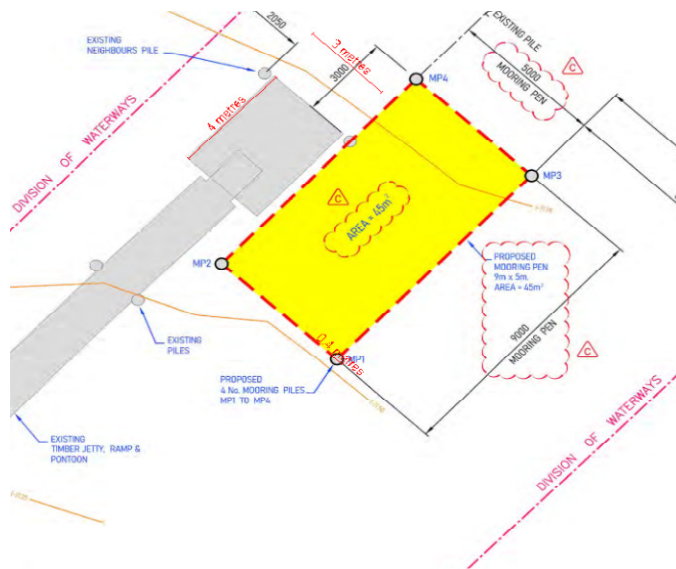


DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0424
Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 51 DP 740538, 1772 Pittwater Road BAYVIEW NSW 2104
Proposed Development:	Alterations and additions to existing jetty consisting of a new mooring pen
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	Yes
Owner:	Georgina Elizabeth Torrens Andrew William Bursill
Applicant:	Andrew William Bursill
Application Lodged:	29/04/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	12/05/2020 to 26/05/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 18,000.00

PROPOSED DEVELOPMENT IN DETAIL

The proposed works are for the establishment of a berthing area (6 x 10 m) at the subject site, which will require four mooring piles. The berthing area is proposed on the eastern side of an existing ramp and pontoon.



Proposed 4 pile mooring pen

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils

Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards

Pittwater Local Environmental Plan 2014 - 7.8 Limited development on foreshore area

Pittwater 21 Development Control Plan - B3.7 Estuarine Hazard - Low density residential

Pittwater 21 Development Control Plan - D15.15 Waterfront development

SITE DESCRIPTION

Property Description:	Lot 51 DP 740538 , 1772 Pittwater Road BAYVIEW NSW 2104
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**Detailed
Site
Description:**

The subject site consists of one (1) allotment known as lot 51, DP 7450538 located on the Road with a frontage to Bayview, Church Point.

The site is regular in shape with a frontage of 17.9m along Pittwater Road and a depth of boundary and 43.7m along the eastern boundary. The site has a direct frontage to Pittwater foreshore. The site has a surveyed area of 717m².

The site is located within the E4 zone from PLEP 2011 (Bayview and Church Point Localities (3) level detached dwelling, swimming pool and timber jetty to Pittwater / Bayview.

The site is steeply sloping from the road frontage of Pittwater Road down to the waterfront (to RL1.04) providing an average slope of 24.7%.

The waterfront property has a jetty, ramp, pontoon and 2 fender piles for casual berthing.

There are no significant trees on the site. Two spotted gum trees are located on the road.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by large detached three storey dwellings with direct foreshore access to Bayview / Pittwater. The majority of neighbouring waterfront properties are residential.



Existing jetty and pontoon (source Copley Marine Consulting)

Map:



SITE HISTORY

A search of Council's records has revealed the following:

Application N0120/07 for a swimming pool was approved on 12/06/2007.

Application JC2/0050/97 for jetty, ramp & pontoon construction of a jetty, ramp and pontoon was on 20/06/1997.

On 11 May 2020, DA2020/0014 approved demolition of the existing dwelling and construction of a new dwelling and pool.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development relates to alterations to an existing jetty 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 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iii) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This clause is not relevant to this application.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and</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 not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	<p>General Comments</p> <p>The DA2020/0424 proposed the driving of 4 new mooring piles into the ground at the end of the jetty. The acid sulphate mapping indicate Class 5.</p> <p>Considering the minimum soil disturbing in a low risk area for acid sulphate. Environmental Health see limited impact or risk from acid sulphate.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>
NECC (Bushland and Biodiversity)	<p>The potential biodiversity impacts of the proposed mooring pen have been assessed against Pittwater LEP 2014 cl. 7.6 Biodiversity and cl13 Coastal Environment Area of the Coastal SEPP 2018. The Marine Habitat Survey (H2O consulting Group) found that areas of seagrass will not be directly impacted by the works, and concludes that the proposed development is not expected to have any ecological significant impacts on marine habitat. The potential impacts will be</p>

Internal Referral Body	Comments
	<p>managed in accordance with a Construction Environmental Management Plan that will be prepared.</p> <p>Therefore the development is designed, sited and will be managed to minimise that impact.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Coastal Management) 2018 As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13, 14 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>As proposed development of installation of a 4 pile mooring pan adjoining existing jetty, ramp and pontoon are located below the Mean High Water Mark, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>The subject property has also been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for</p>

Internal Referral Body	Comments
	<p>Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.</p> <p>However, the Estuarine Planning Levels are not applicable for the proposed development of installation of a 4 pile mooring pan adjoining existing jetty, ramp and pontoon.</p> <p>The proposed development is therefore able to satisfy the relevant estuarine risk management requirements of P21 DCP.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP (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 subject 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.*

Comment:

The site is located within the coastal environment area. The proposal to install a 10m x 6m four (4) pile mooring pen will not cause any adverse impacts to items a) to l) above. A Marine Habitat survey has been submitted which makes recommends a Construction Environmental Management Plan (CEMP) to be adopted to manage potential impacts during construction work to aquatic habitat. The recommendations include:

- Silt curtains should be put in place to minimise siltation on nearby habitats and any seagrasses during works with potential to mobilise sediments.
- All construction works should be done without excavation and by driving piles to minimise potential disturbance to the seabed.
- No construction vessels should be moored or anchored in areas where seagrass is known to occur.
- All rubbish and construction materials should be disposed of correctly and removed from the site following construction works.
- Construction equipment should be washed down and thoroughly cleaned prior to de-mobilisation from the site to minimise the spread of invasive species, such as *C. taxifolia*.

Subject to compliance with the CEMP Council's Natural Environment Coastal Unit and Biodiversity Unit have no objections to the proposal.

The proposed works do not have an impact on public foreshore access, coastal processes or are within the vicinity of any known Aboriginal heritage sites.

- (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 proposed development does not result in a further impact to the processes of the Pittwater Waterway, public foreshore access, Aboriginal heritage or native vegetation than what has been previously established by the existing jetty, ramp and pontoon.

14 Development on land within the coastal use area

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

Comment:

The proposal has no impact upon foreshore vegetation. No Aboriginal heritage sites are located within the vicinity of the development and public access to the foreshore is not affected.

The development does not result in any additional overshadowing to the foreshore area or impact upon any views to the foreshore from the public domain.

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

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:

Subject to compliance with the CEMP, the proposal is unlikely to adversely affected by estuarine processes. In summary, the proposal was referred to Council's Natural Environment - Coastal Unit and Biodiversity Unit who confirm that the the proposal satisfies the requirements under clause 13, 14 and 15 of the Coastal Management SEEP 2018, refer to discussion within this report.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

The proposed works are for the establishment of a berthing area (6 x 10 m) at the subject site, which will require four mooring piles. The berthing area is proposed on the eastern side of an existing ramp and pontoon. An assessment of the principal development standards is not required for the subject DA.

Compliance Assessment

Clause	Compliance with Requirements
5.7 Development below mean high water mark	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Detailed Assessment

7.1 Acid sulfate soils

Considering the minimum soil disturbing in a low risk area for acid sulfate Council's Environmental Health Unit have confirm that there will be limited impact or risk from acid sulfate.

7.7 Geotechnical hazards

The site is identified as being located in a Geotechnical Hazard H2 area on the Geotechnical Hazard Map. The proposal is minor and will not result in any geotechnical risk to the site in compliance with Clause 7.7.

7.8 Limited development on foreshore area

Sub-clause 7.8(2) of the Pittwater LEP allows for exceptions of development on the foreshore area for the following purposes:

- (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,
- (b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).

The proposal is for alterations to an existing lawful jetty. Jetty's are permitted in the foreshore area and subject to compliance with the CEMP recommended in the Marine Habitat report the proposal has been assessed as acceptable.

Pittwater 21 Development Control Plan

Built Form Controls

The proposed works are for the establishment of a berthing area (6 x 10 m) at the subject site, which will require four mooring piles. The berthing area is proposed on the eastern side of an existing ramp and pontoon. An assessment against the built form controls is not required.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.4 Church Point and Bayview Locality	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B4.16 Seagrass Conservation	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B4.20 Protection of Estuarine Water Quality	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
D4.1 Character as viewed from a public place	Yes	Yes
D4.14 Scenic Protection Category One Areas	Yes	Yes
D15.11 Waterfront lighting	Yes	Yes
D15.12 Development seaward of mean high water mark	Yes	Yes
D15.13 Lateral limits to development seaward of mean high water mark	Yes	Yes
D15.14 Minimum frontage for waterfront development	Yes	Yes
D15.15 Waterfront development	Yes	Yes

Detailed Assessment

B3.7 Estuarine Hazard - Low density residential

Council's Natural Environment Coastal Unit have confirmed that Estuarine Planning Levels are not applicable for the proposed development of installation of a 4 pile mooring pan adjoining existing jetty, ramp and pontoon.

D15.15 Waterfront development

Clause D15.15 (b) requires Berthing Areas requires:

Vessels shall be berthed at right angles to the mean high water mark to minimise visual impact on the foreshore, where practicable. Where this configuration may restrict navigation, vessels may be berthed parallel to mean high water mark provided such vessels are no greater in length than the maximum length of the distance between the lateral limits of the property less 4 metres, and provided that the parallel moored vessel does not restrict navigation. The Department of Primary Industries will generally not approve berthing areas over seagrass.

The maximum dimension for berthing areas perpendicular to shore shall be 5 metres x 9 metres in accordance with Diagrams 3A and 3B.

Mooring licences for a private swing mooring shall be relinquished by any person seeking approval for a berthing area. This is to promote a more equitable use of the waterway's resources.

Where provided, berthing areas shall meet the following criteria:

The proponent must demonstrate that they do not already hold, or cannot obtain, a swing mooring, marina berth or boat shed where they could reasonably store their boat;

That there is sufficient depth of water below the vessel being 600 mm depth at zero low tide (-1.53 AHD);

That it does not extend beyond the seaward face of any related pontoon, piles or jetty steps;

That there is sufficient clearance from prolongation of adjoining boundaries (i.e. a minimum of 2.5 metres)

That it be designed and located to enable efficient and safe manoeuvring without impinging on adjoining neighbours; and

The size of vessel must be accommodated wholly within the lease area.

Comment

The plans prepared by Copley Marine show the berthing area being 9m x 5m, however, the SEE refers to the berthing area measuring 10m x 6m. In order to avoid any confusion in the a condition stipulates that the berthing are shall have a maximum dimension of 9m x 5m with the size of the vessel being accommodated wholly within the lease area.

The berthing area extends 3m beyond the seaward face of the existing pontoon. This non-compliance with the control has been assessed as acceptable as the layout is required in order to achieve the minimum 600mm depth at zero low tide.

Clause D15.15 (b) requires piles to be:

Height: Max 2.67 AHD

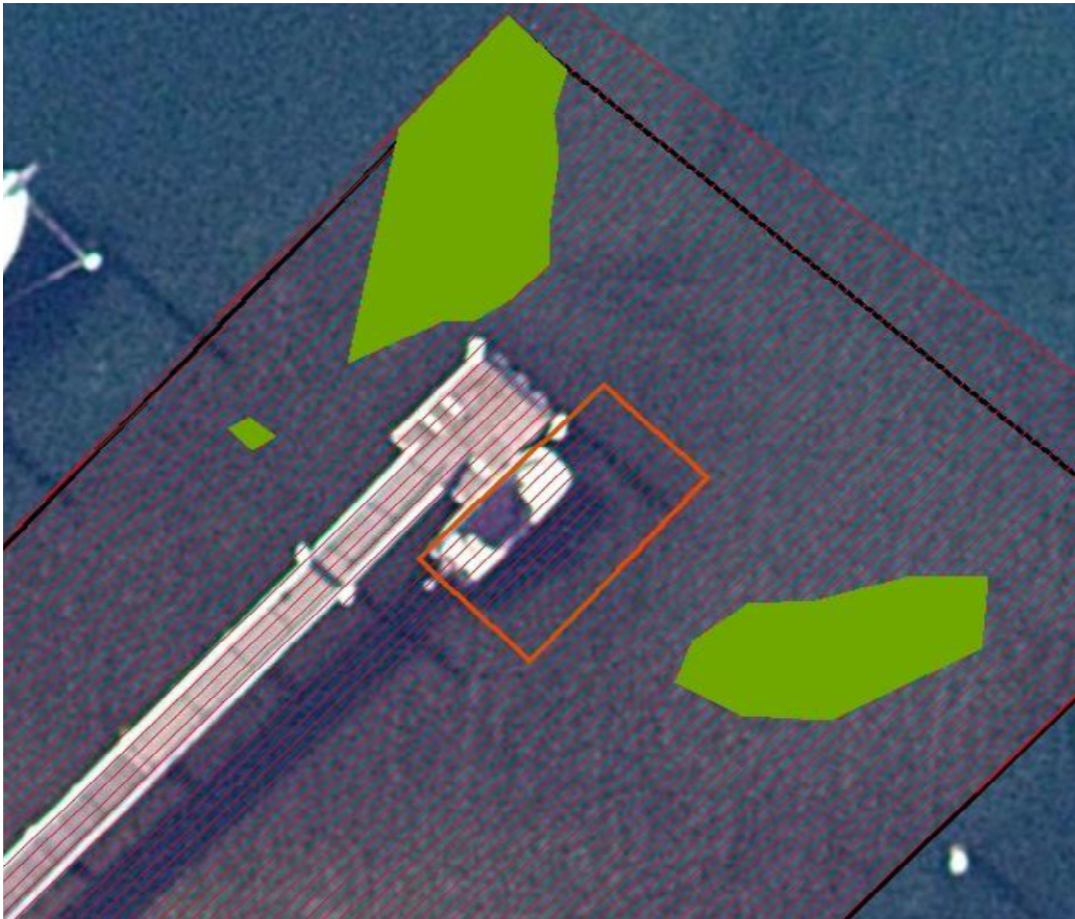
To be timber or fibre reinforced concrete. Timber piles shall have a minimum diameter of 250mm and be stripped bare of bark above mean high water mark and be bound at the top by a metal ring to

prevent splitting and be capped to prevent long term deterioration.

Structures shall be treated in dark, natural colours above mean high water mark. End piles or free standing piles shall be painted white along the top 1 metre of the pile to facilitate visual prominence when viewed from the water at night and minimise any hazard to navigation. The use of alternative measures, such as reflective materials, to facilitate visual prominence may also be supported. Structures should be positioned at least 2 metres away from any Posidonia seagrass.

Comment

Four piles are proposed which measure RL 3.5AHD and have a diameter of approximately 400mm. A condition requires the piles to have a max height of 2.67 AHD a maximum diameter of 250mm and be timber or fibre reinforced concrete painted white along the top 1 metre to minimise hazard to navigation. Subject to a reduction in the size of the piles proposal will not impact on the scenic quality of the waterway. It is also noted that the piles are located 2m from areas of seagrass, see aerial image below.



Aerial image showing proposed berthing area in relation to areas of seagrass.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

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

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0424 for Alterations and additions to existing jetty consisting of a new mooring pen on land at Lot 51 DP 740538, 1772 Pittwater Road, BAYVIEW, 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
LOC 1 Rev C Existing Site Plan	3 April 2020	Copley Marine Consulting Group
LOC 2 Rev C Proposed Plan	3 April 2020	Copley Marine Consulting Group
LOC 3 Rev C Elevation	3 April 2020	Copley Marine Consulting Group
LOC 4 Rev C Plan Navigation	3 April 2020	Copley Marine Consulting Group

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Marine Habitat Survey	10 December 2019	H2O Consulting Group

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:

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

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

2. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

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

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

Reason: Legislative requirement.

3. General Requirements

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.



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

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

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

FEES / CHARGES / CONTRIBUTIONS

4. Security Bond

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

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

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

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

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

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

5. Amendments to the approved plans

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

- The piles to have a max height of 2.67 AHD a maximum diameter of 250mm and be timber or fibre reinforced concrete painted white along the top 1 metre to minimise hazard to navigation.

*Note: The berthing are shall have a maximum dimension of 9m x 5m with the size of the vessel being accommodated wholly within the lease area.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

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

6. Construction Environmental Management Plan (CEMP)

A Construction Environmental Management Plan (CEMP) is to be prepared to manage potential impacts during construction work to aquatic habitat in accordance with the recommendations of the Marine Habitat Survey prepared by H2O Consulting Group and dated 10 December 2019. The CEMP shall include:

- Silt curtains should be put in place to minimise siltation on nearby habitats and any

- seagrasses during works with potential to mobilise sediments.
- All construction works should be done without excavation and by driving piles to minimise potential disturbance to the seabed.
- No construction vessels should be moored or anchored in areas where seagrass is known to occur.
- All rubbish and construction materials should be disposed of correctly and removed from the site following construction works.
- Construction equipment should be washed down and thoroughly cleaned prior to demobilisation from the site to minimise the spread of invasive species, such as *C. taxifolia*.

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

7. **Environmental Reports Certification**

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

Marine Habitat Survey, dated 10 December 2019, prepared by H20 Consulting Group

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To ensure compliance with standards.

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

Signed



Anne-Marie Young, Principal Planner

The application is determined on 05/06/2020, under the delegated authority of:



Anna Williams, Manager Development Assessments