

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0085
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Responsible Officer:	Adam Urbancic
Land to be developed (Address):	Lot 121 DP 12749, 57 Robertson Road SCOTLAND ISLAND NSW 2105
Proposed Development:	Construction of a chicken coop
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:	05/02/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	07/02/2019 to 25/02/2019
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 100.00
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ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest

- groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - B3.1 Landslip Hazard

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

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 irregular in shape with a frontage of 10.06m along Robertson Road and an average depth of 67.06m. The site has a surveyed area of 790.4m².</p> <p>The site is located within the E3 Environmental Management zone and accommodates a one (1) and two (2) storey block and fibre-cement dwelling house with a metal roof located near the Robertson Road frontage.</p> <p>The site has an overall slope of 27.4% and falls 20.63m from Robertson Road to the water frontage.</p> <p>The site contains a number of trees of varying sizes and species, along with ground-cover vegetation.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by multi-level dwelling houses of varying architectural styles within a bushland setting.</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:

2 August 2018

Building Certificate BC2018/0070 for an unauthorised front timber sapling and timber framed fence was refused.

28 September 2018

Development Application DA2018/1602 for the construction of a side boundary fence was lodged with Council. This application is yet to be determined.

18 October 2018

Development Application DA2018/1043 for alterations and additions to an existing boat shed was granted consent by the Northern Beaches Council Development Determination Panel.

1 April 2019

Modification Application Mod2018/0633 to Development Consent DA2018/1043 was granted consent under delegated authority.

17 April 2019

Development Application DA2018/0893 for alterations and additions to an existing dwelling was granted consent under delegated authority.

PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for the construction of a 1.5m x 1.5m fowl house on the western side of the existing footpath connecting the dwelling house to the foreshore, and associated landscaping works.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, requires Council to consider the number of days taken for this assessment in light of a request for additional information. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>

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

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 that included a certificate (prepared by Ronald Coffey of Planning for Bushfire Protection, dated 31 March 2018), however, this report did not assess the development currently under consideration and was therefore deemed to not be valid.

As a valid Bush Fire Report was not submitted, the application was referred to the NSW Rural Fire Service for assessment. The NSW Rural Fire Service provided a response in a letter (DA19080619902 AS, dated 15 August 2019) stating that the proposal is acceptable subject to recommended conditions, which will be enforced as a condition of consent.

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 2 submission/s from:

Name:	Address:
Ms Andrea Honsalek-Janssen	PO Box 573 CHURCH POINT NSW 2105
Steven Speter	PO Box 250 CHURCH POINT NSW 2105

Notes:

1. As per Clause A5.1 Exhibition, Advertisement and Notification of Applications of the Pittwater Development Control Plan 2014, all submissions received from the same person have been considered as a single submission and all submissions received by or on behalf of the same dwelling have been considered as a single submission, however, all concerns have been addressed below.
2. Although the table above lists the postal address of the submitters, this assessment has considered the potential impacts based on the street address identified in the submissions.

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

- Validity of Survey Plan;
- Location of the Fowl House/Development within the Foreshore Area;
- Visual Impact/Loss of Character;
- Proximity of Development to Adjoining Dwelling House (55 Robertson Road) and Associated Impacts;
- Unauthorised Chicken Coop; and
- Landscaping/Landscape Referral Response.

The matters raised within the submissions are addressed as follows:

- Validity of Survey Plan

Comment:

There is concern that the survey plan submitted with the development application is incorrect or fraudulent.

The survey plan (Drawing No. 738detail 1, Rev A) submitted with the development application, prepared by Waterview Surveying Services and dated 27 November 2017, meets Council's current Development Application Lodgement Requirements and is therefore acceptable. It is noted, however, that the survey plan does not accurately identify the boundaries of the subject site.

In line with Council's current practice, a condition of consent has been placed to ensure that a revised survey plan, prepared by a Registered Surveyor, which accurately identifies the boundaries of the subject site and all existing structures/buildings is prepared and all plans submitted with the Construction Certificate amended to accurately reflect the boundaries. This

will ensure that all works are contained wholly within the subject site.

This does not warrant the refusal of the development application.

- Location of the Fowl House/Development within the Foreshore Area

Comment:

There is concern that the construction of the fowl house on the water side of the dwelling house and within the foreshore area is not permitted and is in breach of Council's policy.

Clause 7.8 of the Pittwater Local Environmental Plan 2014 (PLEP 2014) permits development for certain purposes within the foreshore area, which is defined under the Dictionary of PLEP 2014 as the land between the foreshore building line and the mean high water mark of the nearest natural waterbody. As per this clause, development for the purposes of a fowl house would not be permitted within the foreshore area.

Although the proposed fowl house is located on the water side of the dwelling house on the subject site, the fowl house is not located within the foreshore area, therefore, the development is permitted with consent as an ancillary structure to the residential dwelling house located on the subject site. There are no Council policies which state that fowl houses, or like structures, are not permitted on the water side of dwelling houses on Scotland Island.

This does not warrant the refusal of the development application.

- Visual Impact/Loss of Character

Comment:

There is concern that the fowl house will result in an unacceptable visual impact from the water and will result in the loss of character.

The proposed fowl house is a small structure of minimal height, which due to the topography of the site and the existing vegetation, will not be clearly visible when viewed from the water. The proposed development is consistent with the desired future character of the Lower Western Foreshores and Scotland Island Locality.

This does not warrant the refusal of the development application.

- Proximity of Development to Adjoining Dwelling House (55 Robertson Road) and Associated Impacts

Comment:

There is concern that the proposed fowl house will result in acoustic and visual impacts, as well as pollution including odour, which will affect the use/amenity of the adjoining dwelling house at 55 Robertson Road due to its proximity to the structure.

The proposed fowl house is located 4.5m away from the eastern wall of the adjoining dwelling house at 55 Robertson Road, which is in line with the requirement of Schedule 2, Part 5, Division 2 of the Local Government (General) Regulation 2005, which although is only enforceable by Orders under Section 124 of the Local Government Act 1993, provides guidelines as to the appropriate distance for the keeping of poultry to dwelling houses to minimise impacts and pollution. The proposed fowl house is also located 2.94m from the western side boundary, which complies with the 1m setback requirement under Clause 8.6 of the Pittwater Development Control Plan 2014.

In order to ensure that a reasonable level of amenity is maintained to the adjoining properties, including 55 Robertson Road, conditions of consent have been placed to ensure that no

roosters are kept and that the number of fowl/birds is restricted to a maximum of five (5) to minimise acoustic impacts, as well as pollution, and that the fowl house is adequately maintained to minimise odour and flies.

It is considered that the adjoining and surrounding dwelling houses will maintain a reasonable level of amenity.

This does not warrant the refusal of the development application.

- **Unauthorised Chicken Coop**

Comment:

There is concern regarding the construction, maintenance and environmental impacts of the existing, unauthorised chicken coop within the subject site.

The development application seeks consent for the construction of a new fowl house, which is separate to the existing chicken coop currently subject to action by Council's Building Control Team, therefore, these matters are not relevant to the assessment of this development application.

This does not warrant the refusal of the development application.

- **Landscaping/Landscape Referral Response**

Comment:

There is concern that the landscaping within the subject site, specifically the trees planted along both side boundaries, will cause overshadowing and view loss impacts to the adjoining residential properties. There is also concern regarding the comments and recommended conditions that form part of the Landscape Referral Response provided by Council's Landscape Advisor.

The landscaping currently on the site was not applied for as part of this consent and as such, any potential impacts are a civil matter between the affected property owners.

The Landscape Referral Response was provided by Council's Landscape Advisor, and has been reviewed and accepted by the Assessing Officer. This response was provided in relation to the proposed development and included recommended conditions of consent including tree protection measures, landscape maintenance and planting restrictions within the subject site. These conditions are not legally enforceable until such time that a development consent is granted.

This does not warrant the refusal of the development application.

REFERRALS

Internal Referral Body	Comments
Environmental Compliance (Building Control)	Building Compliance has no objection to this application as it is unrelated to the current investigation of the property
Environmental Health (unsewered lands)	Environmental Health has been asked to comment on a "proposed chicken coop" for five (5) fowl. Our areas of interest (only) include:

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • Regulation compliance; • Noise; • Pollution; and • Impact on the on site waste disposal system. <p><u>Regulation compliance:</u> Only fowl can be kept less than 30m from a dwelling, the limit being 4.5m. A condition can be added.</p> <p>"Poultry not to be kept near certain premises</p> <p>(1) Fowls (that is, birds of the species Gallus gallus) or guinea fowls must not be kept within 4.5 metres (or such greater distance as the council may determine in a particular case) of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.</p> <p>(2) Poultry (other than fowls referred to in subclause (1)) must not be kept within 30 metres of any building referred to in subclause (1).</p> <p>(3) The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subclause does not apply to poultry houses:</p> <p>(a) that are not within 15.2 metres of a dwelling, public hall or school, or</p> <p>(b) that are situated on clean sand.</p> <p>(4) Poultry yards must be so enclosed as to prevent the escape of poultry."</p> <p><u>Noise:</u> Noise is normally only an issue where roosters are kept. A condition can be added prohibiting a rooster.</p> <p><u>Pollution:</u> With only 5 birds normal house keeping can prevent runoff and odour and fly issues. A condition can be added.</p> <p><u>Impact on the waste water disposal:</u> Council has recently, on a separate matter, received correspondence in regards to rows of land application sprinklers in areas which do not appear to affect this application proposal. A condition can be added.</p> <p><u>Recommendation:</u> Approval - subject to conditions.</p>
Landscape Officer	<p>The plans indicate construction of a chicken coop in the rear yard of the site.</p> <p>The structure is clear of existing trees, no trees are proposed for removal and no rock outcrops are impacted by the works.</p> <p>No objections are raised with regard to landscape issues subject to</p>

Internal Referral Body	Comments
	conditions as recommended.
NECC (Bushland and Biodiversity)	<p>The proposal has been assessed against Pittwater LEP 7.6, and DCP B4.4. The site is not on the Pittwater Spotted Gum EEC map, and the works are outside the 50m buffer zone for seagrass in Pittwater.</p> <p>The proposal includes a poultry fowl house and housing 5 bantam fowl. Pursuant to B4.4, domestic animals are not permitted to enter bushland. The small size of the fowl house (1.5m x 1.5m), raises concern that the fowl will roam outside of the enclosure, which poses a risk of the fowl entering nearby bushland. A condition will be imposed to ensure the fowl are kept enclosed and do not enter wildlife habitat.</p> <p>No trees are proposed for removal. Native shrubs are proposed for screening along the western boundary. Pursuant to B4.4, at least 60% of new planting is to incorporate native vegetation from the Shale Slopes vegetation type. A condition will be imposed.</p> <p><u>Planner Comment:</u> As the development application was also referred to the Aboriginal Heritage Office, the recommended ongoing condition by Council's Biodiversity Officer relating to Aboriginal engravings and relics will not be placed as part of this development consent. Instead, a more detailed condition in line with the referral response from the Aboriginal Heritage Office will be placed with the development consent.</p>
NECC (Coast and Catchments)	<p>Estuarine Risk Management 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. 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.</p> <p>As the proposed poultry shed is shown as having a floor level above about RL 13.0m AHD, i.e. well above the the EPL, the subject development proposal is able to satisfy the relevant requirements of the Estuarine Risk Management Policy and associated B3.7 Estuarine Hazard controls in P21 DCP.</p> <p>State Environmental Planning Policy (Coastal Management) 2018 12 Development on land within the coastal vulnerability area</p> <p><i>Development consent must not be granted to development on land that is within the area identified as "coastal vulnerability area" on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:</i></p> <p>(a) <i>if the proposed development comprises the erection of a building or works—the building or works are engineered to</i></p>

Internal Referral Body	Comments
	<p><i>withstand current and projected coastal hazards for the design life of the building or works, and</i></p> <p><i>(b) the proposed development:</i></p> <p><i>(i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and</i></p> <p><i>(ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and</i></p> <p><i>(iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</i></p> <p><i>(c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</i></p> <p><u>Comment:</u> At the commencement of State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) no Coastal Vulnerability Area Map was adopted and therefore no coastal vulnerability area has been identified. In regard to Clause 15 of the CM SEPP, the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land.</p> <p>As such, it is considered that the application complies with the requirements of State Environmental Planning Policy (Coastal Management) 2018 as they relate to development on land identified as a coastal vulnerability area or land within the coastal zone that may be affected by coastal hazards.</p>
NECC (Development Engineering)	No objection to approval with no conditions of consent recommended.
NECC (Riparian Lands and Creeks)	No objections to this application.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Rural Fire Service – local branch (s79BA EPAA)	The application was referred to the NSW Rural Fire Service who provided a response in a letter (Ref: DA19080619902 AS, dated 15 August 2019) stating that the proposal is acceptable subject to recommended conditions. These conditions will be enforced as a condition of consent.
Aboriginal Heritage Office	<p>The application was referred to the Aboriginal Heritage Office who provided a response in an email, dated 7 February 2019, as follows:</p> <p><i>"No sites are recorded in the current development area and the area</i></p>

External Referral Body	Comments
	<p><i>has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</i></p> <p><i>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</i></p> <p><i>Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should be contacted."</i></p> <p><u>Planner Comment:</u> A condition of consent has been placed to ensure that the process outlined above is followed if an Aboriginal site is uncovered during works.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the

- electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) *the proposed development:*
 - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
 - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
 - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current*

and
future
coastal
hazards.

Comment:

There is currently no adopted Coastal Vulnerability Area Map under SEPP Coastal Management (2018), however, Council's Coastal Engineer has reviewed the proposed development in light of the requirements of Clause 12 and is satisfied that the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land.

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 development is unlikely to cause an adverse impact to the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, coastal environmental values and natural coastal processes, the water quality of the marine estate, or to marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms. The proposed development is also unlikely to cause an adverse impact to existing public open space and safe access to and along the foreshore for members of the public, including persons with a disability. The subject site has not been identified to contain any Aboriginal cultural heritage, practices or places, however, a recommended condition will be placed with the consent to ensure that if any Aboriginal engravings or relics are unearthed as part of the proposed development, works will cease immediately and the relevant authorities will be notified. Furthermore, the proposed development is unlikely to cause an adverse impact on the use of the surf zone.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that*

impact.

Comment:

As detailed above, the proposed development has been designed, sited and will be managed to avoid an adverse impact on the cultural and environmental aspects referred to in Subclause 1.

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 proposed development maintains the existing, safe access to and along the foreshore and will not cause any overshadowing, wind funnelling or loss of views from public places to foreshores. The visual amenity and scenic qualities of the coast, including the coastal headlands, will be preserved. As mentioned above, the subject site has not been identified to contain any Aboriginal cultural heritage, practices or places, however, a recommended condition will be placed with the consent to ensure that if any Aboriginal engravings or relics are unearthed as part of the proposed development, works will cease immediately and the relevant authorities will be notified. The proposed development will also not have an adverse impact on the cultural and built environmental heritage. As such, it is considered that the proposed development has been designed, sited and will be managed to avoid an adverse impact on the aforementioned cultural and environmental aspects. Furthermore, the proposed development is consistent with the surrounding coastal and built environment, which consists primarily of low-density residential dwelling houses with outbuildings, and is of an appropriate bulk, scale and size.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The land has not been identified as being affected by any coastal hazards and is not likely to cause increased risk of coastal hazards on other land.

As such, it is considered that the application does comply 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	1.9m	Yes

Compliance Assessment

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

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation ¹	Complies
Front building line	6.5m	35.06m	N/A	Yes
Rear building line	Foreshore Building Line (~13.6m)	27.8m	N/A	Yes
Side building line	2.5m (E)	7.43m	N/A	Yes
	1m (W)	2.94m	N/A	Yes
Building envelope	3.5m (E)	Within envelope	N/A	Yes
	3.5m (W)	Within envelope	N/A	Yes
Landscaped area ²	Maximum Site Coverage: 28% (221.31m ²)	Site Coverage: 36.03% (284.75m ²)	28.67% (63.44m ²)	No

Notes:

1. 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)
2. Clause D8.9 Landscaped Area of Pittwater Development Control Plan 2014 states a maximum area that is not to be provided as landscaped area, rather than a percentage that is to be provided as landscaped area.

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
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
B5.11 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
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

Clause	Compliance with Requirements	Consistency Aims/Objectives
D8.1 Character as viewed from a public place	Yes	Yes
D8.3 Building colours and materials	Yes	Yes
D8.5 Front building line	Yes	Yes
D8.6 Side and rear building line	Yes	Yes
D8.8 Building envelope	Yes	Yes
D8.9 Landscaped Area	No	Yes
D8.13 Stormwater overflow	Yes	Yes
D8.15 Site disturbance	Yes	Yes
D8.16 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

B3.1 Landslip Hazard

Although the geotechnical report submitted with the development application, prepared by Jack Hodgson Consultants Pty Limited and dated 10 April 2018, does not assess the specific development applied for under this development application, the report demonstrates that the proposed works to the residential dwelling house located on the subject site can achieve an 'Acceptable Risk Management' level in terms of geotechnical risk, subject to the recommendations outlined within the report. Given the minor nature and non-habitable use of the works being considered under this development application, a geotechnical report was not required to be submitted for assessment, as Council is satisfied that the geotechnical risk can be appropriately managed, subject to conditions of consent. Council's Development Engineer has also reviewed the development application and has not raised concern over the management of geotechnical risk arising from the proposed development.

In order to ensure that the geotechnical risk associated with the proposed development is appropriately managed, a condition of consent will be placed requiring a geotechnical report and certified forms, prepared by a suitably qualified consultant in accordance with the Geotechnical Risk Management Policy for Pittwater - 2009, to be submitted prior to the issue of a Construction Certificate identifying any recommendations necessary to achieve an 'Acceptable Risk Management' level. A condition of consent will also be placed to ensure that the recommendations are certified as having been completed prior to the issue of an Occupation Certificate.

D8.3 Building colours and materials

A *Schedule of Colours and Materials* with samples has not been submitted with the development application.

As such, a condition of consent will be placed requiring a *Schedule of Finishes* to be submitted to the Certifying Authority prior to the issue of a Construction Certificate which demonstrates that all external colours and materials are dark and earthy tones, non-glare and of low reflectivity, as per the requirements of this control.

D8.9 Landscaped Area

Existing Site Coverage: 35.74% or 282.5m²
Maximum Site Coverage: 28% or 221.31m²

Proposed Site Coverage: 36.03% or 284.75m²

The proposed site coverage exceeds the maximum 28% site coverage requirement under this control, however, the existing site coverage currently exceeds this requirement and the proposed development seeks to marginally increase site coverage on the site, as per the above calculations.

Merit Consideration

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

- *To achieve the desired future character of the Locality. (S)*
Comment
 The proposed development is consistent with the desired future character of the Lower Western Foreshores and Scotland Island Locality.
- *The bulk and scale of the built form is minimised. (En, S)*
Comment
 The proposed development is a small structure of minimal height, therefore, the bulk and scale of the built form is minimised.
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties. (En, S)*
Comment
 The proposed development will ensure that a reasonable level of privacy and solar access is provided within the development site and is maintained to neighbouring properties. Conditions of consent to restrict the species and number of birds/fowl, prohibiting the keeping of roosters, and also requiring the maintenance of the roost area, will be placed to ensure that amenity is provided within the development site and is maintained to adjoining properties, including 55 Robertson Road.
- *Vegetation is retained and enhanced within the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation including tree canopy. (En)*
Comment
 All existing vegetation on the site is to be retained and will be further enhanced through additional screen planting along part of the western boundary, generally to the extent of the adjoining dwelling house at 55 Robertson Road, which will screen the visual impact of the built form. Given the residential nature of the subject site, the additional screen planting also ensures that the proposed structure is secondary to landscaping and vegetation.
- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*
Comment
 Although stormwater runoff is not technically reduced, the small size of the proposed structure and the topography of the site means that the additional stormwater runoff can naturally flow to the waterway, therefore preventing soil erosion and siltation of natural drainage channels.
- *To ensure the distribution of height and mass preserves, and enhances neighbourhood amenity and has regard to site characteristics and environmental constraints.*
Comment
 The proposed structure is small in size, is of minimal height, and is to be located in a portion of the site without any other built structures, therefore ensuring that the distribution of height and mass preserves and enhances neighbourhood amenity, and has regard to site characteristics

and environmental constraints.

- *To conserve significant natural features of the site and contribute to effective management of biodiversity.*

Comment

The proposed development conserves the significant natural features of the site and contributes to the effective management of biodiversity by incorporating additional native screen planting along part of the western side boundary.

- *The area of site disturbance is minimised. (En)*

Comment

The area of site disturbance is minimised to the area required to construct the small fowl house structure.

- *Soft surface is maximised. (En, S)*

Comment

The amount of soft surface provided on the site is maximised based on the extent of development on the subject site, and that on adjoining and surrounding sites.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

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

CONCLUSION

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

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

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects,

all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/0085 for Construction of a chicken coop 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
2039 - DA 01 Site Plan & Fowl House	February 2019	Stephen Crosby & Assoc. 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. **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
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NSW Rural Fire Service	Rural Fire Service Response - DA2019/0085 121//12749 - 57 Robertson Road Scotland Island	15 August 2019
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(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 Department, Authority or Body's.

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) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that

occurs on Council's property.

- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

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

5. **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.

6. **External Colours and Materials**

The external colours and materials shall be dark and earthy tones, non-glare and of low reflectivity. White, light coloured, red or orange roofs and walls are not permitted. The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

A satisfactory specification which achieves this shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate in the form of a *Schedule of Finishes*.

Reason: To ensure the external colours and materials comply with Council's requirement for dark and earthy tones.

7. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan. Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

8. **Submission of Survey and Location of Works**

All works are to be contained wholly within the subject site.

A survey, prepared by a Registered Surveyor, identifying the boundaries of the subject site and all existing structures/buildings, is to be prepared.

The plans submitted for the Construction Certificate are to accurately reflect the boundaries as shown on the survey.

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

Reason: To ensure all approved works are constructed within the subject site.

9. **Submission of a Geotechnical Report**

A geotechnical report and certified forms, prepared by a suitably qualified consultant, is to be submitted confirming that the development meets the requirements of the Geotechnical Risk

Management Policy for Pittwater - 2009.

This report is to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure that geotechnical risk is appropriately managed.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. **Tree protection**

(a) Existing trees which must be retained

i) All trees unless exempt under relevant planning instruments or legislation

ii) Trees located on adjoining land

(b) Tree protection

i) No tree roots greater than 30mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.

ii) All structures are to bridge tree roots greater than 30mm diameter unless directed otherwise by a qualified Arborist on site.

iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.

iv) All tree pruning within the subject site is to be in accordance with AS 4373 Pruning of amenity trees.

v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. **Temporary Sediment**

Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.

Reason: To reduce erosion and prevent sediment runoff into public assets

12. **Maintenance of Sediment**

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

Reason: To ensure sediment controls are effective

13. **Trees Condition**

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

(a) A general decline in health and vigour.

(b) Damaged, crushed or dying roots due to poor pruning techniques.

- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) 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.

14. **Protection of rock and sites of significance**

- a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition, excavation and construction works.
- b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

15. **New vegetation planting**

Landscaping is to incorporate a minimum of 60% locally native vegetation species from the Shale Slopes vegetation type (as per species listed in the Native Gardening Booklet available on Councils website).

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

16. **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)

17. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development. Details demonstrating compliance must be submitted to the Principal Certifying Authority.

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

OCCUPATION CERTIFICATE

18. **New vegetation planting**

Prior to the issue of any Occupation Certificate, evidence that the new vegetation planting comprises a minimum of 60% locally native vegetation species from the Shale Slopes vegetation type (as per species listed in the Native Gardening Booklet available on Councils website) is to be provided to the Principal Certifying Authority.

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

19. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

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

21. **Undesirable Trees**

Leighton Green Cypress Cupressocyparis leylandii or any of its cultivars, must not be planted on the site for the life of the development. In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Reason: To reduce the potential for adverse amenity effects such as overshadowing, loss of views, and loss of plant diversity.

22. **No Keeping of Roosters**

No roosters shall be kept on the premises.

Reason: To eliminate crowing noise and maintain the amenity of the area.

23. **Restricted Number of Birds/Fowl**

No more than five (5) birds/fowl can be kept on the premises at any time.

Reason: To minimise any nuisances, including noise and odour.

24. **Odour and Fly Reduction**

The floor of the roost area is to be of an impervious finish to enable cleaning to reduce odour and fly issues.

Regular cleaning of the area and spilt food is to be undertaken to avoid nuisance and so to not attract rats and mice, as well as the routine addition of lime to the earth run area to eliminate

pests.

A fly trap is to be installed near the fowl house.

Reason: To maintain healthy conditions and avoid nuisance.

25. **Impact on Waste Water System**

The structure is to be maintained well clear of the spray irrigation area.

The wastewater land application area to be fenced to prevent fowl entering that area.

Reason: To ensure that healthy conditions are maintained for the fowl house area and to ensure that fowl do not interfere with the available area for the waste water system.

26. **Landscape maintenance**

i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.

ii) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: To maintain local environmental amenity.

27. **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: Weed management.

28. **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.

29. **Control of Domestic Animals**

Domestic animals are to be kept from entering bushland and foreshore areas on the site and on surrounding properties at all times. Fowl and poultry are to be kept in an enclosed area on the site such that they cannot enter areas of bushland or foreshore. Dogs and cats are to be kept in an enclosed area, or on a leash such that they cannot enter areas of bushland or foreshore. Ferrets and rabbits are to be kept in a locked hutch/run at all times.

Reason: Wildlife protection.

30. **Fowl House not to be used for Commercial Purposes**

The fowl house is not to be used for the keeping or breeding of poultry for commercial purposes.

Reason: To ensure that the fowl house remains ancillary to the use of the residential dwelling house located on the same allotment.

31. **Limitation of Works Under Development Consent**

The works to the dwelling house indicated as proposed on the approved plans do not form part of this consent.

Reason: To ensure that consent is only granted for the works specifically applied for under this development application.

32. **Requirements for the Keeping of Poultry**

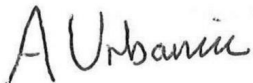
Poultry not to be kept near certain premises:

- (1) Fowls (that is, birds of the species *Gallus gallus*) or guinea fowls must not be kept within 4.5 metres (or such greater distance as the council may determine in a particular case) of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- (2) Poultry (other than fowls referred to in subclause (1)) must not be kept within 30 metres of any building referred to in subclause (1).
- (3) The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subclause does not apply to poultry houses:
 - (a) that are not within 15.2 metres of a dwelling, public hall or school, or
 - (b) that are situated on clean sand.
- (4) Poultry yards must be so enclosed as to prevent the escape of poultry.

Reason: To comply with Local Government Regulation 2005.

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

Signed



Adam Urbancic, Planner

The application is determined on 09/09/2019, under the delegated authority of:



Rodney Piggott, Manager Development Assessments