

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0124
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Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 138 DP 16902, 35 A Plateau Road AVALON BEACH NSW 2107
Proposed Development:	Alterations and additions to a Dwelling House
Zoning:	E4 Environmental Living SP2 Infrastructure
Development Permissible:	Yes - Zone SP2 Infrastructure Yes - Zone E4 Environmental Living
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Jessica Ashley Nosworthy
Applicant:	Jessica Ashley Nosworthy

Application Lodged:	10/03/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	18/03/2021 to 01/04/2021
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 373,000.00
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PROPOSED DEVELOPMENT IN DETAIL

Alterations and additions to the dwelling house as follows:-

"Ground Floor

- *Demolish the internal wall between bed 1 and bed 2.*
- *Demolish bed 1 robe, door and southern and eastern external walls.*
- *A 4m² ground floor addition to extend Bed 1.*
- *Refurbish the existing kitchen and living room, including new windows to the western and northern facades and the addition of a fireplace.*
- *A new hallway and staircase to access the first floor*
- *A new European laundry.*

- An extension to the existing deck on the southern side of the dwelling.

New First Floor

- A new master bedroom with WC.
- Staircase to access the ground floor.
- New decking."

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 - 5.10 Heritage conservation
- Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
- Pittwater 21 Development Control Plan - D3.6 Front building line
- Pittwater 21 Development Control Plan - D3.9 Building envelope
- Pittwater 21 Development Control Plan - D3.11 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 138 DP 16902 , 35 A Plateau Road AVALON BEACH NSW 2107
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Plateau Road and northern side of Barrenjoey Road.</p> <p>The site is regular in shape with a frontage of 15.455m along the northern frontage to the right of way which leads to Plateau Road and a depth of 35.51m. The site has a surveyed area of 519.8m².</p> <p>The site is located within the E4 Environmental Living zone and SP2 Infrastructure and accommodates a two storey</p>

brick and timber dwelling house with a tiled roof and a backyard studio.

The site slopes from the front northern boundary down to the rear southern boundary with a sloping grade of 50%.

The site has a mix of native and exotic species of plants, shrubs and trees.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by single and double storey dwellings with associated outbuildings/structures and landscaped gardens.

Map:



SITE HISTORY

HB 40088 - Erection of additions approved by Council on 11 August 1997

PLM2019/0103 - Alterations and additions to a dwelling house meeting 4 June 2019 with the concluding comments stating: -

"The proposal is acceptable and can be supported if the applicant is able to address and provided the required information outlined within the above comments.

Furthermore, the proposal will need to be reduced in height where possible to comply with the 8m height control of the PLEP 2014.

Based upon the above comments you are advised to satisfactorily address the matters raised in these notes prior to lodging a development application."

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to retaining walls on the southern and western sides of the proposed alterations to the dwelling plus an amended arborist report. This additional information was received on 5 May 2021 and reviewed by Council's Landscape Officer who has recommended approval subject to conditions.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent</p>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

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

A Bush Fire Report was submitted with the application (prepared by Bush Fire Planning Services, dated 19 July 2020). The report stated that the bushfire attack level of the site is “Flame Zone” and the report recommended an alternative solution to comply with Planning for Bush Fire Protection.

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

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 18/03/2021 to 01/04/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>This application is for the minor alterations and additions to an existing residential dwelling. Alterations include the demolition of some internal walls to create a more open layout for the kitchen and living area, as well as adjustments to allow greater areas for two bedrooms, bathroom and laundry. Additions are inclusive of deck extensions on the ground floor, and an additional floor for the master bedroom and decking area.</p> <p>Councils Landscape Referral section has considered the application against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP controls:</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D3.11 Landscaped Area - Environmentally Sensitive Land <p><u>Original Comments - 17/03/2021</u></p> <p>The Arboricultural Impact Assessment provided with the application identifies a total of fourteen trees within the site and immediate adjacent land. Of these fourteen trees identified, two trees, Tree No. 1 and 6, have been proposed for removal. Tree No. 1 is located adjacent to the eastern boundary within the proposed works footprint. Tree No. 6 is located adjacent to the western boundary and is also located within the proposed works footprint. It has been recommended within both the Arboricultural Impact Assessment and the Bush Fire Risk Assessment that these two trees be removed. For this reason, the removal of these trees is supported.</p> <p>Concern is raised regarding the existing trees adjacent to the existing deck as these trees have not been identified on the Site Survey or in the Arboricultural Impact Assessment, however are visible in photos within the Statement of Environmental Effects. From the Architectural Plans provided it would appear these trees are also to be removed as the proposed works would result in significant soil level modification within the Tree Protection Zone's of these trees due to the implementation of a new retaining wall/planter/rainwater tank. Insufficient information has currently been provided regarding these existing tree species, landscape significance as well as their retention value, hence an informed decision regarding the justification of their removal cannot be made at this point in time.</p> <p>Concern is raised regarding the location of the proposed retaining wall/planter/rainwater tank that is proposed towards the south of the property, as this falls within the SP2 Infrastructure Zone. The objectives of the SP2 Infrastructure Zone is to provide for infrastructure and related uses, and in accordance with <i>Clause 24 of</i></p>

Internal Referral Body	Comments
	<p><i>Schedule 1</i> in the Pittwater Local Environment Plan, additional permitted uses include "development for the purposes of enabling access to a dwelling house". In its current form, this wall structure does not comply with the Pittwater Local Environment Plan and therefore should not be supported. As a result of this, if the wall was to be removed from the current proposal, the trees that are not currently visible on the plans may be more viable for retention, thus providing a better landscape outcome.</p> <p>Upon review of the proposal, it is also evident that a blockwork retaining wall is proposed within the adjoining land to the west, outside the current property boundaries. This proposed wall is located centrally along the western boundary line, and would require building works within the public reserve adjacent to the property. No works located beyond the existing property boundaries shall be supported.</p> <p>In consideration of the above, the landscape component of the proposal is therefore not currently supported. It is recommended an amended Arboricultural Impact Assessment be provided, highlighting the presence of existing trees adjacent to the existing deck, and identify the species and associated landscape values they possess. In addition to this, amended Architectural Plans shall also be required removing the proposed retaining wall structure towards the south of the site within the SP2 Infrastructure Zone, as well as the removal of the block retaining wall that extends into the public reserve to the west of the property.</p> <p>Should additional information be provided, further assessment can be undertaken.</p> <p><u>Updated Comments - 05/05/2021</u></p> <p>Following original concerns regarding unidentified trees and the proposed retaining wall, an amended Arboricultural Impact Assessment as well as amended Architectural Plans have been provided.</p> <p>The Arboricultural Impact Assessment has identified the additional three trees below the existing deck, all of which are approximately 3m tall. As a result these trees are exempt and therefore do not require Council's approval prior to being removed.</p> <p>It is noted that Transport for NSW (TfNSW) have since provided comments regarding the proposed retaining wall located within the SP2 Infrastructure Zone. As the proposed wall is deemed a 'minor' structure, TfNSW has permitted its construction. For this reason, no objections are raised.</p> <p>Finally, the amended Architectural Plans have removed all works located within Hamilton Reserve to the west, and as a result original concerns have now been satisfied.</p> <p>The landscape component of the proposal is therefore supported</p>

Internal Referral Body	Comments					
	subject to the protection of existing trees and vegetation.					
NECC (Bushland and Biodiversity)	<p>Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:</p> <p>Biodiversity Conservation Act 2016 (BC Act) Pittwater Local Environmental Plan (PLEP)</p> <ul style="list-style-type: none"> 7.6 Biodiversity Protection <p>Pittwater Development Control Plan (PDCP)</p> <ul style="list-style-type: none"> B4.17 Littoral Rainforest - Endangered Ecological Community <p>The site is located within the <i>Proximity Area to Littoral Rainforest</i> designated under the Coastal Management SEPP (2018), and is therefore required to meet the objectives of C.11, including avoiding impact to the biophysical, hydrological or ecological integrity of the adjacent littoral rainforest. Stormwater discharge is to be managed through construction of a sediment arrestor pit, and the Natural Environment Unit - Biodiversity raise no concern to the removal of two (2) exempt trees (<i>Phoenix canariensis</i> ; Hugh the Arborist 2020). The Arborist report identifies a single tree (T.3) that is both characteristic of Littoral Rainforest and is located within the proposed Asset Protection Area (APZ). Given the large amount of exotic or otherwise exempt species within the site, an APZ can be achieved without clearance of this tree. If the tree is required to be removed for the purposes of an APZ or otherwise, a Flora and Fauna Assessment (FFA) including 5-Part Test of Significance is required to be submitted to Council for consideration prior to any removal (As specified in the Biodiversity Notes of the Pre-Lodgement Meeting).</p> <p>Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.</p>					
Strategic and Place Planning (Heritage Officer)	<table border="1"> <tr> <td data-bbox="518 1608 1439 1641">HERITAGE COMMENTS</td> </tr> <tr> <td data-bbox="518 1641 1439 1680">Discussion of reason for referral</td> </tr> <tr> <td data-bbox="518 1680 1439 1859"> <p>The proposal has been referred to Heritage as the subject property adjoins a heritage item</p> <p>Grove of Cabbage Tree Palms (Livistona Australis)</p> </td> </tr> <tr> <td data-bbox="518 1859 1439 1897">Details of heritage items affected</td> </tr> <tr> <td data-bbox="518 1897 1439 2136"> <p>Details of the item as contained within the Pittwater inventory is as follows:</p> <p><u>Statement of significance:</u> The Grove of Cabbage Tree Palms (<i>Livistona australis</i>) is a landscape heritage item of local significance with natural, aesthetic,</p> </td> </tr> </table>	HERITAGE COMMENTS	Discussion of reason for referral	<p>The proposal has been referred to Heritage as the subject property adjoins a heritage item</p> <p>Grove of Cabbage Tree Palms (Livistona Australis)</p>	Details of heritage items affected	<p>Details of the item as contained within the Pittwater inventory is as follows:</p> <p><u>Statement of significance:</u> The Grove of Cabbage Tree Palms (<i>Livistona australis</i>) is a landscape heritage item of local significance with natural, aesthetic,</p>
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Internal Referral Body	Comments																					
	<p>scientific, historic and social significance for the Pittwater local government area. Strong and densely established, this grove is emblematic of Bilgola as a locality within the larger peninsula and municipality. The occurrence of cabbage tree palms, said to be the best remaining stand in the Sydney area, add to the natural beauty of the area. The area is an important recreational resource for the people of Sydney.</p> <p><u>Physical description:</u> The Grove of Cabbage Tree Palms in the Bilgola Valley covers several properties to the east and west of Barrenjoey Road in Bilgola.</p> <p>Livistona australis (Cabbage Palm) is a tall erect indigenous member of the palm family (Arecaceae) very widely distributed throughout lowland forest and swamps of eastern Australia, occurring in QLD, NSW and VIC. The stems are mostly about 10 metres tall but can grow up to 30 metres. The leaves, borne at the top of the stems, are palmately divided, fan shaped and plicate (folded longitudinally).</p> <table border="1" data-bbox="520 1016 1430 1599"> <thead> <tr> <th colspan="3" data-bbox="520 1016 1430 1055">Other relevant heritage listings</th> </tr> </thead> <tbody> <tr> <td data-bbox="520 1055 852 1200">Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td> <td data-bbox="852 1055 948 1200">No</td> <td data-bbox="948 1055 1430 1200"></td> </tr> <tr> <td data-bbox="520 1200 852 1272">Australian Heritage Register</td> <td data-bbox="852 1200 948 1272">No</td> <td data-bbox="948 1200 1430 1272"></td> </tr> <tr> <td data-bbox="520 1272 852 1344">NSW State Heritage Register</td> <td data-bbox="852 1272 948 1344">No</td> <td data-bbox="948 1272 1430 1344"></td> </tr> <tr> <td data-bbox="520 1344 852 1415">National Trust of Aust (NSW) Register</td> <td data-bbox="852 1344 948 1415">No</td> <td data-bbox="948 1344 1430 1415"></td> </tr> <tr> <td data-bbox="520 1415 852 1525">RAIA Register of 20th Century Buildings of Significance</td> <td data-bbox="852 1415 948 1525">No</td> <td data-bbox="948 1415 1430 1525"></td> </tr> <tr> <td data-bbox="520 1525 852 1599">Other</td> <td data-bbox="852 1525 948 1599">N/A</td> <td data-bbox="948 1525 1430 1599"></td> </tr> </tbody> </table> <p>Consideration of Application</p> <p>The proposal seeks consent for alterations and additions to the existing dwelling. The heritage listed grove of cabbage tree palms is located on the lots immediately to the west of the property, as well as to the south of the property across Barrenjoey Road. The proposed works to the dwelling are considered to not impact upon the heritage item or its significance. The proposal does include the removal of palm trees from the subject lot, however they are not cabbage tree palms and Heritage raises no objections to their removal. Additionally, the aborist report indicates there is only a minor encroachment into the tree protection zone of a heritage listed cabbage tree palm on the adjoining lot which will not impact upon the tree.</p> <p>Therefore Heritage raises no objections and requires no conditions</p>	Other relevant heritage listings			Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No		Australian Heritage Register	No		NSW State Heritage Register	No		National Trust of Aust (NSW) Register	No		RAIA Register of 20th Century Buildings of Significance	No		Other	N/A	
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Other	N/A																					

Internal Referral Body	Comments
	<p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p> <p>Further Comments</p> <p>COMPLETED BY: Brendan Gavin, Principal Planner</p> <p>DATE: 11 March 2021</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable and no conditions required in this instance.
NSW Rural Fire Service – local branch (s4.14 EPAA)	Approved subject to conditions.
Aboriginal Heritage Office	Approved subject to conditions.
Concurrence – NSW Roads and Maritime Services - SEPP Infrastructure (cl 100 Development on proposed classified road)	Approved subject to conditions.

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

Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A370932_02 dated 15 December 2020).

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

SEPP (Infrastructure) 2007

The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable and no conditions required in this instance.

SEPP (Coastal Management) 2018

The site is located within the Coastal Use Area and Coastal Environment Area as identified by State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) and the provisions of this policy are applicable in relation to the proposal. Following detailed assessment of the proposed development, the consent authority can be satisfied of the following:

- The proposal is not likely to cause an adverse impact upon the matters listed in clause 13(1) of the CM SEPP
- The proposal has been designed, sited and will be managed to avoid adverse impacts on the matters listed in clause 13(1) of the CM SEPP
- The proposal is not likely to cause an adverse impact upon the matters listed in clause 14(1) of the CM SEPP
- The proposal has been designed, sited and will be managed to avoid adverse impacts on the matters listed in clause 14(1) of the CM SEPP
- The proposal is not likely to cause increased risk of coastal hazards on the site or other land as listed in clause 15 of the CM SEPP

As such, the proposal is considered to be consistent with the provisions of the CM SEPP, including the matters prescribed by clauses 13, 14 and 15 of this policy.

Coastal Management Act 2016

The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development.

The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Zone SP2: Yes Zone E4 : Yes
After consideration of the merits of the proposal, is the development consistent with:	

aims of the LEP?	Yes
zone objectives of the LEP?	Zone SP2: Yes Zone E4 : Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8m	8m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
1.9A Suspension of covenants, agreements and instruments	Yes
Part 4 Principal development standards	Yes
4.3 Height of buildings	Yes
Part 5 Miscellaneous provisions	Yes
5.1 Relevant acquisition authority	Yes
5.1A Development on land intended to be acquired for public purpose	Yes
5.10 Heritage conservation	Yes
Part 7 Additional local provisions	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

5.10 Heritage conservation

The proposal seeks consent for alterations and additions to the existing dwelling. The heritage listed grove of cabbage tree palms is located on the lots immediately to the west of the property, as well as to the south of the property across Barrenjoey Road. The proposed works to the dwelling are considered to not impact upon the heritage item or its significance. The proposal does include the removal of palm trees from the subject lot, however they are not cabbage tree palms and Heritage raises no objections to their removal. Additionally, the arborist report indicates there is only a minor encroachment into the tree protection zone of a heritage listed cabbage tree palm on the adjoining lot which will not impact upon the tree.

Council's Heritage raised no objections and requires no conditions and it is considered that this proposal satisfies this clause of PLEP 2014.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Va
Front building line (Plateau Road)	6.5m	10.2m	↑
Front building line (Barrenjoey Road)	10m	6.3m	3
Side building line	2.5m (east)	2.5m	↑
	1m (west)	1.54m	↑
Building envelope	3.5m (east)	Outside envelope (Encroachment 2.2m for 9.5m length)	62
	3.5m (west)	Within envelope	↑
Landscaped area	60% (311.9sqm)	44.6% (231.9sqm) + 6% (31.2sqm) = 50.6% (263.1sqm)	9.4% (4

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Section A Shaping Development in Pittwater	Yes	Yes
A1 Introduction	Yes	Yes
A1.7 Considerations before consent is granted	Yes	Yes
A4 Localities	Yes	Yes
A4.3 Bilgola Locality	Yes	Yes
Section B General Controls	Yes	Yes
B1 Heritage Controls	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3 Hazard Controls	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4 Controls Relating to the Natural Environment	Yes	Yes
B4.17 Littoral Rainforest - Endangered Ecological Community	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5 Water Management	Yes	Yes
B5.15 Stormwater	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B6 Access and Parking	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	Yes
B8 Site Works Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	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
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
Section C Development Type Controls	Yes	Yes
C1 Design Criteria for Residential Development	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
C1.14 Separately Accessible Structures	Yes	Yes
C1.23 Eaves	Yes	Yes
Section D Locality Specific Development Controls	Yes	Yes
D3 Bilgola Locality	Yes	Yes
D3.1 Character as viewed from a public place	Yes	Yes
D3.3 Building colours and materials	Yes	Yes
D3.6 Front building line	No	Yes
D3.7 Side and rear building line	Yes	Yes
D3.9 Building envelope	No	Yes
D3.11 Landscaped Area - Environmentally Sensitive Land	No	Yes
D3.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D3.15 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

Description of non-compliance

The proposed development provides one (1) off-street parking space within the proposed garage.

The control requires a minimum of two (2) parking spaces for a dwelling house of 2 bedrooms or more.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *An adequate number of parking and service spaces that meets the demands generated by the development.*

Comment

The proposed development maintains the single off-street parking space located within the garage within the dwelling, meaning that there will be increase of parking of one (1) space as there is no onsite parking currently on the site. The proposed development increase the number of bedrooms within the dwelling house from being two (2) bedrooms to three (3) bedrooms. The existing parking space is considered to demonstrate generally consistency with this merit consideration.

- *Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*

Comment

The proposal has been reviewed by Council's Development Engineer and supportable subject to conditions and therefore considered to address this merit consideration.

- *Safe and convenient parking.*

Comment

The proposed development provides safe parking within the subject site, which is also convenient in terms of its location close to the primary entry point to the dwelling house.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D3.6 Front building line

Description of non-compliance

The control requires development to be setback a minimum of 10m from the front boundary on Barrenjoey Road.

The proposed retaining wall and deck is setback 6.3m and 9.21m the front boundary respectively.

This represents a variation of up to 37%.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

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

Comment

The proposal aligns with the desired future character of the Bilgola locality, as the development maintains a low-density residential nature.

- *Equitable preservation of views and vistas to and/or from public/private places. (S)*

Comment

The proposed development is two storey dwelling and below the 8m height requirement. Due to the slope of the site, the properties to the north of the subject site are well elevated above the proposed additions and are expected to maintain equitable preservation of existing views.

- *The amenity of residential development adjoining a main road is maintained. (S)*

Comment

The subject site adjoins Barrenjoey Road and the amenity of the occupants will be maintained.

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

Comment

Two (2) trees are to be removed as part of this application and this has been assessed and conditioned by Councils Landscape Officer. The existing and proposed landscaping treatments on site are sufficient and ensure the site is not dominated by the built form.

- *Vehicle manoeuvring in a forward direction is facilitated. (S)*

Comment

The existing space and driveway enables to enter and exit the site in a forward direction.

- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

Comment

The height and scale of the alterations and additions are in keeping with that of other properties along the lower side of Plateau Road. The proposal would be below the 8m height requirement. Furthermore, the scale of the development will be minimised as viewed from the street, due to the cross fall of the site up from the frontage of Barrenjoey Road and the long driveway from Plateau Road. The structures will sit well below the the height of surrounding canopy trees.

- *To encourage attractive street frontages and improve pedestrian amenity.*

Comment

The development will appear as two storey when viewed from the street and the bulk and scale of the development would not appear inconsistent with existing development along Plateau Road and this section of Barrenjoey Road. The proposal has been designed to integrate with the design and form of the house. Overall, the proposal will have minimal impact on pedestrian amenity.

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

Comment

The proposal has been designed and located to sensitively respond to the constraints of the site by minimising site disturbance and keeping bulk and scale minimal while providing formal and compliant on site parking. The development will appear as two storey when viewed from the street due to the slope of the site falling away from the frontage, and the bulk and scale of the development would not appear inconsistent with existing development along Plateau Road and Barrenjoey Road.

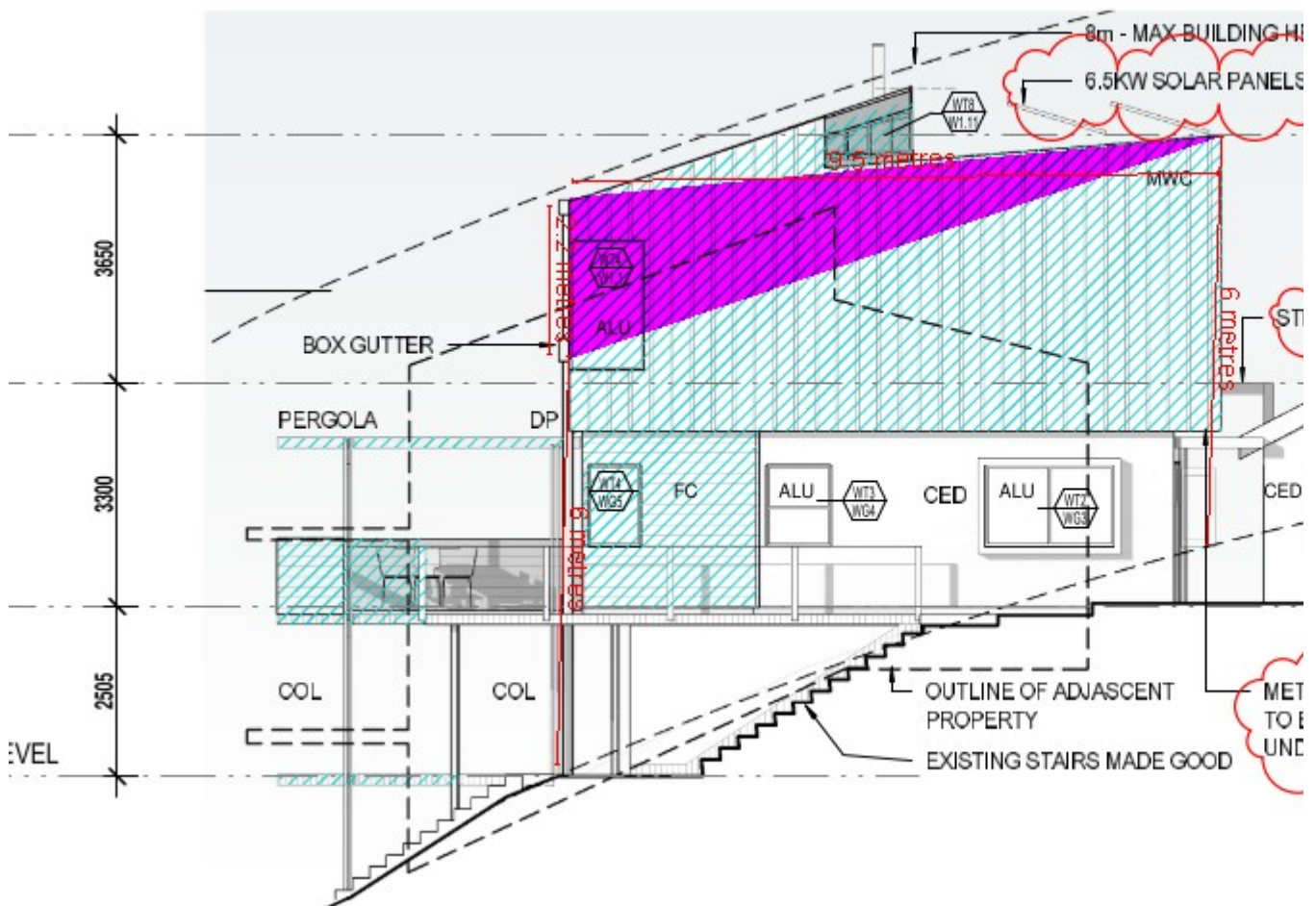
Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D3.9 Building envelope

DCP Control

The DCP requires that the building envelope is complied with, which consists of a height plane projected at 45 degrees at a height 3.5m above the boundary.

The below figure shows the extent of non-compliance which is highlighted in red.



The DCP allows variations to be considered where the land is in excess of 30% slope. The subject site is well over 30% slope and therefore the variation is considered on merit below.

Merit Consideration

To achieve the desired future character of the Locality. (S)

Comment: The proposal, as viewed from the access driveway to the north of the dwelling, will present as a two storey building, which is consistent with how these properties are viewed when driving along the private access road. The proposal will not be visually noticeable when driving along either Plateau Road or Barrenjoey Road due to the topography of the land, with the site sitting well above and setback from Barrenjoey Road. In addition there is substantial landscaping between the proposal and Barrenjoey Road to soften the building form.

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

Comment: The proposal is surrounded by established landscaping and the building will remain below the predominant canopy tree level.

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

Comment: The proposal is consistent with buildings that have been designed along the private access road, by presenting as two storey to the access road and then the lower floors below following the topography of the land. The proposal is consistent in design to the existing dwelling and meets the character of the area.

The bulk and scale of the built form is minimised. (En, S)

Comment: The proposed structure presenting as two storey from the private access road and two stories from the south, is consistent with the surrounding buildings. Although non-compliant with the control, the first floor is consistent with how the surrounding sites have been developed.

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

Comment: No view impacts will arise from the proposal.

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

Comment: The balcony design is consistent with the existing design of the dwellings, and do not result in unreasonable overlooking that would not otherwise be anticipated due to the site topography. Solar access is maintained to surrounding properties as shown in the submitted shadow diagrams.

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

Comment: The proposed tree removals are acceptable and replacement planting has been proposed.

The proposed development is consistent with the outcomes of the control and therefore the variation is supported in this particular circumstance.

D3.11 Landscaped Area - Environmentally Sensitive Land

Description of Non-Compliance

Part D3.11 of the P 21 DCP requires that 60% (311.9m²) of the site area be landscaped space, with up to 6% of that area being allowed to be decks, paving and the like. The proposal fails to achieve compliance with the requirement, instead providing 263.1m² of landscaping, the equivalent of 50.6% (landscaping - 44.6% (231.9sqm) + 6% (31.2sqm)).

The request for a variation as above is assessed against the following control outcomes:

- *Achieve the desired future character of the Locality.*
- *The bulk and scale of the built form is minimised.*
- *A reasonable level of amenity and solar access is provided and maintained.*
- *Vegetation is retained and enhanced to visually reduce the built form.*
- *Conservation of natural vegetation and biodiversity.*
- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*
- *To preserve and enhance the rural and bushland character of the area.*
- *Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.*

The development results in a shortfall of 48.8m² (9.4%) reduction of landscaped area on the site. The loss of landscaping is not visible from the public domain, and thus the shortfall does not change the streetscape nor the dwellings compatibility with the desired future character of the Bilgola Locality.

The loss of landscaping does not result in any unreasonable impacts upon the living conditions of neighbours or the natural environment nor alter the opportunities for habitat for wildlife.

Appropriate conditions are included in the recommendations of this report to ensure that stormwater disposal is done in accordance with Council's relevant policies.

On balance, the shortfall to the landscaped area is relatively minor (lesser than 10%) and does not result in any unreasonable impact. Therefore the variation as proposed may be supported.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$3,730 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$373,000.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/0124 for Alterations and additions to a Dwelling House on land at Lot 138 DP 16902, 35 A Plateau Road, AVALON BEACH, 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
A001	25 November 2020	Barker Architects
A002	25 November 2020	Barker Architects
A110	25 November 2020	Barker Architects
A112	1 May 2021	Barker Architects
A200	25 November 2020	Barker Architects

A201	7 April 2021	Barker Architects
A400	25 November 2020	Barker Architects
A502	25 November 2020	Barker Architects
A503	7 April 2021	Barker Architects
A600	25 November 2020	Barker Architects
A601	7 April 2021	Barker Architects
A900	25 November 2020	Barker Architects
A901	25 November 2020	Barker Architects
A902	25 November 2020	Barker Architects

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation	11 September 2020	White Geotechnical Group
Bushfire Risk Assessment	19 July 2020	Bushfire Planning Services

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:

Landscape Plans		
Drawing No.	Dated	Prepared By
A113	7 April 2021	Barker Architects

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	5 March 2021	Jessica Nosworthy

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
NSWRFS	RFS Response Referral	30 March 2021
Transport for NSW	Roads and Maritime Service Referral Response	15 April 2021

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

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

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention

to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no

hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner

that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$3,730.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$373,000.00.

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

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

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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

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

6. **Security Bond**

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

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

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

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

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

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

7. **Delineation of Asset Protection Zones**

Prior to the commencement of any vegetation clearance/modification, the boundaries of the bushfire Asset Protection Zone (APZ) are to be surveyed and clearly marked by way of temporary fencing, flagging tape or markers. Clearing of vegetation for APZ establishment must only occur within the marked APZ boundaries.

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

Reason: To protect native vegetation and wildlife.

8. **Stormwater Drainage Disposal**

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifying Authority prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

9. **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 referenced in Condition 1 of this consent 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.

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. **External Finishes to Roof**

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

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

12. **Sydney Water "Tap In"**

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

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

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

13. **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.

14. **Clearing for Asset Protection Zones**

Clearing of vegetation during works for APZ establishment must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries, or outside the property boundary.

Additionally, the single Cabbage Palm (*Livistona australis* ; T3 ; Hugh the Arborist 2021) is to be retained, as the required standard for the APZ can be achieved through clearance of exotic vegetation.

Written certification of compliance is to be submitted to the Principal Certifying Authority.

Reason: To protect native vegetation and wildlife.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. Tree and Vegetation Protection

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

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

b) Tree protection shall be undertaken as follows:

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

The Certifying Authority must ensure that:

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

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

Reason: Tree and vegetation protection.

16. **Condition of Trees**

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

17. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

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

Reason: To demonstrate the proposal complies with the approved plans.

18. **Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, 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.

19. **Aboriginal Heritage**

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection. (DACAHE01)

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

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

No Priority or environmental weeds are to be imported on to the site prior to or during construction works.

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

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

21. **Priority Weed Removal and Management**

All existing Priority and environmental weeds within the property are to be removed. This will assist to achieve compliance with the required vegetation cover for Asset Protection Zones (APZ).

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

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

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

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

23. **Installation and certification of solid/fuel burning heater**

The solid fuel heater must be certified to comply with Australian Standards 4012 and 4013.

Provide the Principal Certifying Authority certification that the solid fuel heater has been installed by an appropriately experienced and qualified person, in accordance with the relevant provisions of AS2918 – Domestic Solid Fuel Burning Appliances – Installation.

Reason: To ensure the installation is completed in a legislatively compliant manner.

24. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

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

25. **Environmental and Priority Weed Control**

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: Preservation of environmental amenity.

26. **Control of Domestic Dogs/Cats**

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife in accordance.

27. **Geotechnical Recommendations**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

28. **Operation of solid fuel burning heaters**

The owner/operator must take all practicable measures to prevent the likelihood of causing smoke and/or odour nuisances. Such measures must include:

- Using dry seasoned hardwood
- Storing wood in a dry well-ventilated place

- Having a hot and well oxygenated fire
- Ensuring that the chimney flue is clean
- Checking the chimney at different stages of the fire to see if there is any smoke
- Maintenance according to the manufacturer's specifications

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

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

Signed



Phil Lane, Principal Planner

The application is determined on 10/05/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments