

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0753
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Responsible Officer:	Renee Ezzy
Land to be developed (Address):	Lot C DP 372459, 156 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:	Alison Joy Glover
Applicant:	Peter Downes Designs

Application lodged:	09/05/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	17/05/2018 to 31/05/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval

Estimated Cost of Works:	\$ 390,000.00
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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 - 4.3 Height of buildings

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

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

Pittwater 21 Development Control Plan - D4.8 Building envelope

SITE DESCRIPTION

Property Description:	Lot C DP 372459 , 156 McCarrs Creek Road CHURCH POINT NSW 2105
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of McCarrs Creek Road.</p> <p>The site is regular/ n shape with a frontage at mean high water mark to Pittwater and a depth of approximately 74.065m. The site has a surveyed area of 1038.4m².</p> <p>The site is located within the E4 Environmental Management zone and accommodates a two storey dwelling with a separate carport structure at the McCarrs Creek Road frontage.</p> <p>The site contains a fall of approximately 37% between the front of the site and the proposed extension and contains dense vegetation through the western side of the site.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by dwelling houses exhibiting a variety of ages and architectural styles.</p>

Map:



SITE HISTORY

Development Application No. DA2018/0753 for alterations and additions to the existing dwelling was lodged with Council on 9 May 2018. This application is the subject of this assessment. Council's records do not reveal any further relevant history for the subject site.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development seeks consent for alterations and additions to the existing dwelling. Specifically, the new works include:

Lower Level F (FFL 21000)

New Rumpus Room with internal spiral stair up to Level 1 Family Room

Level 1 (FFL 24710)

New Family Room (24m²)

Internal spiral staircase to lower level F

New balcony wrapping the western facade of the dwelling (17.8m²)

Level 3 (FFL 27430)

New west facing balcony (45.2m²)

Replacement west facing window adjoining kitchen

New external timber stairs along southern boundary

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. 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 matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

Name:	Address:
Mr Philip Corbett	158 McCarrs Creek Road CHURCH POINT NSW 2105

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

- It should be noted I am not opposing the development. However, I do have concerns over its possible impact on the natural watercourse which runs along the common boundary with my property at 158 McCarrs Creek Road – the Glover’s southern boundary – and on land on my side of the watercourse.*

Item 12 of the Geotechnical Report refers to vibrations from drilling/milling for the foundations of the new additions and that the vibrations may be felt in neighbouring homes. My concern is whether these vibrations could adversely impact the vulnerable watercourse and its immediate surrounds.

(The Report acknowledges the watercourse, including in photos 7 and 8, but it is the section at the top of these photos (and out of view), that is of most concern.)

Adjacent to the proposed additions, the watercourse is 2 metres deep, with the northern bank held in place by an old log, a few other pieces of wood and roots. This is less than 1.5 metres from the supports to the Glover's travelator. I would appreciate assurances that the vibrations referred to in the Geotechnical Report, and the works in general, are not likely to cause the bank to collapse.

Some years ago, the council undertook stabilisation works within the watercourse after it had allowed (for some time) grossly unnatural volumes of water from a subdivision outside the natural catchment, to be dumped into the watercourse from an open-ended pipe, causing extensive damage and erosion.

The stabilisation works are deteriorating with mortar and stones separating. Again, I would appreciate assurances the vibrations and associated activities are unlikely to cause a further deterioration of these works.

Further, on my side of the watercourse adjacent to the proposed additions, there are loose sandstone boulders protruding from a vertical clay bank. If the vibrations were to dislodge these 'floaters' there could be extensive damage to the boatsheds below (one of which includes asbestos) and possible loss of life, should anyone be inside.

It is unfortunate these matters were not addressed within the Geotechnical Report. I would therefore appreciate an independent assessment of the risks. I would be happy to meet a Council representative with suitable qualifications onsite to review these matters.

The only other matter I might mention concerns the proposed construction of cement steps adjacent to the southern wall of the Glover's house. These are also adjacent to the watercourse and care will need to be taken to avoid any adverse impact on the watercourse bank.

As stated earlier, I am not opposed to the Glover's plans but clearly the DA requires due diligence in all areas, including the possible impact on the watercourse and its immediate surrounds.

Comment:

Council's Development Engineers and Natural Environment Officers were made aware of these concerns, have reviewed the proposed development and have not raised any concerns in relation to the site conditions or the watercourse referenced in this submission. The Geotechnical report also references the natural watercourse within the site and incorporates recommendations during construction and excavation to address the protection of this feature. This issue does not hold determining weight.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The proposal is acceptable subject to the protection of existing trees and vegetation, as conditioned within the Natural Environment Referral Response - Biodiversity.
NECC (Bushland and Biodiversity)	Council's Bushland & Biodiversity division has assessed the proposal against Pittwater LEP 2014 Control 7.6 Biodiversity Protection & Pittwater 21 DCP 2014 Control B1.4 Aboriginal Heritage Significance, B4.6 Wildlife Corridors and believes the proposed development complies, subject to conditions as recommended.
NECC (Coast and Catchments)	The property at 156 McCarrs Creek Road, Church Point has been identified as being affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. The Estuarine Risk Management Policy for 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. In accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), an estuarine planning level (EPL) of approximately 2.55m AHD applies to the subject property. As no work is proposed at the foreshore and the lowest FFL of the proposed additions and alterations in the DA is shown as 27.43m AHD (i.e. well above the EPL) the proposal is able to satisfy the relevant requirements of the Estuarine Risk Management Policy and Estuarine Hazard Controls in P21 DCP.
NECC (Development Engineering)	No Development Engineering objection to approval, subject to conditions.

Internal Referral Body	Comments
NECC (Riparian Lands and Creeks)	<p>As the proposed addition increases impervious area by under 50sqm, there is no requirement for water quality treatment of roof water or stormwater.</p> <p>The applicant is encouraged to incorporate screening of organic matter (leaf litter etc) and coarse sediments on roof drainage to help protect the receiving environment of the Pittwater Estuary.</p> <p>The applicant is reminded of the importance of sediment and erosion controls that prevent runoff of polluted water into the Pittwater Estuary. Building materials and stockpiles must be kept well clear of the watercourse that runs down the boundary of the property.</p>

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A308425 dated 27 February 2018).

A condition has been included in the recommendation of this report requiring compliance with the

commitments indicated in the BASIX Certificate.

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
Minimum subdivision lot size:	700sqm	954.8m ²	N/A	Yes
Height of Buildings:	8.5m	8.78m	3.3%	No

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Detailed Assessment

4.3 Height of buildings

The height of the proposed building is 8.78m which equates to a 3.3% variation to the height standard. Clause (2D) under Part 4.3 of the PLEP states the following:

"(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if:

(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 proposed development includes the protrusion of a glass balustrade beyond the 8.5m height control for 0.28m. The extent of breach is considered minor and the proposal satisfies this requirement.

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

Comment: The proposed alterations and additions are consistent with the desired character of the

Church Point and Bayview Locality as it maintains a two storey, low density residential dwelling on the site which has a maximum height below the predominant tree canopy and demonstrates a bulk and scale in sync with its setting. The objectives of the clause are adequately achieved.

(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 site within the building footprint has been calculated at approximately 36%.

(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 design of the additions allow for a step down below the new Level 2 terrace and incorporates minimal excavation.

On balance, the proposed additions are considered to satisfy the exception to the building height for sloping sites and is acceptable.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	>23m	N/A	Yes
Side building line	2.5m	South -2.205m	11.8%	No
	1m	North - 1.32m	N/A	Yes
Building envelope	3.5m	North - Outside envelope -	N/A	No
	3.5m	South - Outside envelope	N/A	No
Landscaped area	50%	>50%	N/A	Yes

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
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B4.20 Protection of Estuarine Water Quality	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.11 Stormwater Discharge into Waterways and Coastal Areas	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential (Amended 14/11/15 See B6.3)	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
C5.1 Landscaping	Yes	Yes
D4.1 Character as viewed from a public place	Yes	Yes
D4.3 Building colours and materials	Yes	Yes
D4.5 Front building line	Yes	Yes
D4.6 Side and rear building line	No	Yes
D4.8 Building envelope	No	Yes
D4.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D4.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D4.14 Scenic Protection Category One Areas	Yes	Yes
D15.11 Waterfront lighting	Yes	Yes

Detailed Assessment

A4.4 Church Point and Bayview Locality

Desired Character

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.

Comment: The proposed works provide additions to the western side of the existing two storey

dwelling.

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.

Comment: The proposed additions are for an established dwelling which currently has a working inclinator. There are no new elements affected access to the site and there is existing arrangement for water and sewerage facilities. The proposal is satisfactory in this regard.

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 building works will sit comfortably below the tree canopy and adverse bulk and scale has been minimised through generous articulation and variety of materials which are sympathetic with the surrounding natural elements. The proposed design steps down the site to an acceptable level requiring minimal excavation.

The locality is visually prominent particularly from Scotland Island, Bilgola Plateau, and the Pittwater waterway. Therefore, a balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

Comment: The new building elements are located approximately 40m from the mean high water mark with the Pittwater waterway. Views of the building will be obscured by the existing trees and vegetation on the site which are retained as part of this proposal.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Comment: The subject site is not a heritage item or within a conservation area.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

Comment: The scope of works is restricted to within the private property boundaries of the site and do not impact on any vehicular, pedestrian or cycle access.

Pedestrian/cycle access around the foreshore and to areas of open space will be upgraded and maintained.

Comment: The subject site does not adjoin any pedestrian or cycle access areas.

Church Point will remain an important link to the offshore communities.

Comment: The proposed development will not impact on the Church Point link with offshore communities.

D4.6 Side and rear building line

The proposed development complies with the side setback requirement on the northern elevation. There is a non-compliance with the southern side setback where the balcony at Levels 1 and 2 encroaches within the side setback area by 0.26m.

While the extension at the rear of the dwelling results in a minor numerical non-compliance it is considered to satisfactorily address the outcomes of the control providing an improvement in the amenity of the built form.

The application has satisfactorily demonstrated that the building form notwithstanding a non-compliance with the side building line control achieves the desired future character requirements outlined in Section A4.12 and does not result in unacceptable impacts on surrounding views, privacy, amenity, solar access or the streetscape and is acceptable.

D4.8 Building envelope

The proposed development results in non-compliance with the building envelope control on both the northern and southern elevation up to 2.65m and 3.04m respectively.

The site within the building footprint provides a slope of approximately 36% (12m) and is therefore suitable to be considered for a variation. In considering the non-compliances, the proposal has been considered against the desired outcomes of the control and is supportable for the following reasons:

- The development is consistent with the desired future character as discussed in detail within Section A4.12.
- The bulk and scale of the new dwelling is considered commensurate within the existing streetscapes.
- There are no views identified that will be adversely impacted by the proposed development.
- The development has considered and resolved potential impacts on the privacy, amenity and solar access of neighbouring properties.
- Adequate natural landscape vegetation is retained at the rear of the site which will be further supplemented by new native planting at the front of the site to support the appearance of the dwelling.

Accordingly, the proposed development is considered to achieve the outcomes of Section D12.8 and is supported in this instance.

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

Pittwater Section 94 Development Contributions Plan

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 DA2018/0753 for Alterations and additions to a dwelling house on land at Lot C DP 372459, 156 McCarrs Creek Road, CHURCH POINT, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Building materials, sedimentation

No building materials or other materials are to be placed on or enter areas of bushland, wetland, saltmarsh, seagrass or foreshore vegetation. Appropriate sediment fencing is to be installed.

Reason: Environmental Protection

2. 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
A3 - 1709 01 - Site Plan	1/11/17	Peter Downes Designs
A3 - 1709 02 - Levels 2 and 3	23/11/17	Peter Downes Designs
A3 - 1709 03 - Level 1	23/11/17	Peter Downes Designs
A3 - 1709 04 - Level F	11/01/17	Peter Downes Designs
A3 - 1709 05 - South Elevation	23/11/17	Peter Downes Designs
A3 - 1709 06 - North Elevation	23/11/17	Peter Downes Designs
A3 - 1709 07 - West Elevation	23/11/17	Peter Downes Designs
A3 - 1709 08 - Section 1	11/01/17	Peter Downes Designs

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Risk Management	28/02/2018	White Geotechnical Group Pty Ltd
Bushfire Risk Assessment	14/02/2018	Planning for Bushfire Protection
Erosion & Sediment Control Plan	8 May 2018	Rhett J Drew

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. (DACPLB01)

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 (DACPLB09)

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) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) 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.
- (j) 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.

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

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

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

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

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

5. 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 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

6. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

(a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and

(b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

7. Geotechnical Report Recommendations have been correctly 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 28/02/2018 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.

Reason: To ensure geotechnical risk is mitigated appropriately

8. Soil and Water Management Program

A Soil and Water Management Plan prepared in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and implemented on site until the works are completed.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACHPC02)

9. Compliance with Standards

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. Installation and Maintenance of Sediment and Erosion Control

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

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

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

11. Protection Fencing

Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans including those specified in the Erosion & Sedimentation Control Plan, authored by Rhett J Drew, dated 8/5/18. Protection measures are to be maintained for the duration of the works. Protection fencing that is no longer required is to be removed once all works are completed.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to commencement of works.

Reason: Environmental Protection

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

13. Maintenance of Sediment

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

14. Excavation Near to Trees on Adjacent Properties

As excavation is required within five metres of an existing significant tree or trees and vegetation on an adjoining site, the excavation is to be supervised by a qualified consulting arborist. In the event that major structural roots or feeder roots are encountered, the arborist is to require the

builder to carry out appropriate action to ensure the retention of the tree or other vegetation, and is to advise the Principal Certifying Authority accordingly. Works are not to progress past this point until the Principal Certifying Authority has confirmed that this condition has been satisfied.

Where the subject trees are on neighbouring property and are on Council's list of exempt species, tree removal remains subject to the owner's consent. Council will not be involved in approving or refusing removal/damage to these trees, and any future decisions made in relation to them is a civil matter between the neighbouring parties.

Reason: To ensure the protection and retention of neighbouring property trees.

15. Signage – No work / storage within dripline

The project manager is to erect signs advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.

Reason: To protect and retain trees proposed for retention.

16. Tree Protection Fencing

Tree guards are to be provided around all trees as indicated on Survey Plan No. 2234 DS, Issue A By Richards & Loftus Surveyors, dated September 2017, or where after approval of the relevant Construction Certificate Application/s, trees stand within the envelope of approved buildings or within the alignment of approved permanent paved vehicular access roads and parking areas. The tree guards are to be installed prior to the commencement of any work on the site.

No works, including utility installations (eg. water, sewer, telephone, drainage), are to be undertaken within 4 metres of the trunk of any such trees. The tree guards shall be a minimum 1200mm high at least four (4) metres from the base of the nominated tree/s and constructed from timber posts and rails or posts and suitable plywood panels.

Reason: To protect and retain trees proposed for retention.

17. Native Vegetation Protection

Guards or fences are to be provided around native vegetation as identified/ nominated on the approved plans. The guards or fences are to be installed prior to the commencement of any work on the site. No works, including utility installations (eg water, sewer, telephone, drainage), are to be undertaken within 4 metres of the trunk of any such trees. The tree guards shall be a minimum 1200mm high at least four (4) metres from the base of the nominated tree/s and constructed from timber posts and rails or posts and suitable plywood panels.

Reason: To protect and retain trees/the natural environment proposed for retention.

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

18. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

19. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

Note: The following Standards and Codes applied at the time of determination:

- (a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage
- (b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage
- (c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

20. **Geotechnical Certification Prior to Occupation Certificate**

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

21. **Restoration of Damaged Public Infrastructure**

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development

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

22. **Clearance of Structures from Trees**

A minimum of 200mm clearance is to always be maintained to the tree trunk from proposed bearers, joists and decking.

Reason: To ensure existing/proposed trees are not negatively impacted.

23. **Retention of Natural Ground Levels**

The natural ground levels of private open space areas are not to be altered.

Reason: To reduce impacts on surrounding vegetation.

24. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.


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

Signed 
Renee Ezzy, Principal Planner

The application is determined on 16/10/2018, under the delegated authority of:


Anna Williams, Manager Development Assessments





























ATTACHMENT A

Notification Plan	Title	Date
 2018/293115	Plan - Notification	11/05/2018

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2018/293110	Plans - Survey (1976)	29/08/2017
 2018/293112	Plans - Survey	28/09/2017
 2018/293160	Report - Geotechnical	12/03/2018
 2018/293121	Report - BASIX Certificate	09/05/2018
 2018/293158	Report - Erosion and Sediment Control Plan	09/05/2018
 DA2018/0753	156 Mccarrs Creek Road CHURCH POINT NSW 2105 - Development Application - Alterations and Additions	09/05/2018
 2018/285173	DA Acknowledgement Letter - Peter Downes Designs	09/05/2018
 2018/293171	Plans - Master Set	11/05/2018
 2018/293120	Report - Statement of Environmental Effects	11/05/2018
 2018/293168	Plans - External	11/05/2018
 2018/293115	Plan - Notification	11/05/2018
 2018/293125	Plans - Certification of Shadow Diagrams with Plans	11/05/2018
 2018/293106	Cost Summary Report	11/05/2018
 2018/293012	Development Application Form	14/05/2018
 2018/293017	Applicant Details	14/05/2018
 2018/293019	Fee Form	14/05/2018
 2018/293154	Report - Bushfire	14/05/2018
 2018/295374	DA Acknowledgement Letter (not integrated) - Peter Downes Designs	15/05/2018
 2018/295717	Notification Map - DA2018-0753	15/05/2018
 2018/295427	Notification Letter - DA	15/05/2018
 2018/371340	Natural Environment Referral Response - Riparian - 156 McCarrs Creek Road	18/06/2018
 2018/375519	Natural Environment Referral Response - Coastal	20/06/2018
 2018/382408	Natural Environment Referral Response - Biodiversity	22/06/2018
 2018/403965	Landscape Referral Response	03/07/2018
 2018/442545	Corbett - Request for Additional Time to Make Submission - DA2018/0753 - 156 McCarrs Creek Road Church Point	05/07/2018
 2018/442890	Submission - Corbett	09/07/2018
 2018/447523	Submission Acknowledgement Letter - Philip Corbett - SA2018/442890	13/07/2018
 2018/450679	RE: DA 2018/0753 - 156 Mc Carrs Creek Road, Church Point	16/07/2018
 2018/458562	Development Engineering Referral Response	19/07/2018



2018/657350

Working Plans

15/10/2018