

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/1189
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 103 DP 860197, 73 McCarrs Creek 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:	Debra Fei Charlton Christopher John Charlton
Applicant:	Brent Gasson

Application Lodged:	22/07/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	02/08/2021 to 16/08/2021
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 215,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to an existing dwelling house. Specifically, the works consist of:

Ground Floor

- Enclose the existing covered deck off the dining room to create a new living room and remove the existing stacking doors.
- New pergola to the southern and western facades of the new living room.
- Relocate the main entry to the residence.
- Windows and door removed from the northern elevation adjacent the stairs.
- Kitchen renovation including removal of wall under stairs.

- New alfresco and media room.

First Floor

- New master suite addition comprising bedroom, walk-in-robe and sitting room.
- Part of the existing balcony is proposed to be retained. The new roof will extend across the western side of the balcony and the southern section will have an open pergola.
- New privacy screen to the northern façade of the master suit bedroom / balcony.
- Block up doorway between bedrooms 2 and 4.

Garage

- New storage room at the rear of the existing garage.

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 - 4.3 Height of buildings

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

Pittwater 21 Development Control Plan - D4.3 Building colours and materials

Pittwater 21 Development Control Plan - D4.5 Front building line

Pittwater 21 Development Control Plan - D4.6 Side and rear building line

Pittwater 21 Development Control Plan - D4.8 Building envelope

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

SITE DESCRIPTION

Property Description:	Lot 103 DP 860197 , 73 McCarrs Creek Road CHURCH POINT NSW 2105
Detailed Site Description:	<p>The subject site consists of one allotment located on the south-eastern side of McCarrs Creek Road, Church Point. The front boundary is elevated well above the roadway, with vehicular and pedestrian access to the site provided via a shared Right of Carriageway.</p> <p>The site is irregular in shape and has a surveyed area of 1254sqm.</p> <p>The site is located within the E4 Environmental Living zone pursuant to Pittwater LEP 2014 and accommodates a two storey dwelling house, including a swimming pool and detached garage/carport structure.</p> <p>The site is well vegetated and includes numerous native canopy trees, in conjunction with exotic plantings. The site is mapped within an area known for containing the endangered Pittwater Spotted Gum Forest.</p> <p>The site is particularly steep and experiences a fall of approximately 20m that slopes away from the rear boundary towards the frontage. The slope under the footprint of the dwelling house has a gradient of 33.56%.</p> <p>The site is environmentally constrained with geotechnical and bushfire hazards and is burdened by a Right of Carriageway that encroaches through the front and rear portions of the site.</p> <p>Description of Surrounding Development</p> <p>The surrounding built environment is characterised by detached low density residential development within bushland settings on sloping sites. The scale of surrounding development is typically 2-3 storeys in height.</p>

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:

- Building Certificate BC0177/06 for a sandstone boulder retaining wall at the rear of the allotment adjoining a timber garage and carport issued by Council on 12 January 2007.
- Development Application N0080/08 for alterations and additions to the existing dwelling approved by Council on 20 June 2008.

APPLICATION HISTORY

The Development Assessment Officer examined the site and the surrounds on 26 August 2021.

Following the preliminary assessment of the application, Council requested that an Arboricultural Impact Assessment be submitted to examine the development's impact upon trees within the vicinity of the proposed works. The report was subsequently submitted. Council's Landscape Officer has reviewed the report and plans and raised no objections to the development, subject to conditions pertaining to tree protection during construction works.

The Arboricultural Impact Assessment did not alter the design of the proposal and therefore, the application was not required to be re-notified, in accordance with the Northern Beaches Community Participation Plan.

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	See discussion on "Environmental Planning Instruments" in this

Section 4.15 Matters for Consideration'	Comments
of any environmental planning instrument	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>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to an Arborist 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 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 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 (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</p>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

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

The application was referred to the NSW Rural Fire Service for further assessment. The NSW RFS raised no objections to approval, subject to conditions. The recommendations of the Bush Fire Report , along with the conditions from the NSW RFS have been included as part of the recommended conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 02/08/2021 to 16/08/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Ross McKenzie Middleton	77 McCarrs Creek Road CHURCH POINT NSW 2105

One submission was received following the public exhibition period. The submission was prepared by the occupant of an adjacent dwelling house at 77 McCarrs Creek Road.

The following issues were raised in the submission and each are addressed below as follows:

Acoustical Impacts from Media Room

Concern is raised with regards to potential acoustical privacy impacts resulting from the media room. In response, whilst the media room is setback between 0.9m - 1m from the south-western boundary, the area is visually and physically separated from the dwelling at No. 77 by boundary fencing and the shared Right of Carriageway. The media room is setback over 10m from the adjacent dwelling, which is a reasonable level of separation within a low density residential area. Therefore, the acoustical privacy

impacts are considered to be acceptable. The Certifying Authority will ensure the development adheres to relevant Australian Standards and BCA provisions that may relate to noise or heat insulation.

Impacts on Canopy Trees

Concern is raised with regards to the development's impact upon native canopy trees. Council's Landscape Officer has reviewed the proposal and accompanied Arborist Report and is satisfied that existing canopy trees within the proximity of the works can be retained. Tree protection measures during construction works have been conditioned to ensure the retention of the trees.

Inconsistent with Zone Objectives

Concern is raised that the proposal is inconsistent with the objectives of the E4 Environmental Living zone. A detailed assessment against the zone objectives has been carried out within this report, which has concluded that the development is consistent with the E4 zone objectives.

Conclusion

The matters raised within the submission have been addressed above and resolved through conditions where necessary. The concerns do not warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>This application is for the alterations and additions of an existing residential dwelling. Alterations include the minor demolition of existing site structures in order to facilitate internal re-configurations creating a larger, open plan living space. Additions are inclusive of a new storage area adjacent to the existing garage, a new living area with bedroom extension above, as well as a cabana and media room adjacent to the existing swimming pool.</p> <p>Council's Landscape Referral section has considered the application against the Pittwater Local Environmental Plan, and the following Pittwater 21 DCP controls:</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D4.10 Landscaped Area - Environmentally Sensitive Land <p><u>Original Comments - 26/07/2021</u></p> <p>The Statement of Environmental Effects provided with the application notes that no trees are to be removed as a result of proposed works. This statement is largely supported by the Architectural Plans provided as it is clear no existing tree is shown to be removed. It is noted that no Arboricultural Impact Assessment is provided with the application.</p> <p>Concern is raised regarding the potential impacts of proposed works on existing trees to be retained, particularly those located to the south-west of the proposed pool cabana, as well as those located to the north of the existing garage. The site falls within area identified as</p>

Internal Referral Body	Comments
	<p>containing Pittwater Spotted Gum Forest, an endangered ecological community, and for this reason, efforts should be taken to ensure existing significant trees are retained and not impacted where possible.</p> <p>Firstly, the proposed cabana and media room appears to encroach into the Tree Protection Zone (TPZ), and possibly the Structural Root Zone (SRZ) of existing trees located adjacent to the south-west boundary, outside of the property boundaries. As these trees are not located within the site, they are required to be protected and retained, irrespective of species. Further concern is raised regarding the increase in hard surfaces in this area, as the Landscape Plan indicates that a gravel parking area is proposed outside of the site. This increase in hard surface, and the required excavation to construct it, has the possibility to negatively impact both the short-term and long-term health of these existing trees. Any negative impacts to these trees would likely not be supported. Secondly, the proposed storage area on the northern side of the existing garage also encroaches into both the TPZ and SRZ of existing significant trees in this area. It is noted that the existing garage and structures in this area already encroach into both of these zones, however the proposed works seek to increase this, putting further stress on these existing trees.</p> <p>As no Arboricultural Impact Assessment has been provided with the application, the true impacts of proposed works is not fully known. Due to the presence of high value endangered ecological communities, the retention of these trees should be a priority, with impacts as a result of development to be minimal. The retention of these existing trees is vital to satisfy control B4.22 and D4.10, as key objectives of these controls include "to effectively manage the risks that come with an established urban forest through professional management of trees", "to protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide". For this reason, it is recommended that an Arboricultural Impact Assessment be provided with the application to fully understand the potential impacts of proposed works. It should be noted that any encroachment into the TPZ by 10% or more, or any encroachment into the SRZ, is deemed major, and requires a tree root investigation as per AS4970-2009, specifically <i>Clause 3.3.3 Major Encroachment</i>. Should proposed works be found to detrimentally effect existing significant trees, an alternative design arrangement should be sought.</p> <p>The landscape component of the proposal is therefore not currently supported due to the unknown impacts of proposed works on existing significant native trees. It is recommended that an Arboricultural Impact Assessment be provided with the application to fully understand the potential impacts of proposed works. It should be noted that any encroachment into the TPZ by 10% or more, or any</p>

Internal Referral Body	Comments
	<p>encroachment into the SRZ, is deemed major, and requires a tree root investigation as per AS4970-2009, specifically <i>Clause 3.3.3 Major Encroachment</i>.</p> <p>Upon receipt of the required information, further assessment can be made.</p> <p><u>Updated Comments - 29/09/2021</u></p> <p>Following original comments regarding the unknown impacts of proposed works on existing trees, an Arboricultural Impact Assessment has been provided.</p> <p>This Arboricultural Impact Assessment has identified a total of seven trees, all of which are proposed to be retained. Three of the seven trees, identified as Trees No. 1, 4 and 7, are high value native canopy trees, with the remaining four trees identified as exempt species. Although these have been identified as exempt species, these four trees are proposed for retention and as a result must be protected throughout proposed works to ensure they do not pose a future risk to life or property. Although the TPZ of Trees No. 1, 4 and 7 are expected to be impacted, alongside the SRZ of Trees No. 1 and 4, the Arboricultural Impact Assessment has noted that subject to tree protection measures, inclusive of manual excavation, appointment of a Project Arborist, as well as flexible construction methodology, these trees are viable for retention with little negative impacts expected.</p> <p>The tree of greatest concern, with regards to original comments, was the impacts of the proposed driveway and parking area located within close proximity to Tree No. 4. The Arboricultural Impact Assessment has identified works in this area are largely a surface material change, rather than works that require significant excavation. It has been noted that works in this area are to be manually excavated with tree trunk guards installed. Should the Arborists recommendations be adhered to, no further concerns are raised with the proposed works.</p> <p>The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation.</p>
NECC (Bushland and Biodiversity)	<p>The application seeks approval for the construction of alterations and additions to an existing dwelling, garage and provision of a new alfresco cabana and media room. The application also seeks to establish an Asset Protection Zone (APZ) over the entirety of the site in perpetuity.</p> <p>Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:</p> <p>Biodiversity Conservation Act 2016 (BC Act) Biodiversity Conservation Regulation 2017 Pittwater Local Environmental Plan (PLEP)</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> 7.6 Biodiversity Protection <p>Pittwater Development Control Plan (PDCP)</p> <ul style="list-style-type: none"> B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community <p>The site is located within the Department of Planning, Industry and Environment's (DPIE) Biodiversity Values Mapping. Any removal of native vegetation from within mapped areas will trigger the Biodiversity Offset Scheme (BOS). As an approved APZ (N0080/08) already exists over the entirety of the site, and the Statement of Environmental Effects provided with the application notes that no significant trees or vegetation shall be removed as a result of proposed works which is supported by the Landscape Plans; the BOS is not triggered.</p> <p>The application does not require the removal of prescribed trees or vegetation, nor is it likely to impact on nearby biodiversity values. Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.</p>
NECC (Coast and Catchments)	<p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> * Supplied plans and reports * Coastal Management Act * Coastal Management SEPP (Clauses 13, 14) * Relevant LEP and DCP <p>The application meets the objectives and is therefore supported.</p>
NECC (Development Engineering)	<p>The proposed development increases the impervious are by more than 50m² and as such OSD shall be provided in accordance with Clause 9.3.1 of Council's Water Management for Development Policy as conditioned.</p>
NECC (Riparian Lands and Creeks)	<p>This application is for the alterations and additions of an existing residential dwelling. Alterations include the minor demolition of existing site structures in order to facilitate internal re-configurations creating a larger, open plan living space. Additions are inclusive of a new storage area adjacent to the existing garage, a new living area with bedroom extension above, as well as a cabana and media room adjacent to the existing swimming pool.</p> <p>The proposed development increases the impervious are by more than 50m² and as such water quality controls shall be provided in accordance with Council's Water Management for Development Policy as conditioned.</p>
External Referral Body	Comments

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Rural Fire Service – local branch (s4.14 EPAA)	<p>The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:</p> <p>Asset Protection Zones</p> <p><i>Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.</i></p> <p>1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of <i>Planning for Bush Fire Protection 2019</i>. When establishing and maintaining an IPA the following requirements apply:</p> <ul style="list-style-type: none"> • tree canopy cover should be less than 15% at maturity; • trees at maturity should not touch or overhang the building; • lower limbs should be removed up to a height of 2m above the ground; • tree canopies should be separated by 2 to 5m; • preference should be given to smooth barked and evergreen trees; • large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings; • shrubs should not be located under trees; • shrubs should not form more than 10% ground cover; and • clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation. • grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and • leaves and vegetation debris should be removed. <p>Construction Standards</p> <p><i>Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</i></p> <p>2. New construction to the northeast, southeast and southwest</p>

External Referral Body	Comments
	<p>elevations as well as to the roof of the dwelling must comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2018 <i>Construction of buildings in bush fire-prone areas</i> or NASH Standard (1.7.14 updated) <i>National Standard Steel Framed Construction in Bushfire Areas – 2014</i> as appropriate and Section 7.5 of <i>Planning for Bush Fire Protection 2019</i>.</p> <p>3. New construction to the northwest elevation of the dwelling must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 <i>Construction of buildings in bush fire-prone areas</i> or NASH Standard (1.7.14 updated) <i>National Standard Steel Framed Construction in Bushfire Areas – 2014</i> as appropriate and Section 7.5 of <i>Planning for Bush Fire Protection 2019</i>.</p> <p>4. The storeroom addition to the garage is to be constructed entirely from non-combustible materials.</p> <p>Water and Utility Services</p> <p><i>Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</i></p> <p>5. The provision of water, electricity and gas must comply the following in accordance with Table 5.3c of <i>Planning for Bush Fire Protection 2019</i>:</p> <ul style="list-style-type: none"> ● A 10,000 litre minimum capacity static water supply (SWS) must be provided on site; ● a connection for firefighting purposes is located within the IPA or non-hazard side and away from the structure; ● 65mm Storz fitting with a ball valve is fitted to the outlet; ● ball valve and pipes are adequate for water flow and are metal; ● supply pipes from SWS to ball valve have the same bore size to ensure flow volume; ● underground tanks have an access hole of 200mm and a hardened ground surface for truck access is supplied within 4m to allow tankers

External Referral Body	Comments
	<p>to refill direct from the tank;</p> <ul style="list-style-type: none"> ● above-ground tanks are manufactured from concrete or metal; ● raised tanks have their stands constructed from non combustible material or - bush fire-resisting timber (see Appendix F of AS 3959); ● unobstructed access can be provided at all times; ● underground tanks are clearly marked; ● all exposed water pipes external to the building are metal, including any fittings; ● where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and ● where practicable, electrical transmission lines are underground; ● where overhead, electrical transmission lines are proposed as follows: <ul style="list-style-type: none"> - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines. ● reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used; ● all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side; ● connections to and from gas cylinders are metal; ● polymer sheathed flexible gas supply - lines are not used; and ● above-ground gas service pipes are metal, including and up to any outlets.

External Referral Body	Comments

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been submitted with this application (see BASIX Certificate No. A422269, dated 29 June 2021). A condition has been included with this consent to ensure compliance with the aforementioned BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid. 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 located within the Coastal Environment Area and Coastal Use Area pursuant to 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.*
- (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:

The site is sufficiently separated from the foreshore, being separated by McCarrs Creek Road and as such, it is not anticipated that the works will adversely impact the environmental qualities of the coastal area. Furthermore, the works are confined to private property and will not preclude access to or along the foreshore area, nor will the development impact the use of the surf zone. A condition has been included with this consent that require works to cease and the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Environment and Climate Change be contacted if any items of Aboriginal heritage significance are uncovered during works. It is noted that the site has been subject to previous disturbance from development and that it is unlikely that any Aboriginal heritage remains would be on the site.

Based on the above commentary, it is considered that the development is designed, sited and will be managed to avoid an adverse impact upon the matters referred to in Clause 13.

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 will not preclude access to or along the foreshore and are unlikely to impact upon Aboriginal cultural heritage, practices and places. Additionally, as the works are sufficiently separated from the foreshore and not readily visible from the foreshore, it is considered that the development will not detract from the scenic qualities of the coastline or result in wind funnelling or overshadowing of the foreshore. Nearby dwellings to the rear of the site are elevated well above the roofline of the dwelling house and as such, the proposal will not comprise significant water view lines from neighbouring properties. Adjacent properties to the north-east and south-west will maintain water views over the front boundary.

For these reasons, it is considered that the development is designed, sited and will be managed to avoid an adverse impact upon the matters referred to in Clause 14. It is also noted that the dwelling will remain two storeys in height, which is consistent with the scale of nearby development, which is characterised by 2-3 storey dwellings.

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:

The proposal has been designed to respond to the environmental constraints of the site. In this regard, it is considered that the development is not likely to cause increased risk of coastal hazards within the

locality.

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:	10m	8.7m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone E4 Environmental Living

The proposal is for alterations and additions to a dwelling house. Dwelling houses are permitted with consent in the E4 Environmental Living zone. When considered against the zone objectives, it is noted as follows:

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

Comment:

The proposal involves minimal ground disturbance and does not involve the removal of significant trees. Furthermore, the proposed additions are appropriately sited and scaled, such that the works will not unreasonably detract from the visual qualities of the locality. Overall, the development is considered to have an acceptable impact upon the ecological, scientific or aesthetic values of the area.

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

Comment:

As demonstrated above, the proposed development does not have an adverse effect on the ecological, scientific or aesthetic values listed above.

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

Comment:

The dwelling house will remain two storeys in height, commensurate with the scale of the surrounding built environment. Additionally, the works do not significantly alter the site topography or result in the removal of canopy trees. The proposed development is considered to be of a low density and scale integrated into the landform and landscape.

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

Comment:

The proposed development does not have an adverse impact upon riparian and foreshore vegetation or wildlife corridors.

Conclusion

As demonstrated above, the proposed development satisfies the objectives of the E4 Environmental Living zone.

4.3 Height of buildings

The site is located within Area I on the Pittwater LEP 2014 Height of Buildings Map. Within this area, the maximum building height permitted is 8.5m above the existing ground level.

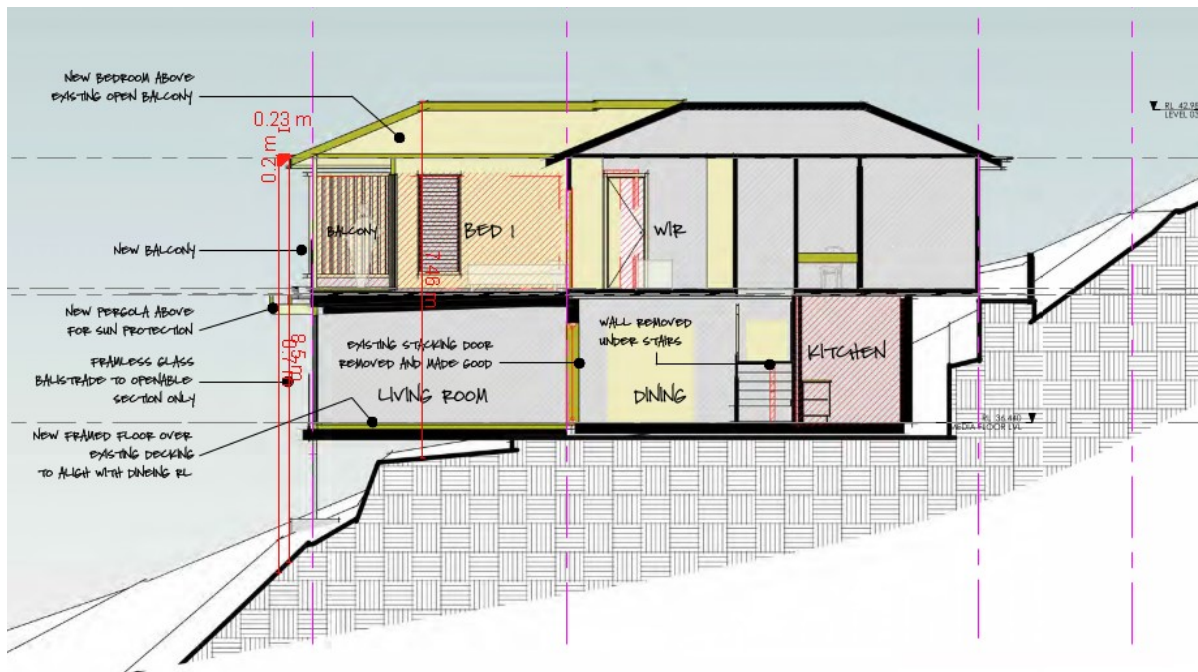
Notwithstanding, Clause 4.3(2D) of Pittwater LEP 2014 contains an exemption provision that stipulates that the maximum building height within Area I can be increased to 10m, provided the following is demonstrated:

(a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and

Comment:

The area above 8.5m is minor and confined to the gutter of the first floor. The horizontal width of the non-compliance is 0.23m and the breach represents a height of 0.2m. Figure 1 depicts the extent of the non-compliance.

Figure 1: area above 8.5m height plane



(b) the objectives of this clause are achieved, and

Comment:

A detailed assessment against the objectives of Clause 4.3 of the Pittwater LEP 2014 is provided below. In summary, the proposal is found to be consistent with the objectives of this clause.

(c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and

Comment:

The slope of the land under the building footprint is 33.56%, which is greater than 30%.

(d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.

Comment:

The area of non-compliance is confined to the first floor extension and does not require cut or fill. The hipped roofline slopes down with the topography within the non-compliant area.

When considered against the objectives of Clause 4.3 of the PLEP 2014, it is noted as follows:

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

Comment:

The proposed development is consistent with the desired future character statement of the Bayview and Church Point locality. This is discussed later within this report.

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

development,

Comment:

The resulting development will remain two storeys in height, commensurate with the scale of surrounding development.

(c) to minimise any overshadowing of neighbouring properties,

Comment:

Given the sufficient separation from the south-western adjacent dwelling at No. 77, which is physically and visually separated by the shared right of carriageway, coupled with the sloping topography that falls towards the street, the proposal does not result in significant overshadowing of neighbouring properties. This is demonstrated on the shadow analysis submitted with this application. It is noted that the adjacent dwelling at No. 75 is located over 50m upslope of the subject dwelling and will not be overshadowed by the development.

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

Comment:

As discussed earlier within this report, the proposal does not compromise significant view lines.

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

Comment:

The hipped roofline slopes down with the natural topography. Furthermore, the non-compliant element pertains to an extension to the existing first floor and does not alter the site topography.

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

Comment:

The site does not contain a heritage item, is not located within a heritage conservation area and is not located in close proximity to heritage items. Therefore, the proposal will not have an adverse impact upon environmental and built heritage. Furthermore, the proposal does not require the removal of significant canopy trees

Conclusion

Based on the above assessment, it is concluded that the proposal satisfies the requirements of Clause 4.3(2D) of Pittwater LEP 2014. Therefore, the 10m maximum building height is applied to the site. The maximum height of the proposed development is 8.7m above the existing ground level, which complies with the 10m provision.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies

Front building line	10m	8.75m	12.5%	No
Rear building line	6.5m	13.2m	-	Yes
Side building line	2.5m (south-west)	<u>Ground Floor</u> 900mm - 1m (media room) <u>First Floor</u> 19.4m	up to 64% -	No Yes
	1m (north-east)	<u>Ground Floor</u> 470mm - 580mm <u>First Floor</u> 212mm - 1.415m	up to 53% up to 78.8%	No No
Building envelope	3.5m then projected at 45 degrees (south-west)	within envelope	-	Yes
	3.5m then projected at 45 degrees (north-east)	outside envelope	up to 50.1%	Yes - meets exemption for sloping sites see discussion
Landscaped area	60% (752.4sqm)	without variations: 50.49% (633.2sqm) with variations: 54.98% (689.5sqm)	8.36% - 15.85%	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
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
C1.1 Landscaping	Yes	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	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.23 Eaves	Yes	Yes
D4.1 Character as viewed from a public place	Yes	Yes
D4.3 Building colours and materials	No	Yes
D4.5 Front building line	No	Yes
D4.6 Side and rear building line	No	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 Church Point and Bayview Locality Statement calls for development to respond to the below criteria:

"The Church Point and Bayview locality will remain a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on lowlands in the locality on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Retail, community and recreational facilities will serve the community".

"Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. The locality is characterised by steeply sloping blocks so the provision of facilities such as incliners, driveways and carparking need to be sensitively designed. The shared use of vehicular/pedestrian access, and the use of rooftops as parking areas can be solutions that minimise the physical and visual impact on the escarpment or foreshore".

"Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Views from the buildings shall be maintained below the tree canopy level capturing spectacular views up the Pittwater waterway. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards".

Comment:

The proposed development is consistent with the Church Point and Bayview Locality Statement for the following reasons:

- The dwelling house will remain two storeys in height, commensurate with the scale of nearby development.
- The proposal has been designed to respond to the environmental constraints of the land.
- The proposal does not result in the removal of canopy trees or result in significant disturbance to the natural topography.
- The roofline sits well below the established tree canopy and the development will not be visually imposing within the streetscape.

D4.3 Building colours and materials

The additions to the dwelling house will maintain a 'beige' external finish to the walls, which does not align with the Pittwater 21 DCP colour specification. Nevertheless, the development is not prominent from the roadway and the maintenance of the colour is considered to be reasonable. A condition has been included with this consent requiring the roof colour for the media room to consist of a medium to dark range to minimise solar reflections.

D4.5 Front building line

The proposed additions to the ground floor and first floor maintain the existing non-compliant front building line of 8.75m, which does not meet the 10m numeric requirement. When assessing the proposal on its merits, it is considered that the outcomes of the control are achieved for the following reasons:

- The proposal will maintain consistency with the Church Point and Bayview Desired Future Character Statement, as discussed in detail earlier within this report.
- The proposal does not compromise significant view lines from nearby public and private land.
- The maintenance of the existing front building line will not create unreasonable internal amenity impacts arising from road noise, given the works are elevated well above McCarrs Creek Road.
- The works will not be visually prominent from the roadway and the existing vegetation will continue to soften the built form.
- The works will not alter the existing access arrangements to the site.
- The works will remain below the tree canopy.
- The maintenance of the existing front building line will not impact upon pedestrian amenity.
- The development will remain two storeys in height, commensurate with the scale of surrounding development.

D4.6 Side and rear building line

Description of non-compliance

The control prescribes a 2.5m side setback from one side boundary and a 1m from the other side boundary. The alterations to the dwelling maintain the northern-eastern side setback which ranges between 215mm - 1.415m. This represents a partial numeric non-compliance.

Additionally, the new media room is setback between 900mm - 1m from the south-western side boundary, which does not meet the 2.5m requirement.

Merit consideration

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

To achieve the desired future character of the Locality

Comment:

As discussed in detail within the section of the report relating to Clause A4.4 of the Pittwater 21 DCP, the proposal is consistent with the Church Point and Bayview Desired Locality Statement.

The bulk and scale of the built form is minimised.

Comment:

The dwelling remains two storeys in height, commensurate with the surrounding built environment. Furthermore, the dwelling on the north-eastern adjacent site (No. 71) is situated upslope from the non-compliant built form and therefore, the works will not pose unreasonable visual impacts. It is further noted that the detached media room is modest in size and visually and physically separated by fencing and the shared Right of Carriageway from the adjacent dwelling at No. 77 (located to the south-west) and therefore, the works will not present with excessive bulk from this adjacent dwelling.

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

Comment:

As discussed earlier within this report, the proposal will not compromise significant view lines from nearby private or public land.

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

Comment:

Reasonable view sharing is achieved.

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

Comment:

As discussed earlier within this report, the overshadowing impacts are minor. The north-eastern elevation of the first floor extension incorporates fixed screening to prevent viewing to the adjacent site. Furthermore, the media room visually and physically separated by fencing and the shared Right of Carriageway from the adjacent dwelling at No. 77 (located to the south-west) and therefore, the non-compliant side setback will not result in adverse privacy impacts.

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

Comment:

The proposal does not result in the removal of canopy trees and retains sufficient soft landscaping.

Flexibility in the siting of buildings and access.

Comment:

Flexibility is afforded in this circumstance as the non-complaint side building lines do not result in adverse amenity impacts to adjoining properties.

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

Comment:

Existing vegetation on the site will visually reduce the built form when viewed from the public domain or adjoining properties.

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

Comment:

The site does not adjoin commercial development or land zoned for commercial development.

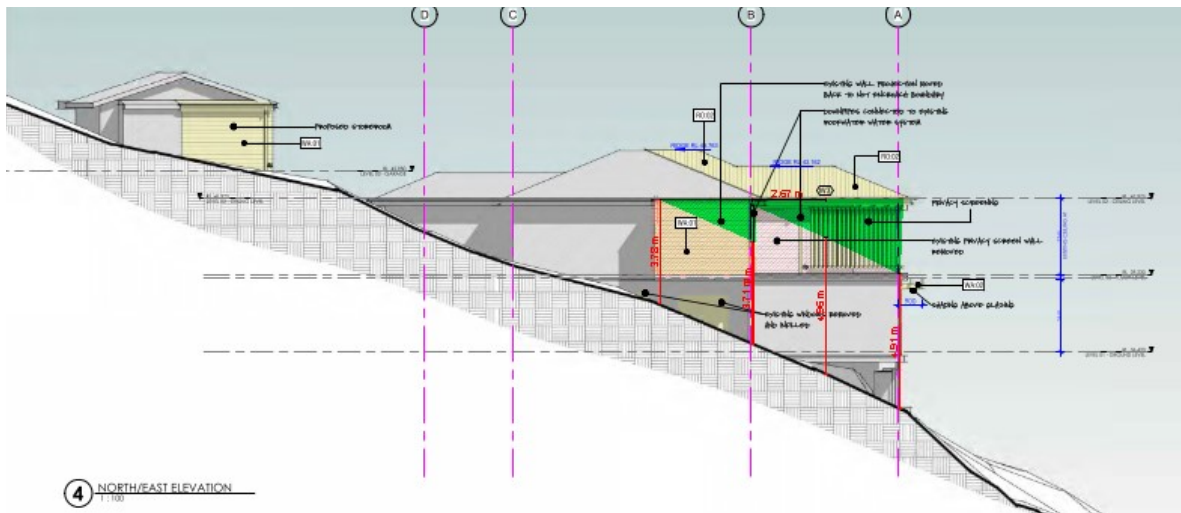
Conclusion

Based on the above assessment, it is concluded that the outcomes of the control are achieved. Therefore, the application is supported on merit in this particular circumstance.

D4.8 Building envelope

The extension to the first floor protrudes outside of the prescribed building envelope along the north-eastern elevation. The breach occurs for a portion of the first floor and occurs between a height of 0.01m - 2.46m, which represents a variation up to 50.1% from the numeric requirement. Figure 2 below depicts the extent of the numeric non-compliance.

Figure 1: north-eastern elevation envelope breach



Notwithstanding, the control permits a variation provision which states that the building envelope assessment will be subject to a merit assessment where the building footprint is situated on a slope over 30%. The site topography directly under the building footprint has a 33.56% and therefore, the proposal is subject to a merit assessment.

The proposed development is considered to be consistent with the outcomes of this control. A detailed assessment against the outcomes is provided below as follows:

To achieve the desired future character of the Locality.

Comment:

As discussed in detail within the section of the report relating to Clause A4.4 of the Pittwater 21 DCP, the proposal is consistent with the Church Point and Bayview Desired Locality Statement.

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

Comment:

The scale of the development is consistent with established residential development within the locality. Furthermore, the height of the proposal will be below the mature tree canopy.

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

Comment:

The hipped roofline slopes down with the natural topography, which falls towards the street.

The bulk and scale of the built form is minimised.

Comment:

The dwelling remains two storeys in height, commensurate with the surrounding built environment. Additionally, the first floor extension incorporates façade articulation, which provides further visual relief.

It is noted that the works are sufficiently separated from adjacent dwellings due to the subdivision pattern, siting of adjoining dwellings and natural topography. As such, the works will not be visually imposing on adjoining properties. Furthermore, the works will not be visually prominent from the roadway and the existing vegetation will continue to soften the built form.

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

Comment:

As noted earlier within this report, the proposal will not give rise to unreasonable view impacts.

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

Comment:

As discussed earlier within this report, sufficient separation is afforded from adjoining dwellings, which will ensure a reasonable level of privacy is maintained between properties. Furthermore, the additional overshadowing is minor and acceptable. It is noted that the first floor extension subject to the envelope variation does not cause additional overshadowing of adjoining properties, with the impacts being confined to the media room.

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

Comment:

Existing vegetation on the site will visually reduce the built form when viewed from the public domain or adjoining properties.

Conclusion

As demonstrated above, the proposal is consistent with the outcomes of this control and therefore, is acceptable on merit.

D4.10 Landscaped Area - Environmentally Sensitive Land

Description of non-compliance

The control requires at least 60% (752.4sqm) of the site to be landscaped.

The proposed landscaped area equates to 50.49% (633.2sqm) of the site, which represents a 15.85% variation from the numeric requirement. The inclusion of allowable variations to the control (i.e. impervious private open space within 1m of natural ground level (6% of site area maximum), impervious areas less than 1m x 1m in width) results in 54.98% (689.5sqm) of the site being landscaped.

Merit consideration

With regard to 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 discussed in detail within the section of this report relating to Clause A4.4 of the P21DCP, the proposed development is considered to align with the intent of the Church Point and Bayview Desired Future Character Statement.

The bulk and scale of the built form is minimised.

Comment:

The dwelling remains two storeys in height, commensurate with the surrounding built environment. Additionally, the first floor extension incorporates façade articulation, which provides further visual relief. It is noted that the works are sufficiently separated from adjacent dwellings due to the subdivision pattern, siting of adjoining dwellings and natural topography. As such, the works will not be visually imposing on adjoining properties. Furthermore, the works will not be visually prominent from the roadway and the existing vegetation will continue to soften the built form.

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

Comment:

As discussed earlier within this report, sufficient separation is afforded from adjoining dwellings, which will ensure a reasonable level of privacy is maintained between properties. Furthermore, the additional overshadowing is minor and acceptable.

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

Comment:

Existing vegetation on the site will visually reduce the built form when viewed from the public domain or adjoining properties.

Conservation of natural vegetation and biodiversity.

Comment:

The proposal does not result in the removal of native canopy planting on the site, nor does the development impact upon threatened species. Council's Landscape and Biodiversity Officers have reviewed the proposal and found the development to be acceptable, subject to conditions.

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

Comment:

Suitable conditions have been included with this consent to ensure stormwater is appropriately managed.

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

Comment:

The proposal is consistent with the intent of the Church Point and Bayview Desired Future Character Statement and therefore, will maintain 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:

There is adequate soft landscaping on the site, which will assist in water infiltration. Conditions included with this consent will further ensure that stormwater is adequately managed on the site.

Conclusion

Having regard to the above assessment, it is concluded that the outcomes of this control are achieved. Therefore, the application is supported on merit in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

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

A monetary contribution of \$2,150 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$215,000.

CONCLUSION

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

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

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

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

- Consistent with the objectives of the DCP

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/1189 for Alterations and additions to a Dwelling House on land at Lot 103 DP 860197, 73 McCarrs Creek 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
A010	2 March 2021	Archit Project Design
A040	2 March 2021	Archit Project Design
A102	2 March 2021	Archit Project Design
A103	2 March 2021	Archit Project Design
A301	2 March 2021	Archit Project Design
A302	2 March 2021	Archit Project Design
A305	2 March 2021	Archit Project Design
A310	2 March 2021	Archit Project Design
A311	2 March 2021	Archit Project Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation Ref. J3471	1 July 2021	White Geotechnical Group
Bushfire Risk Assessment	1 June 2021	Bushfire Planning Services
BASIX Certificate No. A422269	29 June 2021	Archit

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	24 June 2021	Archit Project Design

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
NSW Rural Fire Service	NSW Rural Fire Service Referral Response Ref. DA20210730003153-Original-1	13 August 2021

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

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

3. **Prescribed Conditions**

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

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

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

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

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

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

Reason: Legislative requirement.

4. **General Requirements**

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$2,150.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$215,000.00.

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

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

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

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

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

6. Security Bond

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

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

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

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

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

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

7. Pier Footing Design Near Trees to be Retained

Pier footing structural layout plans for the external works including the additional garage storage area, shall be developed in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture, and a qualified Structural Engineer. The Arborist shall review, comment, recommend design revision as required and approve the pier footing layout, to ensure the locations of piers will be manageable in terms of tree protection measures.

The Arborist shall submit certification to the Certifying Authority, that the locations of the pier footings are accepted. The agreed pier footing structural layout plans shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.

Reason: Tree protection.

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

The recommendations of the risk assessment required to manage the hazards as identified in

the Geotechnical Report prepared by White Geotechnical Group dated 1/7/2021 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

9. **No Clearing of Vegetation**

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

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

Reason: To protect native vegetation.

10. **Erosion and Sediment Control Plan**

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

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

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

Reason: Protection of the receiving environment.

11. **Water Quality Management**

The applicant must install a filtration device (such as a sediment control pit or absorption trench) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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

Reason: Protection of the receiving environment.

12. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

i. OSD to be provided in accordance with Clause 9.3.1 of Council's Water Management for Development Policy

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

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

13. 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.

14. External Finishes to Roof

The external finish to the roof of the media room 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.

15. Sydney Water "Tap In"

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

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

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

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

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

16. Certification of Bushfire Requirements

A suitably qualified bushfire consultant is to provide written certification that the recommendations of the New South Wales Rural Fire Service referenced in Condition 2 of this consent have been incorporated into the Construction Certificate plans.

Documented evidence is to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure compliance with Planning for Bushfire Protection 2019.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

17. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

i) all demolition, excavation and construction works within the TPZ's and SRZ's of trees to be retained.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

18. Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected

by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. Tree and Vegetation Protection

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

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

b) Tree protection shall be undertaken as follows:

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

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment, as listed in the following sections:

- i) Section 5 - Discussion,
- ii) Appendix B - Tree Protection & Management.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant

to the recommendations of the Arboricultural Impact Assessment.

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

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

Reason: Tree and vegetation protection.

20. **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.

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

Council proactively regulates construction sites for sediment management.

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

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

Reason: Protection of the receiving environment.

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

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

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

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

23. **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 ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) 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 Principal Certifying Authority.

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

24. **Waste Management During Development**

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

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

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

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

25. **Condition of Retained Vegetation - Project Arborist**

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

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

Reason: Tree protection.

26. **New Vegetation Planting**

Any new landscaping is to incorporate a minimum 80% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the final determination for Pittwater Spotted Gum Forest:

<https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/1996-1999/pittwater-spotted-gum-forest-endangered-ecological-community-listing#:~:text=The%20Scientific%20Committee%2C%20established%20by,Schedule%201%20of%20the%20Act.>

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

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

27. **No Weeds Imported On To The Site**

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

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

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

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

The Applicant shall lodge a Legal Documents Authorisation Application with Council. The application is to include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan by a Registered Surveyor) and Hydraulic Engineers' certification for the completed on-site stormwater detention system works. A guide to the process can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/guide-submitting-ldaa-nov19.pdf>

The form for the application can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/4023-legal-documents-authorisation-oct19.pdf>

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure the on-site stormwater detention system is maintained to an appropriate operational standard and not altered.

29. **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.

30. Certification of Bushfire Requirements

A suitably qualified bushfire consultant is to provide written certification that the recommendations of the New South Wales Rural Fire Service referenced in Condition 2 of this consent have been incorporated into as-built development.

Documented evidence is to be provided to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure compliance with Planning for Bushfire Protection 2019.

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

31. Protection of Habitat Features

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

Reason: To protect wildlife habitat.

32. Maintenance of Asset Protection Zones

Vegetation clearing for ongoing APZ maintenance must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Reason: To protect native vegetation and wildlife.

33. Maintenance of Stormwater Treatment Measures

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

34. Geotechnical Recommendations

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

Reason: To ensure geotechnical risk is mitigated appropriately.

35. Media Room not to be used for Separate Occupancy

The detached Media Room is not permitted to be used, or adapted to be used, for separate occupancy. The Media Room must not include the installation of cooking/kitchen facilities.

Reason: Nothing in this consent authorises the use of the site or any onsite structures as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house.

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

Signed



Thomas Burns, Planner

The application is determined on 01/10/2021, under the delegated authority of:



Lashta Haidari, Acting Development Assessment Manager