



DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0193
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 51 DP 1043879, 3 Bakers Road CHURCH POINT NSW 2105
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Isabel Clare MCLennan
Applicant:	Isabel Clare MCLennan

Application Lodged:	02/03/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	10/03/2020 to 24/03/2020
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 47,250.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to an existing dwelling. Specifically, the proposed works are as follows:

- Partially covered timber decking along front facade of the dwelling;
- New balustrading and tiling on the existing deck located on the first floor;
- New external stairs and landing to access the proposed deck;
- New awning and screen at the rear of the dwelling;
- New pavers alongside the western elevation of the dwelling; and
- A new detached double carport at the front of the property.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone E4 Environmental Living

Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils

Pittwater Local Environmental Plan 2014 - 7.3 Flood planning

Pittwater 21 Development Control Plan - A4.4 Church Point and Bayview Locality

Pittwater 21 Development Control Plan - B3.1 Landslip Hazard

Pittwater 21 Development Control Plan - B3.11 Flood Prone Land

Pittwater 21 Development Control Plan - B4.3 Flora and Fauna Habitat Enhancement Category 2 Land

Pittwater 21 Development Control Plan - B4.22 Preservation of Trees and Bushland Vegetation

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

Pittwater 21 Development Control Plan - B8.2 Construction and Demolition - Erosion and Sediment Management

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - C1.6 Acoustic Privacy

Pittwater 21 Development Control Plan - D4.1 Character as viewed from a public place

Pittwater 21 Development Control Plan - D4.8 Building envelope

Pittwater 21 Development Control Plan - D4.10 Landscaped Area - Environmentally Sensitive Land

Pittwater 21 Development Control Plan - D4.14 Scenic Protection Category One Areas

SITE DESCRIPTION

Property Description:	Lot 51 DP 1043879 , 3 Bakers Road CHURCH POINT NSW 2105
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Bakers Road, Church Point.</p> <p>The irregular site has seven (7) boundaries with a frontage of 14.77m along Bakers Road and a maximum depth of 40.86m along the eastern boundary. The site has a surveyed area of 912sqm.</p> <p>The site is located within the E4 Environmental Living zone and accommodates a two (2) storey detached dwelling house sited at the rear of the property.</p> <p>The site contains a paved driveway that runs from the front boundary towards the rear of the site. Furthermore, a hardstand area is located within the front of the property.</p> <p>A number of large canopy trees are located within the front</p>

setback area, whilst one (1) canopy tree, numerous shrubs and retaining walls are located between the hardstand area and dwelling house.

The site experiences a fall of approximately 6.56m that slopes from the western rear corner towards the eastern boundary, representing an approximate slope of 19.75%.

The site is identified within the 'Coastal Use Area' and 'Coastal Environment Area' under the provisions of the SEPP (Coastal Management) 2018.

The site is identified within the 'Geotechnical Hazard H1' precinct and mapped as containing 'Acid Sulfate Soils Class 5' pursuant to the PLEP 2014.

The northern front portion of the site is identified within a flood hazard area.

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 on irregular allotments within bushland settings.

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 **N0958/01** - Subdivision of 2 lots into 2 lots (Boundary Adjustment) - 3 and 5 Bakers Road, Church Point approved by Council staff under delegated authority on 07 February 2002.

Site Visit

A site visit was undertaken at the subject site on 30 March 2020.

A site visit was undertaken at 1 Bakers Road on 30 March 2020 to ascertain the potential privacy impacts of the proposal.

A site visit was undertaken at 2089B Pittwater Road on 21 April 2020 to ascertain the potential privacy impacts of the proposal.

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. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is 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 process council is in receipt of 2 submission/s from:

Name:	Address:
Mrs Pamela Ann Tailby	2089 B Pittwater Road CHURCH POINT NSW 2105
Corona Projects Pty Ltd	PO Box 1749 BONDI JUNCTION NSW 1355

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

Privacy.

Concern was raised from the occupants of two (2) adjoining properties (1 Bakers Road and 2089B Pittwater Road) stating that the elevated decks would encourage unreasonable overlooking impacts.

Comment:

In response to these concerns, site visits were undertaken at the respective properties. This assessment concludes that subject to a condition requiring the installation of solid balustrading on the decks, the privacy impacts would be acceptable. This matter is discussed in further detail under the section of the report relating to Clause C1.5 of the P21DCP.

Acoustic Privacy

Concern was raised from the occupant of 1 Bakers Road stating that the use of the elevated decks would generate an unreasonable level of noise. The submission further states that the carport will cause an increase in vehicular activity and noise to the rear yard of 1 Bakers Road.

Comment:

In response to this concern, it is noted that the elevated decks are sufficiently setback from the bedrooms on the adjoining property to negate any unreasonable noise impacts. Furthermore, the noise generation attributed to vehicular activity will be consistent to noise levels of the surrounding residential land uses.

Setbacks

Concern was raised from the occupant of 1 Bakers Road stating that the proposed setbacks would encourage unreasonable overlooking impacts, which renders the numerical boundary setback compliance inadequate as a measure of design merit.

Comment:

Suitable conditions have been imposed as part of this consent requiring the installation of solid balustrading on the decks. The solid balustrade will prevent downward overlooking when in a sitting position and when standing back from the edge of the decks. Under these circumstances, the privacy impacts are considered to be reasonable within a residential environment. Furthermore, the proposal complies with the numerical requirements for front, side and rear boundary setbacks and satisfies the applicable outcomes of each control.

Zone Objectives

Concern was raised from the occupant of 1 Bakers Road stating that the proposed development fails to satisfy the objectives of the E4 Environmental Living zone.

Comment:

This assessment concludes that the proposal adequately meets the objectives of the E4 Environmental Living zone. This matter is discussed in further detail in the section of the report relating to E4 Environmental Living zone of the PLEP 2014.

Lack of Vegetative Screening

Concern was raised from the occupant of 1 Bakers Road stating that previous tree removal on site prior to the lodgement of this Development Application has been to the detriment of visual and acoustic privacy at 1 Bakers Road.

Comment:

As noted above, the separation between the proposed development and bedrooms on 1 Bakers Street is sufficient to negate any unreasonable noise generating impacts. Furthermore, the inclusion of solid balustrading will minimise the opportunities for overlooking between both properties.

Bulk and Scale

Concern was raised from the occupant of 1 Bakers Road stating that the proposal produces obtrusive visual bulk and inappropriate scale for the existing dwelling on the subject site. Furthermore, the submission stated that the carport poses a risk of presenting with excessive bulk.

Comment:

The proposal does not alter the height of the existing dwelling, nor does it increase the gross floor area of the dwelling. Furthermore, the proposal adheres to the prescribed development controls pertaining to building envelope; and front, side and rear setbacks. In this regard, it is considered that the bulk and scale

of the development is modest and appropriately integrated into the landform and landscape. Furthermore, the carport will be constructed to a maximum height of 2.82m above the existing ground level and contains no enclosed walls. In this regard, the bulk and scale of the carport is considered to be minor.

Misleading Information

Concern was raised from the occupant of 1 Bakers Road stating that the documentation submitted with the application fails to account for previous vegetation that has been removed prior to the lodgement of this Development Application. The submission further states that protection and retention measures for all remaining landscaping should be detailed and managed by a suitably qualified Arborist.

Comment:

The assessment concludes that the existing landscape treatments present on site area sufficient. Furthermore, suitable conditions have been included as part of this consent requiring all trees and other vegetation (excluding exempt vegetation) to be retained and protected in accordance AS4970 - 2009 'Protection of Trees on Development Sites'. A Project Arborist is required to submit a report to the Certifying Authority detailing the health and impact on all existing trees required to be retained.

Unnecessary Development

Concern was raised from the occupant of 1 Bakers Road stating that the proposed development is unnecessary, given the existing dwelling has access to high quality water views from the first floor balcony. The submission further states that the additional amenity of the property can be achieved through a more skillful design, without compromising the amenity of 1 Bakers Road.

Comment:

The works relating to the first floor balcony comprise new balustrading and tiling works. The footprint of the first floor balcony will not be increased as a result of the development. Suitable conditions have been included with this consent to ensure a reasonable level of privacy is maintained at the subject site and 1 Bakers Road.

All of the concerns raised within the submissions have been appropriately addressed above and resolved through conditions where necessary.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The proposal, in terms of landscape outcome, is acceptable subject to the protection of the existing trees and vegetation. The proposal is for the construction of alterations and additions to an existing dwelling including a new deck, a detached carport, external stairs, and paving along the north-western side boundary.</p> <p>The proposal maintains the existing area of landscaping to satisfy the landscape outcomes of Pittwater 21 DCP, and no significant trees protected under Northern Beaches Council tree policies are to be removed.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP Controls: B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping D4 Church Point and Bayview Locality</p>

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>This application was assessed against Pittwater DCP B4.3 Flora and fauna habitat enhancement category 2 land.</p> <p>The proposal is for the alterations and additions to the existing dwelling including a new car port and extensions. No native trees or vegetation are proposed for removal. The proposal is considered to comply with controls subject to conditions.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Coastal Management) 2018 As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13, 14 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>As assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Milligan Development Consulting Pty. Ltd. dated February 2020 and Council accepts the assessment,, the DA satisfies requirements under clauses 13, 14 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>No coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>

Internal Referral Body	Comments
NECC (Development Engineering)	<p>Comments for Development Engineers:</p> <p>1. The site is located within Geotechnical Hazard Area. An "Acceptable Risk Management" Level is achieved in accordance with the geotechnical report provided by White Geotechnical Group, dated 29 November 2019.</p> <p>Site Visit is required for the existing crossing condition and the existing driveway gradients. Also waiting for confirmation from Council's Flooding Team.</p> <p>Whinny</p> <p>Dated 18/03/2020</p> <p>Flood Team have no objection to the development. The review of the application suggest that there is no development engineering objection subject to conditions.</p> <p>Paul</p>
NECC (Riparian Lands and Creeks)	No objection to the proposed development. Approved subject to the condition that the sediment and erosion controls are installed and maintained over the course of the development.
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed development is outside the adopted Flood Planning Level extent. No flood related development controls applied.

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has 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.

SEPP (Coastal Management) 2018

The site is identified within the 'Coastal Environment Area' and 'Coastal Use Area' under the provisions of the SEPP (Coastal Management) 2018. Accordingly, an assessment under the SEPP has been carried out as follows:

13 Development on land within the coastal environment area

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

Comment:

The proposal comprises minor alterations and additions to the existing dwelling, which is effectively integrated into the landform and landscape. Therefore, the proposed development is not considered to unreasonably detract from the environmental values of the 'Coastal Environment Area'. The proposal is not located within the foreshore area and therefore, will not impact access to and from the foreshore, nor will it impact marine vegetation. Furthermore, the site is not identified within a potential area of Aboriginal Heritage. Therefore, the proposal will not impact Aboriginal cultural heritage, practices and places. Having regard to the above assessment, it is concluded that the proposal satisfies the relevant matters prescribed within Clause 13.

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

- be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

This assessment concludes that the proposed development has been appropriately designed to avoid adverse impacts on the matters referred to in subclause (1).

14 Development on land within the coastal use area

(1)

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

Comment:

As noted above, the proposal is not located within the foreshore area and therefore, will not impact access to and along the foreshore. The development is sited well below the ridge height of the existing dwelling. As such, views of the Pittwater waterway will not be compromised as a result of the proposed development. Furthermore, the height and scale of the proposal ensures no unreasonable overshadowing impacts occur as a consequence of the development. The overall height and scale of the dwelling on site is considered to be compatible with surrounding development within the locality. Having regard to the above assessment, it is concluded that the proposal satisfies the relevant matters prescribed within Clause 14.

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

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

Comment:

Having regard to the above assessment, it is concluded that the proposed development is highly unlikely to exacerbate coastal hazards within the locality.

As such, it is concluded that the application does comply with the requirements of the SEPP (Coastal Management) 2018.

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	Dwelling Height - unchanged Roof over timber deck - 5.87m Carport - 2.82m	-	Yes

Compliance Assessment

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

Detailed Assessment

Zone E4 Environmental Living

The proposed development comprises alterations and additions to a detached dwelling house. Dwelling houses are permitted with consent in the E4 Environmental Living zone.

The proposed development is considered to satisfy the Objectives of the E4 Environmental Living zone. A detailed assessment against the zone Objectives is provided below:

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

Comment:

No native trees or vegetation are proposed to be removed to facilitate the development. Suitable conditions will be imposed requiring sediment and erosion control measures to be installed on the site and maintained throughout the life of the development to minimise sediment migration into adjoining waterways. In this regard, the proposed development is found to have an acceptable impact on the ecological, scientific and aesthetic values of the locality.

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

Comment:

As noted above, the proposal will have an acceptable impact upon the ecological, scientific and aesthetic values of the locality.

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

Comment:

The proposal does not alter the height of the existing dwelling, nor does it increase the gross floor area of the dwelling. Furthermore, the proposal adheres to the prescribed development controls pertaining to building envelope; and front, side and rear setbacks. In this regard, it is considered that the bulk and scale of the development is modest and appropriately integrated into the landform and landscape.

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

Comment:

The proposal is not located within the foreshore and therefore, is unlikely to adversely impact upon the matters prescribed in the above Objective.

Having regard to the above assessment, it is concluded that the proposed development satisfies the Objectives of the E4 Environmental Living zone.

7.1 Acid sulfate soils

No significant excavation works are proposed to facilitate the development. Therefore, it is not anticipated that the proposal will disturb, expose or drain acid sulfate soils and cause environmental damage.

7.3 Flood planning

Council's Natural Environmental Flood Officer has assessed the application with respect to flood hazards and raised no objections.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	12.5m (north)	-	Yes
Rear building line	6.5m	unchanged (south)	-	Yes
Side building line	2.5m	4m (west)	-	Yes
	1m	1m (east)	-	Yes
Building envelope	3.5m with an angle projected at 45 degrees	Within envelope (west)	-	Yes
	3.5m with an angle projected at 45 degrees	Minor encroachment for a maximum height of 0.22m and for a length of 0.47m (east)	N/A	Yes - 'shading devices' are a permitted variation under Clause D4.8 of D21DCP
Landscaped area	60% (547.2sqm)	Without variations - 41.56% (379.01sqm) With variations - 45.02% (410.58sqm)	24.97% (with variations) 30.73% (without variations)	No

***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
A4.4 Church Point and Bayview Locality	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	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	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D4.1 Character as viewed from a public place	No	Yes
D4.3 Building colours and materials	Yes	Yes
D4.5 Front building line	Yes	Yes
D4.6 Side and rear building line	Yes	Yes
D4.8 Building envelope	Yes	Yes
D4.10 Landscaped Area - Environmentally Sensitive Land	No	Yes
D4.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D4.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

A4.4 Church Point and Bayview Locality

The proposal does not alter the height of the existing dwelling, which presents as a two (2) storey structure. The development does not increase the gross floor area of the dwelling, nor does it encroach beyond the prescribed building envelope; and front, side and rear setback requirements. In this regard, it is considered that the proposal is effectively integrated into the landform and landscape. The overall height and scale of the development is not dissimilar to surrounding developments within the locality. Having regard to the above, it is concluded that the proposal is consistent with the desired future character statement of the Church Point and Bayview locality.

B3.1 Landslip Hazard

A Geotechnical Report has been submitted with this application in accordance with the requirements of this control. Council's Development Engineer has reviewed the Geotechnical Report and raised no objections to the application, subject to conditions. Subject to compliance with the conditions included with this consent, the proposed development will satisfy the requirements of this control.

B3.11 Flood Prone Land

Council's Natural Environmental Flood Officer has assessed the application against the requirements of this control and raised no objections.

B4.3 Flora and Fauna Habitat Enhancement Category 2 Land

Council's Natural Environmental Biodiversity Officer has assessed the application against the requirements of this control and raised no concerns.

B4.22 Preservation of Trees and Bushland Vegetation

Council's Landscape Officer has assessed the application against the requirements of this control and raised no objections, subject to conditions pertaining to tree and vegetation protection measures. 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 with respect to stormwater management and raised no objections, subject to conditions. Subject to compliance with the conditions of consent, the proposal will satisfy with the requirements of this control.

B8.2 Construction and Demolition - Erosion and Sediment Management

Suitable conditions have been imposed to ensure sediment and erosion control measures are installed and maintained on site throughout the duration of the development.

C1.5 Visual Privacy

Description of non-compliance

Clause C1.5 of the P21DCP stipulates that private open space areas of adjoining properties are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation. The proposed development contains elevated decks that are setback between 5m and 8m from the south-western side boundary of 1 Bakers Road. Furthermore, the decks are setback 1.2m from the north-western boundary of 2089B Pittwater Road. It is noted that the decks will allow for downward overlooking into the adjoining private open space at the aforementioned adjoining properties, which conflicts with the requirements of this control.

Merit Assessment

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

- *Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.*

Comment:

1 Bakers Road

As noted above, the proposal contains elevated decks that are setback between 5m and 8m from the south-western side boundary of 1 Bakers Road. A submission was prepared on behalf of the occupants of 1 Bakers Road. The submission raised concern of the potential privacy impacts that may arise as a consequence of the proposed development. In response to this concern, a site visit was undertaken at 1 Bakers Street to ascertain the potential privacy impacts. It is noted that the area of concern contains private open space within the rear yard of the property, comprising landscaped open space and a swimming pool area. Figure 1 depicts the subject site (3 Bakers Road) when viewed from the rear yard of 1 Bakers Road.

Figure 1 - subject site viewed from 1 Bakers Road



The Privacy Planning Principle established by the NSW Land and Environment Court in *Meriton v Sydney City Council [2004] NSWLEC 313 at 45-46* stipulates that overlooking from living areas is more objectionable than overlooking from rooms where people tend to spend less time (i.e. bedrooms). Considering the decks adjoin living spaces and are likely to be regularly used by the occupants of the site, the proposal cannot be supported in its current form, as it would allow for downward overlooking into the adjoining private open space at 1 Bakers Road.

To mitigate the privacy impacts, a suitable condition has been included with this consent requiring the decks to incorporate solid balustrading constructed of either fixed panels or louver style construction with a maximum spacing of 20mm, measured at a height of at least 1m above the finished floor level. The solid balustrade will prevent downward overlooking when in a sitting position and when standing back from the edge of the decks. Under these circumstances, the privacy impacts are considered to be reasonable within a residential environment.

2089B Pittwater Road

As noted above, the decks are setback 1.2m from the north-western boundary of 2089B Pittwater Road. A submission was prepared by the owner of 2089B Pittwater Road, requesting a privacy screen to be installed to alleviate the privacy concerns. In response to this submission, a site visit was undertaken at 2089B Pittwater Road to ascertain the potential privacy impacts. It is noted that the area of concern contains private open space within the rear yard comprising landscape open space and a cabana area. Figure 2 depicts the subject site (3 Bakers Road) when viewed from the rear yard of 2089B Pittwater Road.

Figure 2 - subject site viewed from 2089B Pittwater Road



The existing screen structure dividing the properties will alleviate overlooking from the balcony extension on the ground floor. Given the works to the balcony on the second floor comprises new tiling works and new balustrading, which does not increase the footprint of the balcony, it is considered that the condition pertaining to the solid balustrading (as noted above) will effectively negate the potential for unreasonable overlooking when the occupants of the property are sitting down or standing back from the balustrade edge. Under these circumstances, the privacy impacts are considered to be reasonable within a residential environment.

Having regard to the above assessment, it is concluded that the proposal, as amended by condition, will optimise visual privacy through good design.

- *A sense of territory and safety is provided for residents.*

Comment:

The proposed development is considered capable of providing a sense of territory and safety for residents on the subject site and adjoining properties.

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the application is supported on merit, subject to conditions.

C1.6 Acoustic Privacy

The proposed decks are sufficiently setback from bedrooms on adjoining properties to negate any unreasonable noise impacts.

D4.1 Character as viewed from a public place

Description of non-compliance

Clause D4.1 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.

Merit Assessment

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:

As noted earlier within this report, the proposed development is considered to be consistent with the desired future character statement of the Church Point and Bayview locality.

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

Comment:

The proposed carport is located over an existing hardstand area. In this regard, it is considered that the carport effectively responds to the existing built environment.

- *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 height of carport, in conjunction with the generous front boundary setback, the carport 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:

The carport is sited well below the established tree canopy. Therefore, it is considered that the carport is a secondary component to landscaping and vegetation on the site.

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

Comment:

The carport is located over an existing hardstand area and will not disturb the natural topography on the site.

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

Comment:

The carport is a single storey structure. Furthermore, the other components of the proposal will not increase

the height of 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:

No unreasonable view loss impacts will arise as a result of the carport, given it will maintain a maximum height of 2.82m.

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

Comment:

The carport does not necessitate the removal of native trees or vegetation. Due to the modest scale of the carport, it is considered that the carport is a secondary component to landscaping and vegetation.

- *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:

Due to the modest scale of the proposal, in conjunction with the generous front boundary setback, the proposed carport will not be visually dominant when viewed from the public domain.

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.

D4.8 Building envelope

Clause D4.8 of the P21DCP requires all development to be projected at 45 degrees from a height of 3.5m above the existing ground level, measured from the side boundaries. The covered roof over the deck on the ground floor encroaches beyond the prescribed building envelope for a maximum height of 0.22m and for a length of 0.47m along the eastern elevation. Notwithstanding, the policy states *"Eaves or shading devices that provide shade in summer and maximise sunlight in winter, shall be permitted to extend outside the building envelope"*. Considering the non-compliance pertains to a shading device, the encroachment is acceptable. Therefore, the assessment concludes that the proposal is compliant by virtue of the building envelope control.

D4.10 Landscaped Area - Environmentally Sensitive Land

Description of non-compliance

Clause D4.10 of the P21DCP stipulates that development shall ensure at least 60% (547.2sqm) of the site area is landscaped. The landscape area calculations are as follows:

- Without variations: 41.56% (379.01sqm) of the site area; and
- With variations: 45.02% (410.58sqm) of the site area.

Consequently, the proposal fails to satisfy the requirements of this control.

Merit Assessment

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

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

Comment:

As noted earlier within this report, the proposed development is considered to be consistent with the desired future character statement of the Church Point and Bayview locality.

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

Comment:

The proposal does not alter the height of the existing dwelling, nor does it increase the gross floor area of the dwelling. Furthermore, the proposal adheres to the prescribed development controls pertaining to building envelope; and front, side and rear setbacks. In this regard, it is considered that the bulk and scale of the development is modest and appropriately integrated into the landform and landscape.

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

Comment:

Suitable conditions have been imposed as part of this consent to ensure a reasonable level of privacy is maintained between the subject site and adjoining properties. Furthermore, shadow diagrams submitted with this application indicate that an appropriate level of solar access will be maintained on the subject site and adjoining properties.

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

Comment:

The proposal does not necessitate the removal of native trees or vegetation. Furthermore, all development entailed in this application is sited below the established tree canopy.

- *Conservation of natural vegetation and biodiversity.*

Comment:

As noted above, no native trees or vegetation are proposed to be removed to facilitate the development.

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

Comment:

Suitable conditions have been included with this consent that relate to stormwater management and sediment and erosion control.

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

Comment:

The overall height and scale of the development is not dissimilar to surrounding developments in the locality. Therefore, the proposal is considered to be acceptable in the context of the bushland character of the area.

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

Comment:

It is considered that the landscaping dimensions on site area sufficient and will assist with stormwater infiltration.

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.

D4.14 Scenic Protection Category One Areas

The proposal comprises modest alterations and additions to the existing dwelling and will not detract from the scenic qualities of the locality.

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 DA2020/0193 for Alterations and additions to a dwelling house on land at Lot 51 DP 1043879, 3 Bakers Road, CHURCH POINT, 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
DA4 - Site Analysis Plan and Waste Mngmnt Plan	08 November 2019	Northern Beaches Designs
DA5 - Ground Floor Plan	08 November 2019	Northern Beaches Designs
DA6 - Carport Floor Plan	08 November 2019	Northern Beaches Designs
DA7 - First Floor Plan	08 November 2019	Northern Beaches Designs
DA8 - Roof Floor Plan	08 November 2019	Northern Beaches Designs
DA9 - Elevations N, S	08 November 2019	Northern Beaches Designs
DA10 - Elevations E, W	08 November 2019	Northern Beaches Designs
DA11 - Section, A-A, B-B	08 November 2019	Northern Beaches Designs
DA12 - Carport N, S	08 November 2019	Northern Beaches Designs
DA13 - Carport E, W & Section	08 November 2019	Northern Beaches Designs

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation No. J2491	22 November 2019	White Geotechnical

		Group
Flood Assessment	27 January 2020	Taylor Consulting

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	28 February 2020	Vaughan Milligan Development Consulting

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 PITTWATER DCP21 clause B 5.10. 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 29th November, 2019 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. **Amendments to the approved plans**

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

- The elevated decks are to incorporate solid balustrading on all elevations constructed of either fixed panels or louver style construction with a maximum spacing of 20mm, measured at a height of at least 1m above the finished floor level.

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

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

8. **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.

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. External Finishes to Roof

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

11. Installation and Maintenance of Sediment and Erosion Control

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. 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.

13. Tree and vegetation protection

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

- i) all trees and other vegetation within the site not approved for removal, excluding exempt 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 generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 Arborist. Details including photographic

evidence of works undertaken shall be submitted to the Certifying Authority,

- v) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) tree pruning to enable construction shall not exceed 10% of any tree canopy, or in accordance with any site directions provided by a AQF Level 5 Arborist, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect significant planting on development and adjoining sites.

14. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Certifying Authority.

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

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

15. **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture 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 and 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.

The Arborist is to be engaged at the commencement of works to record the condition of existing trees within 5 metres of development prior to any demolition and construction activity.

Reason: to retain and protect significant planting on development sites.

16. **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 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.

17. **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.

18. New Vegetation Planting

Landscaping is to incorporate a minimum 60% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Gardening Booklet available on Council's website. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

19. Priority and environmental weeds

Landscaping is not to include any Priority or environmental weeds identified in the Northern Beaches Council Local Priority Weed Management Plan. Evidence of compliance with this condition is to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To manage the spread of environmental weeds in accordance with relevant Natural Environment LEP/DCP controls.

20. 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.

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

Reason: To ensure bushland management.

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

Signed



Thomas Burns, Planner

The application is determined on 24/04/2020, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments