

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0893
Responsible Officer:	Ashley Warnest
Land to be developed (Address):	Lot 121 DP 12749, 57 Robertson Road SCOTLAND ISLAND NSW 2105
Proposed Development:	Alterations and additions to an existing dwelling.
Zoning:	E3 Environmental Management
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Ricardo Russo
Applicant:	Ricardo Russo
Application lodged:	29/05/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	08/06/2018 to 29/06/2018
Advertised:	Not Advertised
Submissions Received:	5
Recommendation:	Approval
Estimated Cost of Works:	\$ 171,880.00

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 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - D8.3 Building colours and materials

Pittwater 21 Development Control Plan - D8.6 Side and rear building line

Pittwater 21 Development Control Plan - D8.8 Building envelope

Pittwater 21 Development Control Plan - D8.9 Landscaped Area

SITE DESCRIPTION

Property Description:	Lot 121 DP 12749 , 57 Robertson Road SCOTLAND ISLAND NSW 2105
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northern side of Robertson Road.</p> <p>The site is regular in shape with a frontage of 10.06m along Robertson Road and a depth of 69.5m. The site has a surveyed area of 790.4m² and adjoins Pittwater waterway to the north.</p> <p>The site is located within the E3 Environmental Management zone and accommodates dwelling houses.</p> <p>The site contains a two storey dwelling house with an elevated balcony located to the rear of the dwelling. A boat shed and jetty is situated to the rear of the site adjoining Pittwater waterway.</p> <p>The slope of the site is 29.9% which falls from the south to the north.</p> <p>The rear portion of the site is heavily vegetated including native canopy trees and small to medium ground cover plants.</p> <p><u>Detailed Description of Adjoining/Surrounding Development</u></p> <p>Adjoining and surrounding development is characterised by similar one (1) and two (2) storey dwelling houses with associated jetties and water way access.</p>

Map:



SITE HISTORY

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

- Development Application - DA2019/0085 - Construction of a chicken coop, Lodged 05/02/2019 and currently under assessment
- Modification Application - MOD2018/0633 - Modification of development consent DA2018/1043 for the Alterations and additions to an existing boat shed, Lodged 23/11/2018 and currently under assessment
- Development Application - DA2018/1602 - Construction of a side boundary fence, Lodged 28/09/2018 and currently under assessment
- Development Application - DA2018/1043 - Alterations and additions to an existing boat shed, Determined 18/10/2018
- Development Application - DA2018/0893 - Alterations and additions to an existind dwelling house, The subject of this application
- Building Certificate - BC2018/0070 - Front Timber Sapling and Timber Framed Fence, Determined 03/08/2018

APPLICATION HISTORY

Due to concerns in relation to privacy, desired future character of the Lower Western Foreshores and Scotland Island locality, and wastewater management amended plans were received. The amended plans made the following changes:

- The ground floor deck addition to the rear of the dwelling has been removed
- The basement level deck addition and spa to the rear of the dwelling has been removed
- Privacy screening incorporated along the eastern and western elevations of the existing deck
- Highlight window have be proposed along the eastern and western elevations

The relevant application history is as follows:

- Application lodged 29/05/2018
- Withdrawal request sent 04/10/2018
- Amended wastewater plans received 10/01/2019
- Amended plans received with the above changes 04/04/2019
- Application re-notified to objectors adjoining properties 05/04/2019

PROPOSED DEVELOPMENT IN DETAIL

Development consent is sought of the alterations and additions to an existing dwelling house. The proposal includes:

Basement Level

- Construct a new bedroom with ensuite
- Demolition of existing staircase on eastern side
- Construction of new internal staircase and entryway on western side

Ground level

- Partial enclosure of existing wrap-around verandah/deck to the rear (north) of the ground floor level to create a larger living/dining room
- Privacy screening incorporated along the eastern and western elevations of the existing deck

Rear yard

- Upgrade existing on-site wastewater disposal system

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)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) –	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent

Section 4.15 Matters for Consideration'	Comments
Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p>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 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 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 (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. In summary, the proposed development is found to be consistent with the desired future character for the locality and relevant locality specific controls. The proposed works are respectful to the site and the adjoining neighbours.</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</p>

Section 4.15 Matters for Consideration'	Comments
	impact on the locality considering the nature of the existing and 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 as the key characteristics of the site, including its location, orientation, aspect, character, size, and topography make the site suitable for residential development of the type proposed, which is consistent with the zoning of the land and predominantly complying with the DCP controls that applicable to the subject site.
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. The public interest is best served by the orderly and economic use of land for purposes which are permissible and which, in their design, configuration and operation, satisfy the intent of the relevant controls. In the subject case, the proposal is 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 5 submission/s from:

Name:	Address:
Ms Andrea Honsalek-Janssen	53 Robertson Road SCOTLAND ISLAND NSW 2105
BBF Town Planners	1 / 9 Narabang Way BELROSE NSW 2085
Mr Steven Rennie Speter	55 Robertson Road SCOTLAND ISLAND NSW 2105
Mr Jonathan Paul Ryan	Po Box 569 MONA VALE NSW 1660
BLUEBIRD PROJECTS	

(NB: A formal address was not provided with the submission prepared by Bluebird Projects, the address is therefore unknown).

The following issues were raised in the submissions:

- Does not meet the zone objectives of the E3 zone or the desired future character of the Lower Western Foreshores and Scotland Island Locality
- Privacy concerns

- Colours and materials
- Additional shadowing
- Insufficient details in relation to the nature, scale, extent, and location of the on-site waste water management
- State Environmental Planning Policy Coastal Management 2018 not considered
- Lack of replacement planting
- Site disturbance
- Unauthorised fence construction, tree removal and the existing building constructed outside approval
- Insufficient and incorrect information
- numerous applications and Internal plans not shown online

The matters raised within the submissions are addressed as follows:

- **Does not meet the zone objectives of the E3 zone or the desired future character of the Lower Western Foreshores and Scotland Island Locality**

The submissions raised concerns that the proposal does not meet the objectives of the zone. Specific concerns were raised with regards to the dwelling presenting as three storey development.

Comment

The side building lines, building envelope, and landscaped area do not comply with the requirements of the DCP however, the variations are considered minor. In combination with the amended plans and compliance with the 8.5m height requirement the proposal is considered of a low density and scale, and is integrated with the landform and landscape. The proposed works will not have an adverse impact on the ecological, scientific, cultural or aesthetic values nor adversely impacts on the riparian and foreshore vegetation and wildlife corridors.

The proposed works will result in an undercroft area below the basement level. The undercroft area will be sufficiently screened by existing vegetation and will not be a prominent feature when viewed from Robertson Road or Pittwater Waterway. The assessment reveals that the proposed alterations and additions are consistent with the objectives of the E3 Environmental Management zone and the Desired Character of the Lower Western Foreshores and Scotland Island Locality.

- **Privacy concerns from windows, decks, and spa**

The submissions raised concerns that the proximity of the proposed windows and balconies will create privacy issues and overlooking of the adjoining dwellings. Concerns were also raised in relation to the location of the spa and internal stairway, the associated noise generated, and insufficient spatial separation.

Comment

A review of the privacy was undertaken and the applicant has provided few mitigation measures with regards to visual privacy. The existing screen planting (undertaken by the owner throughout the course of this assessment) located along the boundary between 55 and 57 Robertson Road consisting of three trees 5.0m to 6.0m in height. Whilst the existing screen planting does contribute to the alleviation of privacy impacts sufficient mitigation measures have not been proposed. Amended plans were received that deletes the basement and ground level decks extension whilst incorporates highlight windows and privacy screening for a portion of the existing deck. Based on the amended plans a reasonable level of privacy can be achieved. Section 7.10 of this report provides further discussion on this matter.

Noise generated in association with the use of the stairway is consistent with residential living. In addition the stairway is located wholly within the dwelling minimising excess noise.

- **Colours and materials**

Concerns were raised with regards to the visual presentation of the proposed colours and materials.

Comment

A schedule of colours and materials has been provided in support of the application that indicates the proposed works are to match the existing building. Whilst these colours are not consistent with the requirement of dark and earthy tones, it is considered reasonable and acceptable for the proposed works to be consistent with the existing dwelling.

- **Additional shadowing**

Concerns were raised with regards to the additional morning shadow that will be cast onto the the second storey balcony adjoining the master bedroom of 55 Robertson Road.

Comment

The shadow diagrams provided in support of the application identifies the main private open space and the principal living area of 55 Robertson Road (adjoining property to the west) will receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st and is therefore consistent with the requirements on the Clause. These diagrams have been reviewed and are satisfactory.

- **SEPP Coastal Management 2018 not considered**

Concerns were raised with regards to the SEPP Coastal Management 2018 not being addressed.

Comment

The applicant did not include an assessment against the new SEPP. However, additional information has been received in regards to these concerns. The proposed works are satisfactory in regards to the provisions of SEPP Coastal Management 2018. This matter is discussed within the Environmental Planning Policies Section of this report.

- **Insufficient details in relation to the nature, scale, extent, and location of the on-site wastewater management system**

Concerns were raised with regards to the location and potential increased odour produced from the waste water system.

Comment

Insufficient details were lodged with the Development Application however, additional information was submitted with regards to the location and extent of the wastewater system and has been assessed by Council's Environmental Health team as being satisfactory. The two existing tanks within the Aerated Wastewater Treatment System (AWTS) are not proposed to be moved. The amended wastewater plans proposes a sprinkler system to the north of the existing tanks. The existing wastewater system is to be maintained and operated in accordance with the relevant standards and conditions, and is adequate for the development. The continued use of the wastewater system should therefore not

increase the odour produced.

- **Lack of replacement planting**

Concerns were raised that there is no compensatory planting proposed in relation to the removal of existing visual screening vegetation.

Comment

The owner of the property has already undertaken planting and screen planting including four small trees located along the western boundary between 55 and 57 Robertson Road. Additional replacement planting is to be conditioned with the removal of any trees.

- **Site disturbance**

Concerns were raised with regards to the total site disturbance not being addressed within the Statement of Environmental Effects.

Comment

The proposed alterations and additions disturbs a portion less than 10% of the total site. The proposed works therefore will not exceed a disturbance of 25% of the total site which satisfies Clause D8.15 of P21 DCP.

- **Unauthorised fence construction, tree removal and the existing building constructed outside approval**

Concerns were raised in relation to the construction of an unauthorised fence and alleged removal of trees and ground cover vegetation and the impact on the visual presentation as a result. Concerns were also raised that the existing dwelling is not constructed in accordance with the relevant approval and includes an encroachment onto the adjoining property to the west, 55 Robertson Road.

Comment

The construction of a fence does not form part of this application and therefore has not been assessed within this report. This matter is currently being investigated by Council's Compliance team. The concerns in relation to unauthorised tree removal and inconsistency between the approval for the dwelling and the as-build dwelling is a matter for Council's Compliance team.

- **Insufficient and incorrect information**

Concerns were raised that the plans provided have insufficient information and detail for assessment and incorrect information has been provided in support of the application. Additional concerns were raised in relation to an alleged encroachment of the south-west portion of the dwelling not being included on the plans submitted.

Further concerns were raised with regards to the amended plans including the alleged encroachment and the front boundary fence now being represented on the plans.

Comment

The plans submitted with the application meet the lodgement requirements and have sufficient information for assessment. No works are proposed under this application within the vicinity of the alleged encroachment, therefore this concern/issue does not impact the assessment of the application. The alleged encroachment is neither approved or confirmed as part of this application. The matter has been referred to Council's Compliance Team. In regards to the front boundary fence, this forms part of a separate application currently being handled by Council's Compliance Team. Consent is not granted for the front boundary fence as part of this application.

- **Internal plans not shown online and the numerous applications**

Concerns were raised with the number of applications and as a result the difficulty to identify the overall impact of the proposed applications. Concerns were also raised that the internal plans have not been provided online to be viewed.

Comment

The number and nature of the applications is at the discretion of the owner and applicant of the subject site. The past and current applications are taken into consideration, where relevant, in the assessment of the current application. Council's Privacy Policy is such that internal plans are not being released online. A public access information request can be completed at Council's website or can be inspected at the front counter of Council to view internal plans.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments	
Environmental Health (unsewered lands)	Was sufficient documentation provided appropriate for referral?	YES
	Are the reports undertaken by a suitably qualified consultant?	YES
	Is there a proposed on site sewage management system or an impact to existing onsite sewage management system?	YES
	For residential applications have you considered AS1547 and Environmental Health & Protection Guidelines?	YES
	For commercial applications have you considered Guidelines for Management Private Recycled Water Schemes and applied the residential guidelines where applicable?	N/A
	Are separate land application areas provided for pool water, waste water from the premises and storm water?	YES
	Is approval to install and approval to operate applicable?	N/A

Internal Referral Body	Comments	
	<p>- if so, recommend the DAO refer commercial waste water systems to Department of Energy & Water.</p>	
	<p>General Comments</p> <p>The issue examined in this referral is on site waste water disposal on an unsewered property with tank water supply and fronting Pittwater Waterway.</p> <p>New disposal lines and disposal area are proposed. The existing 2 x AWTs tanks will be utilized.</p> <p>1. The Geotechnical report by Jack Hodgson appears not to address on site waste water disposal (and proposed changes) at all, in a High risk zone property assessment.</p> <p>Likewise the separate Waste Water report does not cross reference the Geotechnical report. There should be evidence of communications between these parties on this matter.</p> <p>2. The Waste Water report by Blue Mountains Geological and Environmental Services Pty Ltd Ref 180409 does not include and plans or cross sections as a stand alone document. However the Architectural plans submitted do have some details but measurements are not clear(total disposal area, distances to side boundaries and Pittwater Waterway need to be clearly documented .</p> <p>The Waste Water report also underestimates the quantity of water to be generated by the 4 bedroom dwelling. The assumption that the current 2 people occupancy will continue into the future is misleading and unrealistic over time as is the unfounded assumption of potential single occupant of other bedrooms if occupied. Under estimating can lead to potential issues for a future owner and Council . AS/NZS 1547:2012 waste water generation quantities and calculations need to be complied with.</p> <p>Council will require items 1 and 2 above to be dealt with before any approval.</p> <p>Environmental Health can only recommend approval or refusal in its reports therefore Refusal at this time is recommended</p>	
	Recommendation	REFUSAL
	Date: 7 June 2018	
	<p>Updated Comments 14/01/2018</p> <p>The additional information assists in providing some expert comment on a system that generally does not comply with recognised standards in particular the distance to a water body - some 10m. (note; need to comply with Pittwater Foreshore Building Line).</p>	

Internal Referral Body	Comments
	<p>Accordingly a review has been carried out and we are satisfied that in granting an approval for modifications to the WW system, additional area exists to deal with any future failures and changes to the LAA (land application area) , the system is not a septic, the current occupancy is intended to be low, water supply is tank not unlimited town water. The dwelling and additions are located as far as practical from the water body(Pittwater).</p> <p>Additional assessment comments:</p> <p>The current supporting documentation assists in providing some expert comment on a system that generally does not comply with recognised standards in particular the distance to a water body - some 10m.(note; need to comply with Pittwater Foreshore Building Line).</p> <p>Accordingly, a review has been carried out and we are satisfied that in granting an approval for modifications to the WW system, additional area exists to deal with any future failures and changes to the LAA (land application area) , the system is not a septic, the current occupancy is intended to be low, water supply is tank not unlimited town water. The dwelling and additions are located as far as practical from the water body(Pittwater).</p> <p>If the DA is to be approved our conditions include:</p> <p>Conditions:</p> <p>Prior to an OC being issued:</p> <p>An approval to Operate a Waste Water Management system (as amended) is required to be applied for and approved before an Certificate of Occupation is issued by the Certifier. The sprinkler system is to be fixed location with low velocity(large droplets) heads.</p> <p>Compliance with the findings and recommendations of the Waste Water and Arborist Consultants reports(Stephen Crosby - WW01,Wastewater Management, Syncarpia Vegetation Management, all Dec 2018)</p>

Internal Referral Body	Comments
	<p>Reason: To maintain Public Health Standards</p> <p>RECOMMENDATION 6.2.2019 APPROVAL - subject to conditions</p>
Landscape Officer	No objection is raised in terms of landscape outcomes for the proposal.
NECC (Bushland and Biodiversity)	<p>Updated Biodiversity Comments 5 February 2019 This updated biodiversity assessment is based upon the following additional information:</p> <ul style="list-style-type: none"> - Wastewater Plan, Dwg. 2377-WW01 (Stephen Crosby & Associates, December 2018) - Wastewater management statement (Gary Hobart, 19 December 2018) - Arboricultural statement (Syncarpia Vegetation Management, 21 December 2018) <p>The amended wastewater system design will include an expanded irrigation field utilising spray irrigation rather than subsurface trench irrigation as previously proposed. This will remove the requirement for excavation of trenches within the structural root zones (SRZs) and tree protection zones (TPZs) of significant locally native trees to be retained, and will therefore substantially reduce the impacts of the proposal. It is considered that the amended proposal represents an appropriate response to existing environmental values on the site and therefore complies with the controls, subject to application of conditions recommended by Biodiversity and Environmental Health.</p> <p>Updated Biodiversity Comments 28 November 2018 Amended wastewater plans are required to be prepared showing the proposed location of subsurface trenches and compliance with the recommendations of the arborist's report (ie. all subsurface irrigation lines are to be located at least 3m from Trees 1 and 4). The amended plans are to be approved by the consulting arborist as appropriate for achieving safe retention of Trees 1 and 4. The wastewater consultant is also to certify that the design is appropriate to meet environmental health requirements.</p> <p>Furthermore, a landscape plan demonstrating compensatory planting of locally native canopy trees, consistent with the Pittwater Spotted Gum Forest EEC, is required to be prepared in order to achieve compliance with the relevant controls.</p> <p>Biodiversity Comments 24 July 2018 The proposed development has been assessed against the following Pittwater 21 DCP provisions:</p> <ul style="list-style-type: none"> - B4.7 Pittwater Spotted Gum Forest Endangered Ecological Community (EEC)

Internal Referral Body	Comments
	<ul style="list-style-type: none"> - B4.15 Saltmarsh EEC - B4.16 Seagrass Conservation - B4.19 Estuarine Habitat - B4.20 Protection of Estuarine Water Quality <p>The submitted arborist report assesses three trees, all of which are locally native. Two Swamp Oaks (<i>Casaurina glauca</i>) that are assessed as 'semi-mature' are proposed for removal to facilitate the northern extension of the dwelling. A mature Spotted Gum (<i>Corymbia maculata</i>) (Tree 1) within 5m of the proposed extension is identified for retention with targeted tree protection measures. However, the proposal also includes replacement of the existing wastewater surface irrigation arrangement with a subsurface dispersal arrangement. Whilst the submitted wastewater management report states that the wastewater dispersal lines "will not encroach within a distance of about 3-4m from (existing trees) to ensure there is no damage to the critical root zones", the potential impacts of the new dispersal arrangements have not been assessed by the consulting arborist in the submitted report.</p> <p>In order to adequately assess the proposal against relevant Natural Environment controls, a statement from the consulting arborist is required specifying whether the amended wastewater dispersal arrangement will impact upon existing trees, and any appropriate measures to safely retain those trees.</p> <p>Subject to provision of this arborist's statement (as additional information through the DA assessment process), and preparation of a landscape plan which includes provisions for compensatory plantings to replace trees proposed for removal (which can be conditioned for the pre-Construction Certificate stage), it is considered that the proposal can achieve consistency with the relevant Natural Environment controls.</p>
NECC (Coast and Catchments)	<p>The property at 57 Robertson Road, Scotland Island 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.</p> <p>Based upon the survey provided, the foreshore edge treatment type for 57 Robertson Road, Scotland Island appears to be a rocky foreshore with a crest height at approximately RL 1.0m AHD. As such, in accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), an estuarine planning level (EPL) of RL 2.73m AHD has been adopted by Council for this property. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of 0.07m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m. No further reduction is applicable, however,</p>

Internal Referral Body	Comments
	<p>below the local (still) water level (2050 sea level rise scenario) + 0.3m freeboard i.e. 2.23m AHD.</p> <p>As no proposed development is shown below about 15.00m AHD i.e. above the EPL, the subject DA is able to comply with the relevant requirements of the Estuarine Risk Management Policy and associated B3.7 Estuarine Hazard controls.</p>
NECC (Development Engineering)	The proposal is for alteration and addition. The geotechnical has provided an acceptable risk assessment for the proposed works. No Development Engineering objection is raised subject to conditions.
NECC (Riparian Lands and Creeks)	<p>This application is recommended for approval with the following conditions:</p> <ol style="list-style-type: none"> 1. The existing stormwater outlet to the Pittwater Estuary is used. If a new outlet is constructed, <i>Pittwater DCP</i> B5.11 will apply. 2. Water Quality controls screening water entering rainwater tanks must be installed according to <i>Pittwater DCP</i> B5.8. 3. Sediment controls must be installed for the duration of works. 4. Rainwater tanks must be installed according to <i>Pittwater DCP</i> B5.6 and BASIX requirements.

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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A317510_02, Dated 3rd April 2019).

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

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 proposed works are not likely to cause an adverse impact upon the matters identified in this clause. The proposed alterations and additions do not discourage public access or amenity along the foreshore area nor impact on natural foreshore processes.

- (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:

Council is satisfied the proposed works are designed and can be managed to avoid adverse impacts upon the matters identified in this clause.

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 does not impact upon the existing and safe access to and along the foreshore. The visual amenity from private and public space is not adversely effected and the surrounding area consists of examples of similar developments. The subject site and adjacent foreshore area is mapped as having a high likelihood of containing Aboriginal heritage sites. The foreshore area is heavily modified and no sites have been identified within the vicinity of the proposed development. The proposed works are not likely to cause an adverse impact upon the matters identified in this clause. A condition of consent has been placed to stop works if any Aboriginal Engravings or Relics are unearthed.

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	7.2m	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes

Clause	Compliance with Requirements
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control		Requirement	Proposed	% Variation*	Complies
Front building line		6.5m	N/A	N/A	N/A
Rear building line		N/A FBL applies	N/A	N/A	N/A
Side building line	Ground Floor	1m (east)	0.7m	30%	No
		2.5m (west)	Varied 0.9m - 3.5m	64%	No
	Basement	1m (east)	1.3m	N/A	Yes
		2.5m (west)	0.9m	64%	No
Building envelope		3.5m (east)	Outside envelope	29%	No
		3.5m (west)	Outside envelope	35%	No
Maximum area not provided as landscaped area		28%	32%	14%	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.8 Lower Western Foreshores and Scotland Island Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	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
B5.1 Water Management Plan	Yes	Yes
B5.3 Greywater Reuse	Yes	Yes
B5.4 Stormwater Harvesting	Yes	Yes
B5.11 Stormwater Discharge into Waterways and Coastal Areas	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
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	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
D8.1 Character as viewed from a public place	Yes	Yes
D8.3 Building colours and materials	No	Yes
D8.5 Front building line	Yes	Yes
D8.6 Side and rear building line	No	Yes
D8.8 Building envelope	No	Yes
D8.9 Landscaped Area	No	Yes
D8.11 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D8.13 Stormwater overflow	Yes	Yes
D8.14 Parking management	Yes	Yes
D8.15 Site disturbance	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D8.16 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

C1.5 Visual Privacy

The proposed highlight windows and privacy screening along the eastern and western elevations will improve visual privacy whilst maximising solar access to the subject site. As the existing dwelling is located closer to Robertson Road and therefore situated at a higher RL than the adjoining properties a sill height of 1.6m will sufficiently inhibit overlooking.

The amended plans are considered to address all privacy concerns raised. The proposal provides for a more reasonable level of privacy that is currently experienced on the site.

D8.3 Building colours and materials

A schedule of colours and materials have been provided in support of the application that indicates the proposed works are to match the existing building. Whilst these colours are not consistent with the requirement to have dark and earthy tones, it is considered reasonable for the proposed works to be consistent with the finishes of the existing dwelling house.

D8.6 Side and rear building line

A portion of the proposed works do not comply with the eastern and western side setback requirements. To the east of the reduced setback is limited to the works associated with the enclosure of the existing deck/varandah on the ground floor level. To the west the reduced setback is limited to the works associated with the enclosure of the existing deck/varandah on the ground floor level and the new entry way located on the basement level.

The portion of the proposed works that are located at a reduced setback can be attributed to the location of the existing dwelling. Council may consider a variation to the controls where it is demonstrated the outcomes of the Clause are achieved. The outcomes have been achieved in the following ways:

- The desired future character of the Lower Western Foreshores and Scotland Island Locality is maintained
- Bulk and scale of the proposal is minimised through the deletion of the deck and roof extension as per updated plans
- The proposed location of the existing dwelling ensures a reasonable level of views and vistas to and/or from public/private places are maintained
- A reasonable level of amenity and solar access is maintained to the adjoining properties
- The proposed works improve the existing visual privacy to the adjoining residents and residents of the subject site
- The retention and enhancement of existing vegetation (excluding two trees to be removed) softens any additional impact of built form

With consideration of the above the variation to the side setback requirements is considered satisfactory in addressing this control.

D8.8 Building envelope

A portion of the existing deck to be enclosed breaches the building envelope. Council may consider a variation to the controls where it is demonstrated the outcomes of the Clause are achieved. The outcomes have been achieved in the following ways:

- The desired future character of the Lower Western Foreshores and Scotland Island Locality is maintained
- A reasonable streetscape and scale is proposed as per the amended plans
- Bulk and scale of the proposal is minimised
- The proposed location of the existing dwelling ensures a reasonable level of views and vistas to and/or from public/private places are maintained
- A reasonable level of amenity and solar access is maintained to the adjoining properties
- The proposed works improve the existing visual privacy to the adjoining residents and residents of the subject site
- The retention and enhancement of existing vegetation (excluding two trees to be removed) softens any additional impact of built form

With consideration of the above the variation to the building envelope requirement is considered reasonable and satisfactory in addressing this control.

D8.9 Landscaped Area

Proposed

253.3m² or 32% (without variation)

188.7m² or 24% (with variation)

Required

221.3m² or 28%

The proposed hard surfaced area exceeds the maximum allowable hardsurfaces area by 68.7m² and therefore does not comply with the requirement of the DCP. Clause D8.9 of P21 DCP permits a variation up to 6% of the total site area that is provided as impervious landscape treatments for the purpose of outdoor recreation, impervious areas less than 1m in width, and water tanks that provide reserve capacity. Council may consider a variation to the controls where it is demonstrated that the outcomes of the Clause are achieved. The outcomes have been achieved in the following ways:

- The desired future character of the Lower Western Foreshores and Scotland Island Locality is maintained
- Bulk and scale of the proposal is minimised through the deletion of the deck extension as per updated plans
- A reasonable level of solar access is maintained for the adjoining dwellings
- The proposed works improve the existing visual privacy to the adjoining residents and residents of the subject site
- The retention and enhancement of existing vegetation softens any additional impact of built form
- Significant natural features of the site are not impacted upon
- The lower level bedroom addition is situated primarily under the existing dwelling providing opportunity for additional landscaped area

With consideration of the above the the variation to the landscaped area requirement is considered reasonable and satisfactorily address this control.

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

S94 Contributions are not applicable to 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
- Inconsistent 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 DA2018/0893 for Alterations and additions to an existing dwelling. on land at Lot 121 DP 12749, 57 Robertson Road, SCOTLAND ISLAND, 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
DA 01, DA 02, DA 03, and DA 04 - All Rev. A	01/04/2019	Stephen Crosby & Associates Pty. Ltd.

Engineering Plans		
Drawing No.	Dated	Prepared By
2377 - WW 01	December 2018	Stephen Crosby & Associates Pty. Ltd.

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arborist Report	15/05/2018	Syncarpia Vegetation Management
Bushfire Report	31/03/2018	Planning for Bushfire Protection
Geotechnical Report	10/04/2018	Jack Hodgson Consultants Pty. Ltd.

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

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

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

2. **Prescribed Conditions**

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

a telephone number on which that person may be contacted outside working hours, and

- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

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

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

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

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

Reason: Legislative Requirement

3. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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.

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 \$1,500 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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Jack Hodgson Consultants (MT 31455) dated 10th April, 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. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

6. Water Quality - Low Density Residential

To comply with Pittwater 21 DCP B5.8, the applicant must install stormwater quality improvement measures as follows:

- Pre-screening of organic matter (eg. leaf litter) prior to the collection of rainwater in the

- rainwater tank
- Filtration of stormwater to capture organic matter and coarse sediments prior to discharge from the land.

Provision must be made for maintenance access.

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

Reason: Protection of the receiving environment

7. **Estuarine Hazard Design Requirements**

The following applies to all development:

All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes.

Reason: To minimise potential risk associated with estuarine hazards that may affect development in the coastal zone.

8. **Estuarine Planning Level Requirements**

An Estuarine Planning Level (EPL) of RL 2.73m AHD has been adopted by Council for the subject site and shall be applied to all development and activities proposed below this level as follows:

- All structural elements below RL 2.73m AHD shall be of flood compatible materials;
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above RL 2.73m AHD or waterproofed to this level; and
- The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below RL 2.73m AHD.

Reason: To ensure aspect of the development are built at the appropriate level

9. **Compliance with Arborist's Recommendations – Pre-construction**

All pre-construction tree protection measures specified in Section 6 of the submitted arborist report (Syncarpia Vegetation Management, April/May 2018) and these conditions of consent are to be implemented at the appropriate stage of development. Compliance with pre-construction measures is to be certified by the project arborist prior to issue of the Construction Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

10. **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.

11. Development within the Foreshore Area

The sprinkler system for the disposal of wastewater from the AWTS is to be wholly located behind the foreshore building line.

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

Reason: It is not a permitted development on land in the foreshore area

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. Installation and Maintenance of Sediment and Erosion Control

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. Compliance with Arborist's Recommendations – During Construction

All tree protection measures to be implemented during construction, as specified in Section 6 of the submitted arborist report (Syncarpia Vegetation Management, April/May 2018) and these conditions of consent are to be implemented at the appropriate stage of development. Compliance with these measures is to be certified by the project arborist prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

14. Tree Protection - Arborist Supervision of Works

All works within 5 metres of the existing trees to be retained including pruning, demolition, excavation, civil works, fencing and the like must be carried out by hand under the supervision of an experienced and minimally AQF Level 5 qualified Arborist. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to the Principal Certifying Authority prior to works recommencing. If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.

Reason: To safely retain significant locally native trees in accordance with relevant Natural Environment LEP/DCP controls.

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

15. 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.

16. **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.

17. **Prior to occupation certificate -Waste Water**

An approval to Operate a Waste Water Management system (as amended) is required to be applied for and approved before an Certificate of Occupation is issued by the Certifier

The sprinkler system is to be fixed location with low velocity(large droplets) heads. Compliance with the findings and recommendations of the Waste Water and Arborist Consultants reports (Stephen Crosby -WW01,Wastewater Management, Syncarpia Vegetation Management, both labelled Dec 2018)

Reason: To maintain Public Health Standards

18. **Compliance with Arborist's Recommendations – Post-construction**

All tree protection measures to be implemented, as specified in Section 6 of the submitted arborist report and these conditions of consent are to be implemented at the appropriate stage of development. Satisfactory establishment/initiation of post-construction measures is to be certified by the consulting arborist prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls

19. **Rainwater tanks**

Rainwater tanks shall comply with the following:

- a) Be fitted with a first-flush device that causes initial rainwater run-off to bypass the tank and must drain to a landscaped area. The first flush device will not be permitted to connect to the stormwater system
- b) Have a sign affixed to the tank stating the contents is rainwater
- c) Be constructed or installed in a manner that prevents mosquitoes breeding, such as the use of mesh to protect inlets and overflows
- d) Have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners
- e) Pumping equipment must be housed in a soundproof enclosure
- f) Where the rainwater tank is interconnected to a reticulated water supply, it must be installed in accordance with Plumbing Code of Australia, particularly backflow/cross connection prevention requirements

The minimum cumulative tank capacity requirement for the property is 45,000 litres, of which up to 10,000 litres may be used for non-potable uses and stored in a separate system.

A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To conserve potable water

20. **Certification of Landscaping**

Landscaping is to be implemented in accordance with the approved Wastewater Plan (Stephen Crosby and Associates, Dwg. 2377-WW01, December 2018) and these conditions of consent. The new landscaping is to be certified as complete and in accordance with approved Wastewater Plan and these conditions of consent by a qualified landscape architect, arborist or ecologist prior to issue of any Occupation Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

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

21. **Protection of Trees and Bushland Vegetation**

All existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

22. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds, in accordance with relevant Natural Environment LEP/DCP controls.

23. **Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016.

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

Signed



Ashley Warnest, Planner

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



Steven Findlay, Manager Development Assessments