

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0194
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 1 DP 392257, 8 Bungan Head Road NEWPORT NSW 2106
Proposed Development:	Construction of a carport
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Peter Kenneth Barnett
Applicant:	Drafting Help

Application Lodged:	02/03/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	11/03/2020 to 25/03/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 25,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the construction of a detached double carport forward of the existing dwelling. The proposed carport is located over an existing hardstand area.

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 - 7.1 Acid sulfate soils

Pittwater 21 Development Control Plan - B3.1 Landslip Hazard

Pittwater 21 Development Control Plan - B5.10 Stormwater Discharge into Public Drainage System

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

Pittwater 21 Development Control Plan - C1.1 Landscaping

Pittwater 21 Development Control Plan - C1.12 Waste and Recycling Facilities

Pittwater 21 Development Control Plan - D10.1 Character as viewed from a public place

Pittwater 21 Development Control Plan - D10.7 Front building line (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - D10.8 Side and rear building line (excluding Newport Commercial Centre)

SITE DESCRIPTION

Property Description:	Lot 1 DP 392257 , 8 Bungan Head Road NEWPORT NSW 2106
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northern side of Bungan Head Road, Newport.</p> <p>The site is rectangular in shape with a frontage of 14.98m along Bungan Head Road and a maximum depth of 51.885m along the western side boundary. The site has a surveyed area of 809.6sqm.</p> <p>The site is located within the E4 Environmental Living zone pursuant to the PLEP 2014 and accommodates a part two (2) part three (3) storey detached dwelling house towards the front of the site.</p> <p>The front setback area largely comprises a hardstand parking area, with the exception of garden bed along a portion of the front boundary, which contains a small tree and numerous shrubs.</p> <p>The rear yard is well landscaped and accommodates numerous moderate and large canopy trees. Moreover, the rear yard contains a garden box, stone retaining walls and a chicken coup.</p>

The site experiences a fall of approximately 16.15m that slopes from the south-eastern front corner to the north-western rear corner, representing an approximate slope of 29.91%.

The site is identified within the 'Geotechnical Hazard H1' area under the provisions of the PLEP 2014. Furthermore, the site is mapped as containing 'Acid Sulfate Soils Class 5' under the provisions of the PLEP 2014.

Detailed Description of Adjoining and Surrounding Development

Adjoining and surrounding development is characterised by one (1), two (2) and three (3) storey detached dwelling houses.

Map:



SITE HISTORY

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

- Development Application **DA2018/0053** for alterations and additions to a dwelling house approved on 16 May 2018 by Council staff under delegated authority.

Site Visits

A site visit was undertaken at the subject site on 20 March 2020.

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 a Geotechnical Report.</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 clause is not relevant to this application.</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 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>

Section 4.15 Matters for Consideration'	Comments
	Clause 143A 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.
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	No submissions were received in relation to this Development Application.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>The proposed development has been assessed against the following provisions:</p> <ul style="list-style-type: none"> - Pittwater LEP Clause 7.6 (Biodiversity Protection) - Pittwater DCP Clause B4.3 (Flora and Fauna Habitat Enhancement)

Internal Referral Body	Comments
	<p>Category 2 Land)</p> <p>The new double garage will not require impact to or removal of existing protected native trees or wildlife habitat. The proposal is therefore consistent with the controls.</p>
NECC (Development Engineering)	<p>The proposed development is located within a Geo technical Hazard H1 area. In accordance with Clause B3.1 Landslip Hazard of Pittwater DCP 201, a risk assessment is to be undertaken (Geo technical Risk Management Policy for Pittwater) for the site and submitted to Council. In this regards a geotechnical report, addressing the Geo technical Risk Management Policy for Pittwater and include the forms 1 and 1(a) including the proposed stormwater management for the development.</p> <p>DATED 20/03/2020</p> <p>The submitted Geo-technical report certifies that the development is considered minor and is acceptable. No Development Engineering objection subject to conditions.</p>

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	3.53m (RL 65.31)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

7.1 Acid sulfate soils

The proposal comprises a carport over an existing hardstand area. In this regard, the proposal will not lower the water table on adjoining Class 1, 2, 3 or 4 land.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m (south)	0.52m - 0.69m	89.38% - 92%	No
Rear building line	6.5m (north)	Unchanged	N/A	N/A
Side building line	2.5m (west)	0.67m	73.2%	No
	1m (east)	8.3m	-	Yes
Building envelope	3.5m (west)	Within envelope	-	Yes
	3.5m (east)	Within envelope	-	Yes
Landscaped area	60% (485.76sqm)	64% (518.14sqm) - as approved under DA2018/0053 (no change proposed)	-	Yes

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	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	No	Yes
B8.4 Construction and Demolition - Site Fencing and Security	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	No	Yes
C1.13 Pollution Control	Yes	Yes
D10.1 Character as viewed from a public place	No	Yes
D10.3 Scenic protection - General	Yes	Yes
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	No	Yes
D10.8 Side and rear building line (excluding Newport Commercial Centre)	No	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	Yes	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	Yes	Yes

Detailed Assessment

B3.1 Landslip Hazard

A geotechnical report (prepared by White Geotechnical Group dated 17 March 2020) was submitted with this application in accordance with the requirements of this control. Council's Development Engineer has reviewed the proposal with respect to landslip hazards and raised no objections, subject to conditions. Subject to compliance with the conditions of consent, the proposal will satisfy the requirements of this control.

B5.10 Stormwater Discharge into Public Drainage System

Council's Development Engineer has assessed the application against the requirements of this control and raised no objections, subject to conditions. Subject to compliance with the conditions of consent, the proposal will satisfy the requirements of this control.

B8.3 Construction and Demolition - Waste Minimisation

A detailed Waste Management Plan was not submitted with this application. Accordingly, a suitable condition has been included with this consent requiring the applicant to submit a detailed Waste Management Plan to the Certifying Authority prior to the issue of a Construction Certificate. Subject to compliance with the conditions of consent, the proposed development will comply with the requirements of this control.

C1.1 Landscaping

Clause C1.1 of the P21DCP requires at least 60% of the area forward of the front building line to be landscaped. Only 21.84% (20.2sqm) of the area forward of the front building line is landscaped, which fails to comply with this control. It is noted that the proposed carport does not alter the existing landscaping treatments forward of the front building line. Nevertheless, the proposal is assessed

against the underlying outcomes of the control as follows:

- *A built form softened and complemented by landscaping.*

Comment:

The proposed carport is an open structure with no enclosed walls and is constructed to a maximum height of 3.53m. Furthermore, the carport remains within the prescribed building envelope. Therefore, the proposal will not be dominant by virtue of its height and scale. It is considered that no additional planting is required to soften the proposed structure.

- *Landscaping reflects the scale and form of development.*

Comment:

Despite the deficiency of landscaping within the front setback area, 64% (518.14sqm) of the total site area is landscaped, which is compliant by virtue of the 60% requirement. The existing landscaping treatments throughout the site reflects the desired future character of the Newport locality and is consistent with surrounding development within the area.

- *Retention of canopy trees by encouraging the use of pier and beam footings.*

Comment:

The proposed carport is constructed over an existing hardstand area and does not necessitate the removal of trees or landscape features.

- *Development results in retention of existing native vegetation.*

Comment:

As noted above, the development enables the retention of existing native vegetation.

- *Landscaping results in the long-term retention of Pittwater's locally native tree canopy.*

Comment:

The proposal will not compromise the long-term retention of Pittwater's locally native tree canopy.

- *Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species*

Comment:

No additional landscaping works are proposed in this application. The existing native tree species' on site are sufficient and enhance Pittwater's biodiversity.

- *Landscaping enhances habitat and amenity value.*

Comment:

The existing landscape treatments on site are sufficient and serve as potential habitat for wildlife within the locality.

- *Landscaping results in reduced risk of landslip.*

Comment:

Council's Development Engineer has assessed the application with respect to landslip hazards and raised no objections, subject to conditions. In this regard, it is considered that the geotechnical risks associated with the proposal are acceptable and that no additional landscaping for the purposes of reducing landslip risk is required.

- *Landscaping results in low watering requirement.*

Comment:

As noted above, the proposal does not comprise any landscaping works.

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.

C1.12 Waste and Recycling Facilities

A detailed Waste Management Plan was not submitted with this application. Accordingly, a suitable condition has been included with this consent requiring the applicant to submit a detailed Waste Management Plan to the Certifying Authority prior to the issue of a Construction Certificate. Subject to compliance with the conditions of consent, the proposed development will comply with the requirements of this control.

D10.1 Character as viewed from a public place

Clause D10.1 of the P21DCP stipulates that parking structures must be located behind the front building line. The proposed carport is located forward of the front building line, which fails to comply with this control.

With regard to the consideration of a variation, the proposed development is assessed against the underlying outcomes of the control as follows:

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

Comment:

The proposed development is consistent with the desired character statement of the Newport locality.

- *To ensure new development responds to, reinforces and sensitively relates to the spatial*

characteristics of the existing built form and natural environment.

Comment:

Due to the steep topography that slopes from south to north, numerous adjoining developments on the northern side of Bungan Head Road are characterised by carport and garage structures within the front setback area. In this regard, it is considered that the proposal is compatible with the streetscape.

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

Comment:

Due to the modest scale of the carport structure, the proposed development will not be dominant by virtue of its height and scale. Given the northern side of Bungan Head Road is characterised by similar structures forward of the building line, the proposed development will not detract from the streetscape.

- *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:

64% (518.14sqm) of the total site area is landscaped, which complies with the 60% minimum requirement. In this regard, it is considered that the built form is secondary to landscaping and vegetation. The existing landscape treatments located within the front setback area will partially screen the built form when viewed from eastern adjoining properties.

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

Comment:

The proposal does not disturb the natural topography on the site. Furthermore, the geotechnical hazards associated with the proposal are minimal and acceptable. In this regard, it is considered that the development is designed to respond to any natural hazards.

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

Comment:

As noted earlier in this report, the modest scale of the development will ensure the carport does not present with an unreasonable level of bulk and scale. No changes are proposed to the existing dwelling, which presents as a two (2) storey structure.

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

Comment:

The proposed carport is sited well below the existing dwelling. As such, no unreasonable view loss impacts will arise as a result of the proposed development.

- *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:

Whilst the carport is sited forward of the front building line, adjoining properties on the northern side of Bungan Head Road are characterised by similar parking structures within the front setback area. In this regard, the proposal will be keeping within the streetscape. The landscaping treatments located throughout the site enhance the bushland vista of the Pittwater area and ensures development does not dominant the site coverage.

- *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 proposed development does not result in the removal of trees or landscaped features. As such, the proposal will not detract from the landscape character of the land.

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.

D10.7 Front building line (excluding Newport Commercial Centre)

Clause D10.4 of the P21DCP requires development (other than driveways, fences and retaining walls) to be setback at least 6.5m from the front boundary or the established building line, whichever is greater. In calculating the established building line, the front building line is taken from the immediate adjoining properties (6 and 12 Bungan Head Road - 10 Bungan Head Road is a battle-axe allotment). 6 Bungan Head Road contains a garage that is setback 5.75m from the southern front boundary, whilst 12 Bungan Head Road contains a shaded cloth carport structure that is setback 3.55m from the southern front boundary. As such, the established building line is 4.65m and therefore, this assessment will consider 6.5m as the minimum required front building line. The proposed carport is setback 0.52m from the southern front boundary, which fails to comply with the 6.5m requirement.

With regard to the consideration of a variation, the proposed development is assessed against the underlying outcomes of the control as follows:

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

Comment:

The proposed development is consistent with the desired character statement of the Newport locality.

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

Comment:

The proposed carport is sited well below the existing dwelling and will not obscure existing view corridors.

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

Comment:

The site does not adjoin a main road and as such, this objective is not of relevance.

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

Comment:

The proposed development is constructed over an existing hardstand area and does not necessitate the removal of vegetation. The existing landscaping treatments on site are sufficient and ensure the site is not dominated by the built form.

- *Vehicle manoeuvring in a forward direction is facilitated.*

Comment:

The proposed carport does not enable vehicles to enter and exit the site in a forward direction. Notwithstanding, Council's Development Engineer has assessed the proposal with respect to vehicular access and raised no objections, subject to conditions. Therefore, the proposal is considered acceptable in this regard.

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

Comment:

Despite the variation to the front setback requirement, the proposal is keeping within the streetscape, given adjacent properties on the northern side of Bungan Head Road are characterised by similar structures within the front setback area. Furthermore, the height of the carport is sited well below the established tree canopy.

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

Comment:

Having regard to the matters stipulated above, the proposal will not adversely impact the street frontage.

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

Comment:

As noted earlier within this report, the proposal responds to established development within the locality.

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.

D10.8 Side and rear building line (excluding Newport Commercial Centre)

Clause D10.8 of the P21DCP requires development to be setback 2.5m from one side boundary and 1m from the other side boundary. The proposed carport is setback 0.67m from the western side boundary, which fails to comply with this control.

With regard to the consideration of a variation, the proposed development is assessed against the underlying outcomes of the control as follows:

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

Comment:

The proposed development is consistent with the desired character statement of the Newport locality.

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

Comment:

The proposed carport is an open structure with no enclosed walls and is constructed to a maximum height of 3.53m. Furthermore, the carport remains within the prescribed building envelope. As such, the proposed development will not be dominant by virtue of its bulk and scale.

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

Comment:

The height of the proposed carport is well below the ridge height of the existing dwelling and therefore, will not obscure existing view corridors.

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

Comment:

As noted above, the carport will allow for reasonable view sharing.

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

Comment:

The carport is not a habitable structure, therefore no unreasonable privacy will arise as a result of its construction. Given the modest height of the structure, the carport will not encourage unreasonable overshadowing impacts.

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

Comment:

The site is well vegetated and contains a number of significant trees to ensure the site is not dominated by the built form.

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

Comment:

The proposed carport will not compromise vehicular and pedestrian access to and from the site.

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

Comment:

The proposed development is constructed over an existing hardstand area and does not necessitate the removal of vegetation. The existing landscape treatments on site are sufficient and ensure the site is not dominated by the built form.

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

Comment:

The site does not adjoin commercial development.

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.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

CONCLUSION

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

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

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

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- 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 DA2020/0194 for Construction of a carport on land at Lot 1 DP 392257, 8 Bungan Head 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

SP - Site Plan	18 February 2020	Drafting Help
5 - East Elevation	18 February 2020	Drafting Help
6 - South Elevation	18 February 2020	Drafting Help
7 - West Elevation	18 February 2020	Drafting Help
8 - North Elevation	18 February 2020	Drafting Help
9 - Section	18 February 2020	Drafting Help
10 - Section	18 February 2020	Drafting Help
12 - Ground Floor Plan	18 February 2020	Drafting Help
13 - Upper Floor Plan	18 February 2020	Drafting Help

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Minor Works Assessment No. J2619	17 March 2020	White Geotechnical Group

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

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

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

2. Prescribed Conditions

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

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

- B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

3. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:
 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

4. Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

5. 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 Clause B5.10 PITTWATER DCP21. 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.

6. 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 17th March 2020 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.

7. 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.

8. Vehicle Driveway Gradients and parking

The Applicant is to ensure driveway gradients and parking within the private property and road are to be in accordance AS/NZS 2890;1:2004. Access levels across the road reserve are to match the existing road levels. All car port structures are to be located within the private property,

Details demonstrating compliance (certification from Civil or traffic Engineer) 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.

9. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

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

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

10. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Pittwater 21 Development Control Plan and Northern Beaches Council's Waste Management Guidelines.

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

Reason: To ensure that any development and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally sensitive manner.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. **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.

12. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

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

13. **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.

14. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Detailed demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Final Occupation Certificate.

Reason: To ensure bushland management.

15. **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.

16. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

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

17. **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 mitigate potential impacts to native wildlife resulting from construction activity.

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

Signed



Thomas Burns, Planner

The application is determined on 03/04/2020, under the delegated authority of:



David Auster, Acting Development Assessment Manager