms in this area will be removed. Landscape has instead provided a number of conditions regarding replacement plantings and landscaping. Heritage will add a condition for screening vegetation to the southern elevation of the parking bay to be included.</p> <p>Therefore Heritage raises no objections and requires one condition.</p>
	<p>Further Comments COMPLETED BY: Brendan Gavin, Principal Planner</p>

Internal Referral Body	Comments
	DATE: 21 March 2022 - Amended 12 May 2022

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
NSW Rural Fire Service – local branch (s4.14 EPAA)	A letter with recommendations from the NSW Rural Fire Service is attached to this 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. 1196518S).

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

Commitment	Required Target	Proposed
Water	40	41
Thermal Comfort	Pass	Pass
Energy	50	51

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, subject to conditions which have been included in the recommendation of this report.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

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

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes

Clause	Compliance with Requirements
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	5.5m	N/A	No (see comments)
Rear building line	6.5m	22m	N/A	Yes
Side building line	2.5m	2.1m	N/A	No (see comments)
	1m	1m	N/A	Yes
Building envelope	3.5m	North: Outside envelope	N/A	No (see comments)
	3.5m	South: Within envelope	N/A	Yes
Landscaped area	60%	55%	N/A	No (see comments)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.3 Bilgola Locality	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.6 On-Street Parking Facilities	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.19 Incline Passenger Lifts and Stairways	Yes	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	Yes	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
D3.13 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D3.15 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

D3.6 Front building line

Description of non-compliance

The proposal does not comply with the front setback control of 6.5m. In this regard, the proposal involves a front setback of 5.5m.

Merit Consideration

In regard to the consideration for variation, the application is assessed against the outcomes of the clause as follows:

Achieve the desired future character of the Locality.

The proposed development involves a design that achieves the desired future character of the locality by providing a low density style, two storey dwelling that is within a landscaped setting. This is

contributed to by the articulation of the dwelling and the landscaping which surrounds the site including the landscaped road reserve.

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

The proposed dwelling is well articulated maintains a compliant building height. This design ensures that there is not an unreasonable impact upon views and vistas to or from public or private places.

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

The proposed extension is separated sufficiently from the road to ensure amenity impact is minimised.

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

The proposed development includes adequate vegetation within the front setback in order to soften and reduce the visual impact of the proposed dwelling.

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

The involves a driveway design that provides sufficient opportunity for a vehicle maneuvering.

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

The proposed development is consistent with existing development in the locality and in the immediate streetscape and is screened by vegetation to the front of the site. This includes a front setback that generally matches the pattern of development in the area. This results in an adequate presentation of height and bulk within the natural environment.

To encourage attractive street frontages and improve pedestrian amenity.

As above, the proposed development includes adequate vegetation within the front setback in order to reduce the visual impact of the dwelling to maintain an attractive street frontage. Pedestrian amenity is sufficiently retained as the existing driveway and crossover is to remain.

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

The proposal does not involve any significant earthworks and involves a dwelling on land which provides sufficient physical separation to other land uses. As such, the proposed dwelling appropriately responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

The proposal is consistent with the outcomes of the clause.

D3.7 Side and rear building line

Description of non-compliance

The proposal involves side setbacks of 2.1m and 1m. This does not comply with the control of 2.5m and 1m.

Merit consideration

To achieve the desired future character of the locality.

Comment:

The proposed development involves a design that achieves the desired future character of the locality by providing a low density style, two storey dwelling that is within a landscaped setting. This is contributed to by the modulation of the dwelling and the landscaping which surrounds the site.

The bulk and scale of the built form is minimised.

Comment:

The development complies with the development standard for building height and involves articulation at each elevation to ensure the presentation of bulk is minimised. The site also contains a large section of vegetation to the front and rear of the site which contributes to minimising the bulk and scale of the development. As such, bulk and scale is suitably minimised.

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

Comment:

The proposal complies with the development standard for building height and maintains view corridors through the front and rear of the site.

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

Comment:

The proposed development involves a dwelling which is well separated from neighbouring living spaces and would not have any unreasonable amenity impact on the surrounding properties.

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

Comment:

The subject site contains significant vegetation to the front of the site and the front setback to the dwelling is large enough to provide for a sufficient area of landscaping to the front of the site.

Flexibility in the siting of buildings and access.

Comment:

In this circumstance, flexibility is warranted in applying the controls for side building line due to the suitable separation between neighbours, the unusual lot shape, and the suitable visual presentation.

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

Comment:

The subject site will retain areas of landscaping to surround the site as a result of this proposal. This includes to the front and rear of the site. This is a positive outcome to reduce visual impact of the built

form.

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

Comment:

The site does not adjoin a commercial zone.

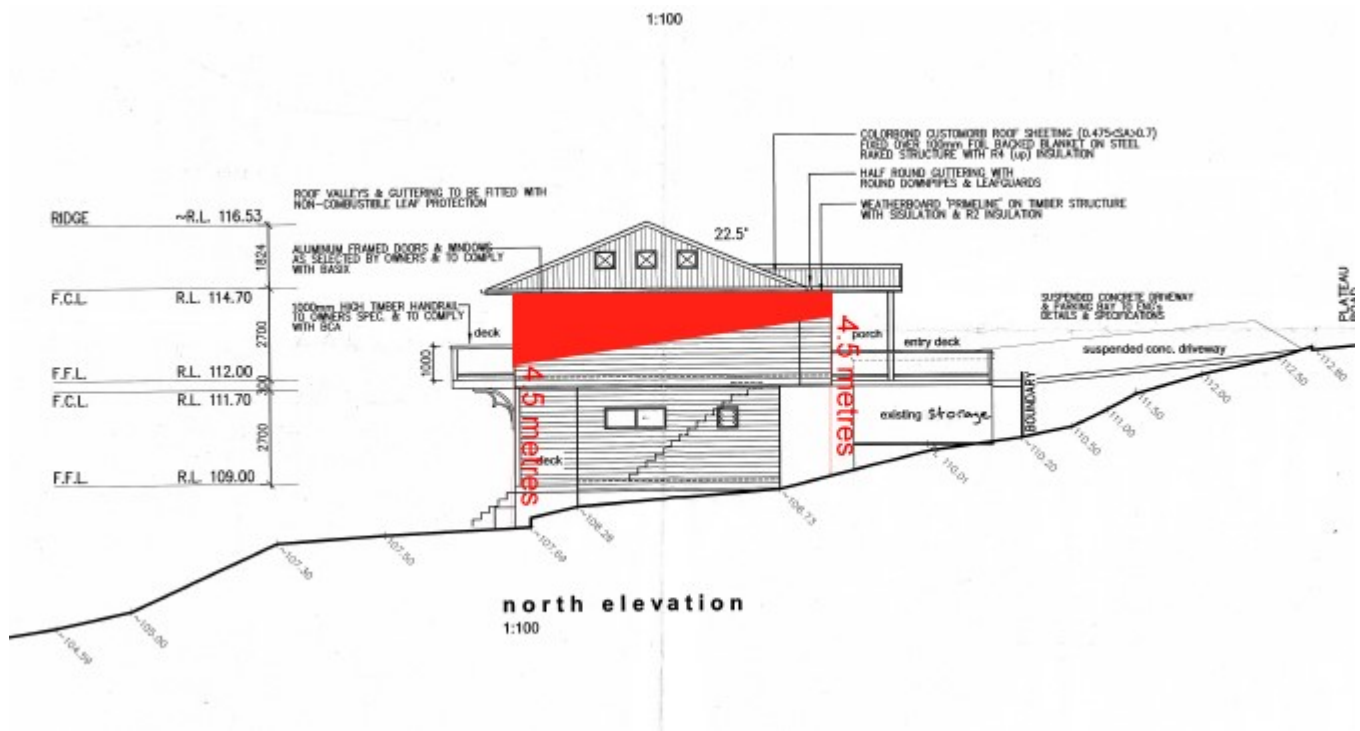
Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported,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

D3.9 Building envelope

Description of non-compliance

The proposed development encroaches the prescribed 4.5m building envelope control for a minor section at the northern elevation.

This is shown in the representation below:



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 dwelling complies with the development standard for building height and appears as a one-two story dwelling at the front of the site. Building separation is sufficient and the bulk and scale of the works are well minimised with articulation. The desired future character of the locality is therefore achieved.

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

Comment:

The site currently contains vegetation across the site and this contributes to an aesthetic streetscape and the maintenance of this vegetation will screen the built form. Further the proposal complies with building height so as to sufficiently fit within surrounding trees and the surrounding environment.

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

Comment:

The proposed development is well articulated and angled across the site so that bulk is well distributed. The proposal also does not require the removal of any significant vegetation.

The bulk and scale of the built form is minimised.

Comment:

The proposed development is articulated in design as such breaking up the dominance of the built form. The site is also significantly vegetated which will screen and soften the appearance of the proposed development.

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

Comment:

The proposal maintains corridors through setbacks so that there will not be any unreasonable and a compliant building height so that the view sharing outcome will be reasonable.

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

Comment:

The proposed development retains sufficient building separation between adjoining properties so as to prevent opportunities for overlooking and acoustic privacy impact. Further, the proposal complies with the requirements for Solar Access under this DCP. As such, there will be no unreasonable amenity impact.

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

Comment:

The subject site contains vegetation within the front and rear portions and as the proposal does not

require the removal of significant vegetation. As such, vegetation is suitably retained and enhanced.

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.

D3.11 Landscaped Area - Environmentally Sensitive Land

Description of non-compliance

The proposal involves of 55%. This does not comply with the numerical control of 60%.

Merit assessment

An assessment of the proposal against the overarching outcomes of the clause follows:

Achieve the desired future character of the Locality.

The proposed development involves a design that achieves the desired future character of the locality by providing a low density style, two storey dwelling that is within a landscaped setting. This is contributed to by the articulation of the dwelling and the landscaping which surrounds the site including the landscaped road reserve.

The bulk and scale of the built form is minimised.

The bulk and scale of the built form is consistent with the established character of the area being predominately two-storeys in appearance.

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

The non-compliant landscaped area will not adversely impact upon amenity and solar access being provided to adjoining properties and within the development site.

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

Vegetation will be retained where possible, while existing landscaping will help enhance the site to help visually reduce the built form, as viewed from the road and adjoining private properties.

Conservation of natural vegetation and biodiversity.

The works will not have an unreasonable impact on natural vegetation or biodiversity, subject to conditions.

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

The landscaped area non-compliance will not have an unreasonable impact on stormwater runoff, and the site will continue to be managed via the existing stormwater management arrangement onsite (subject to a further condition recommended by Council's Development Engineer).

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

The site maintains vegetation and landscaping to surround the site, including in the road reserve. This

will maintain the rural and bushland character.

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

The proposal maintains soft surface to surround the dwelling, and maintains a landscaped road reserve. Subject to conditions, this sufficiently assists with Stormwater management.

The proposed landscaped area is considered reasonable and supported on merit.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

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

A monetary contribution of \$5,050 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$505,000.

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 DA2021/2490 for Construction of a dwelling house on land at Lot 2 DP 1214257, 34 Plateau Road, BILGOLA PLATEAU, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site & floor plan section	Aug 2021	Anna Henry AH Design
Site & roof plan with stormwater	Aug 2021	Anna Henry AH Design

Engineering Plans		
Drawing No.	Dated	Prepared By
D01-D04 - Stormwater Plans	11.04.2022	NB Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Assessment & Tree Protection Plan	25 March 2022	The Ents Tree Consultancy
Geotechnical Investigation	12 November 2021	White geotechnical group
Bushfire Risk Assessment	15 June 2021	Bush Fire Planning Services

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	23/12/2021	Applicant

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	7/02/2022
NSW Rural Fire Service	Referral RFS - Determination Letter	4 March 2022

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

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

3. **Prescribed Conditions**

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

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

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

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

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

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

Reason: Legislative requirement.

4. **General Requirements**

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$5,050.00 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 \$505,000.00.

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

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

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

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

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

6. **Security Bond**

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

7. **Construction, Excavation and Associated Works Security Bond (Road works)**

The applicant is to lodge a bond with Council of \$5000.00 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

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

8. **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 White geotechnical group dated 12 November 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.

9. **Fencing for Wildlife Passage**

Any new permanent fencing (with the exception of swimming pool fencing) is to be made passable to native fauna through the provision of access gaps or raised fencing to provide appropriate ground clearance. Any access gaps are to be a minimum of 150mm wide x 100mm high at ground level and spaced at a minimum of 6m intervals.

Plans are to be certified as complying with this condition and provided to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To preserve wildlife corridors.

10. **Traffic Management and Control Plan**

The Applicant is to submit an application for Traffic Management and control Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

11. **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 referenced in Condition 1 of this consent 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.

12. **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.

13. **On-site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site

stormwater detention in accordance with Northern Beaches Council's "WATER MANAGEMENT for DEVELOPMENT POLICY", and generally in accordance with the concept drainage plans prepared by NB Consulting Engineers, drawing number (220338) D01 to D04 issue A, dated 11/04/2022. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

14. **Submission Roads Act Application for Civil Works in the Public Road**

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of retaining wall piers structural suspended slab over the road reserve which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

1. Retaining wall/piers at the boundary alignment must be located within the property. No pier or retaining wall is permitted with the road reserve
2. The design plan shall show all public utility services affecting the proposed driveway. Any relocation and/or adjustment, requires written approval from the public authority. All cost associated with the relocation or adjustments are to be borne by the property owner.
3. Submission of detail Structural design plans of the driveway, retaining wall/pier and associated structures.
4. The provision of normal low vehicle crossing 4.2 metres wide and variable in accordance with Northern Beaches Council Drawing No A4-3330/3 and specifications.
5. The vehicular crossing within the public road shall be in plain concrete.
6. Pedestrian access shall be incorporated within the driveway and any steps required shall be located within the private property.
7. The parking area and driveway must comply with AS/NZS 2890.1: 2004
8. Detail driveway levels and Civil plans, which must include cross-sectional details of existing and proposed levels commencing from the center line of Plateau Road to the proposed car parking area.
9. The application is to include a geotechnical report that is prepared by an appropriately qualified Geotechnical Engineer to assess the proposed road works and design within the road reserve. The report must include a full assessment of any existing and proposed structures including the stability assessment of the road embankment.

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

15. **Vehicle Driveway Gradients**

The Applicant is to ensure driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent.

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

Reason: To ensure suitable vehicular access to private property.

16. **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:

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

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

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

17. **Conversion of "Existing Flat" to an Outbuilding and no Use as Secondary Dwelling/Granny Flat**

The "Existing Timber Flat" situated at the rear of the site is to be converted to an "Outbuilding/Studio" and is not to have any kitchen facilities installed within it, such that it would be capable of being used as a secondary dwelling or granny flat. As a dual occupancy is a prohibited form of development on the site, this conversion and use limitation must be in place prior to the occupation of the new primary dwelling.

Details of the conversion and labelling of the building as an "Outbuilding/Studio" are to be shown on the plans submitted for release of the Construction Certificate, to ensure that the existing building is not capable of being used as a second occupancy.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. **Tree Removal Within the Property**

This consent approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- i) tree 17 Port Jackson Fig
- ii) tree 20 Tree Fern
- iii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal, and in this case the following are identified for removal: tree 5 - Illawarra Flame Tree, trees 10, 13, 14, 16, 18, and 19 - Bangalow Palms, and trees 12 and 15 - Kentia Palms.

Reason: To enable authorised development works.

19. **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.

20. **Implementation of Landscaping Works**

Landscaping is to be implemented in accordance with these conditions of consent.

Development shall ensure that at least 60% of any new planting incorporates native vegetation as per species listed, as being characteristic of the endangered ecological community Littoral Rainforest. Landscaping is to be outside areas of existing bushland and should not include environmental weeds.

Reason: To ensure compliance with the requirement to retain, enhance and protect significant planting on the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. **Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites, and as per the recommendations in the Arboricultural Impact Assessment, as listed in the following:

- section 4 for trees identified as tree 2 (section 4.5), tree 3 (section 4.7), and tree 4 (section 4.9), trees 6 and 7 (section 4.12), tree 11 (section 4.13),
- section 5. Recommendations
- appendix 4 Site Plan and 4A Tree Protection Plan

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

All street trees within the road verge 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. Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Street tree protection.

22. **Tree and Vegetation Protection**

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

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) 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.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) 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.

Reason: Tree and vegetation protection.

23. **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.

24. **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.

25. **Civil Works Supervision**

The Applicant shall ensure all civil works approved in the Section 138 approval are supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works.

26. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

27. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 4.2 metres wide and variable in accordance with Northern Beaches Council Drawing No A4-3330/3 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**

28. Landscape Completion

Landscaping is to be implemented in accordance with the following conditions:

- i) two (2) locally native canopy trees capable of attaining at least 8.5 metres in height shall be installed within the property, and selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward, or Council's Tree Guide, and the following species are suggested: Rough-barked Angophora - *Angophora floribunda*, Grey Myrtle - *Backhousia myrtifolia*, Magenta Lilly Pilly - *Syzygium paniculatum*, or as otherwise selected from the guides,
- ii) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, and planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 3.0 metres from buildings, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,
- iii) all disturbed landscaped areas shall be mass planted consisting of shrubs installed at minimum 1 metre intervals and at a minimum 200mm container size at planting, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- iv) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

Prior to the issue of any Occupation Certificate details shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

29. Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

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

Reason: Tree and vegetation protection.

30. 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.

31. Priority Weed Removal and Management

All Priority weeds as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) within the development footprint are to be removed.

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 weeds.

32. **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.

33. **Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

34. **Certification Elevated Parking Facility Work**

The Applicant shall submit a Structural Engineers' certificate certifying that the elevated parking facility and driveway was constructed in accordance within this development consent, S138 Road Acts approval and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, including 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.

35. **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.

36. **Screening Landscape**

Additional plantings are required to screen the southern elevation of the elevated parking slab. They shall consist of species capable of reaching 3m, installed at minimum 1 metre intervals and at a minimum 200mm container size at planting and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

Prior to the issue of any Occupation Certificate details shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Protection of visual character and significance of the adjoining heritage item

37. **Confirmation of Existing Flat Conversion to an Outbuilding/Studio**

Confirmation of the conversion to an "Outbuilding/Studio" is to be verified by the Certifying Authority prior to issue of the Occupation Certificate, to ensure that the existing building is not capable of being used as a second occupancy. This includes confirmation of the removal or the existing kitchen and no new kitchen facilities being installed.

Reason : To ensure no unauthorised and prohibited use of the site.

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

38. **No Use of Existing Converted Outbuilding/Studio as a Secondary Dwelling/Granny Flat**

The existing outbuilding/studio at the rear of the site is not to be converted at a later date for use as a secondary dwelling/granny flat without separate development consent having been obtained. See other conditions of consent in relation to the use restrictions on this building.

Reason : To ensure the legal and proper use of the site.

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

Signed



Thomas Prosser, Planner

The application is determined on 08/08/2022, under the delegated authority of:



Steven Findlay, Manager Development Assessments