

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1968
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Responsible Officer:	Georgia Quinn
Land to be developed (Address):	Lot 5 DP 17704, 16 Cabarita Road AVALON BEACH NSW 2107
Proposed Development:	Construction of a boat shed
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Susan Mary Holliday
Applicant:	Susan Mary Holliday

Application lodged:	13/12/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	07/01/2019 to 29/01/2019
Advertised:	Not Advertised
Submissions Received:	2
Recommendation:	Approval

Estimated Cost of Works:	\$ 97,400.00
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ASSESSMENT INTRODUCTION

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

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

determination);

- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 5.7 Development below mean high water mark

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

Pittwater 21 Development Control Plan - D1.14 Landscaped Area - Environmentally Sensitive Land

Pittwater 21 Development Control Plan - D1.20 Scenic Protection Category One Areas

Pittwater 21 Development Control Plan - D15.14 Minimum frontage for waterfront development

Pittwater 21 Development Control Plan - D15.15 Waterfront development

SITE DESCRIPTION

Property Description:	Lot 5 DP 17704 , 16 Cabarita Road AVALON BEACH NSW 2107
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northeastern side of Cabarita Road.</p> <p>The site is regular in shape with a frontage of 13.2m along Cabarita Road and a depth of 42.3m. The site has a surveyed area of 629.2m².</p> <p>The site is located within the E4 Environmental Living zone. The rear boundary adjoins a W1 Natural Waterways zone (the Pittwater Waterway). The site accommodates a one and two storey dwelling house.</p> <p>The site has a cross fall from the southwest to the northeast of approximately 20m.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by similar low density residential development within landscaped settings. The provision of boatsheds is common within adjoining and surrounding properties.</p>

Map:



SITE HISTORY

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

Development Application DA2017/1376

This application for the construction of a new boat shed was refused by Council on 29 June 2018.

Following a preliminary assessment of the application Council wrote to the applicant outlining a number of issues that would not allow Council to support the application in its current form. The issues included permissibility and engineering concerns relating to a Council Pipeline that traverses the site.

PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for the construction of a boatshed and landscape 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)(iiia) – Provisions of any	None applicable.

Section 4.15 Matters for Consideration'	Comments
planning agreement	
<p>Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)</p>	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<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</p>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Ms Valerie Norman Mr Ronald Owen Norman	14 Cabarita Road AVALON BEACH NSW 2107
Mrs Margaret Harders	18 Cabarita Road AVALON BEACH NSW 2107

The following issues were raised in the submissions:

- Both submissions were in support of the proposed boat shed development.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
NECC (Bushland and Biodiversity)	<p>The proposal has been assessed against Pittwater LEP 7.6, DCP B4.6, B4.7, and B4.16.</p> <p>The proposal includes excavation for a boatshed and landscaping works. The application includes Landscape Plans (L_100, L_101, L_501) and Planting schedules (L_502, L_503.1, L503.2) that contains native species and cultivar (hybrid) species. The site is on the Pittwater Spotted Gum EEC map. The planting of cultivar species is not supported. Pursuant to DCP B4.7, 80% of new plantings is to incorporate native vegetation (not native cultivar) from the Pittwater Spotted Gum EEC. In addition, DCP C1.1 requires two canopy trees in the front yard and 1 in the rear yard. Conditions will be imposed for a revised Landscape Plan to be provided and certified as including canopy trees and 80% native species from the PSG EEC.</p>
NECC (Coast and Catchments)	<p>Estuarine Risk Management</p> <p>The coastal engineer engaged by the applicant to prepare the Estuarine Risk Management Report lodged in support of the DA has independently derived an Estuarine Planning Level (EPL) of RL 2.45m AHD for the proposed development at the site. The coastal engineer considers that the new boat shed would be at an acceptably low level of risk of damage or failure from estuarine tidal inundation and wave action for a design life of 25 years as long as all the recommendations included in the submitted Estuarine Risk Management Report for 16 Cabarita Road, Avalon are adopted.</p> <p>The development proposal is therefore able to satisfy the relevant requirements of the Estuarine Risk Management Policy and associated B3.7 Estuarine Hazard controls in Pittwater 21 DCP subject to conditions.</p> <p>Section 3.1 of the approved Estuarine Risk Management Report (Salients Pty Limited, dated 13/11/2018) advises that the seaward, shore-parallel wall of the swimming pool, which functions as a seawall for the property has been partially undermined and the concrete is showing evidence of deterioration. The coastal engineer has recommended that the seawall should be either monitored or formally assessed by a structural engineer to assess the state of the concrete wall as well as the founding conditions of the pool.</p> <p>As the pool wall functions as a seawall and will provide protection to</p>

Internal Referral Body	Comments
	<p>the proposed boat shed, conditions to effect this recommendation have been included as a part of this assessment.</p> <p>The D15.15 Waterfront Development Control in P21 DCP specifically prohibits the inclusion of toilet facilities in boat sheds: <i>'iv. Boatsheds cannot be used for any other purpose than the storage of small boats and/or boating equipment. The incorporation of any internal kitchen facilities, habitable rooms, shower or toilet facilities shall not be permitted.'</i> Refer to Clause D15.15 under Pittwater Development Control Plan section of this report for further detail. Furthermore, given that a relatively short design life has been determined for the proposed development, in part also justifying a reduction of Council's adopted EPL, and the fact that the floor level of the new boat shed is proposed to be below the reduced EPL the inclusion of a toilet in the building is not supported and should be specifically excluded from the consent if the development application is approved.</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> <ul style="list-style-type: none"> <i>(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</i> <i>(b) the proposed development:</i> <ul style="list-style-type: none"> <i>(i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and</i> <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> <i>(iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</i> <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><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>

Internal Referral Body	Comments
	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.
NECC (Development Engineering)	The proposed development proposes to excavate adjacent to an existing Council pipeline and easement. The applicant has provided suitable evidence to ensure the proposed structure will be clear of the stormwater infrastructure and conditions and a bond to ensure its integrity have been included. The submitted Geotechnical report addresses the relevant DCP controls. No objection to approval, subject to conditions as recommended.
NECC (Riparian Lands and Creeks)	<p>This application is approved with conditions.</p> <p>There are no water quality requirements triggered under the Pittwater 21 DCP, however the State Environmental Planning Policy (Coastal Management) 2018 with particular reference to 13 - Development on land within the coastal environment area applies. Under the SEPP development consent must not be granted...if it is likely to cause an adverse impact to... (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014). This requirement means that attention to sediment controls are critical.</p> <p>Sediment and erosion controls must be installed prior to any work on site and maintained until work is complete and groundcover re-established. Where work takes place on the waterfront (for instance any work on the stormwater outlet(s), a sediment boom must be installed to ensure no movement of sediment outside the work area and into Pittwater occurs.</p>

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

(SREPs)

SEPP (Coastal Management) 2018

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

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

Comment:

The proposed development is to be sited wholly within the subject site and the building footprint is modest, thus it 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 will not hinder the safe access to and along the foreshore, beach, headlands or rock platforms. The subject site has not been identified to contain any Aboriginal cultural heritage, practices or places. The proposed development will not 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 any adverse impact on the cultural and environmental aspects referred to in subclause 1.

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

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 is not considered to have an adverse impact on access along the foreshore, beach, headland or rock platforms for members of the public nor are any unreasonable amenity impacts considered likely to arise. The development has been designed, sited and will be managed to avoid adverse impacts referred to above. The proposed development has taken into account the surrounding coastal and built environment which has influenced the design to ensure bulk, scale and size of the proposed development is appropriate.

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

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

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

Comment:

The proposed development is not likely to cause increased risk of coastal hazards on that land or other land, given the proposed development is modest in size and is sited wholly within the subject site.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	3.56m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.7 Development below mean high water mark	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
7.8 Limited development on foreshore area	Yes

Detailed Assessment

5.7 Development below mean high water mark

The Boatshed Floor Plan (drawing number 21.01, dated 06/12/2018) indicates a new pool fence, steps and ramp below the Mean High Water Mark. No consent from the Department of Industry, Lands and Forestry has been provided in support of the application, therefore Council cannot grant consent for the proposed works on Crown Land below Mean High Water Mark.

A condition of consent will be imposed, stating no approval for any structures outside of the property boundaries is granted.

7.8 Limited development on foreshore area

As stipulated within this Clause, development consent may be granted for development on land in the foreshore area for the purpose of a boat shed.

As defined within the dictionary of the Standard Instrument, a **boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

The proposed development contains a bathroom within the boat shed, which fails to comply with the above definition of a permissible boatshed. A condition of consent is to be imposed requiring the removal of this bathroom facility. The proposal, as conditioned, will comply with the requirements of this Clause.

The proposed boat shed will remain consistent with existing surrounding development and will not appear dominant or excessive when viewed from the public foreshore area. Public access along the foreshore are will not be obstructed or discouraged and a reasonable level of amenity to the Pittwater Waterway will be maintained. The proposed works are located landward of an existing sea wall thus it is considered no further impacts to the natural foreshore processes are likely to occur as a result of this development.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Boat Shed Building Height	4.5m	3.6m	N/A	Yes
Front building line	6.5m	31.3m	N/A	Yes
Rear building line	Foreshore Building Line applies	Wholly below FBL	N/A	N/A
Side building line	2.5m	6.8m West	N/A	Yes
	1m	1.8m East	N/A	Yes
Building envelope	3.5m	Within envelope	N/A	Yes
	3.5m	Within envelope	N/A	Yes
Landscaped area	60% (377.5m ²)	27.8% (175.15m ²)	53.7% (202.35m ²)	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.16 Seagrass Conservation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B4.20 Protection of Estuarine Water Quality	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.9 Stormwater Management - Water Quality - Other than Low Density Residential	Yes	Yes
B5.11 Stormwater Discharge into Waterways and Coastal Areas	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
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
C1.17 Swimming Pool Safety	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.5 Building colours and materials	Yes	Yes
D1.8 Front building line	Yes	Yes
D1.9 Side and rear building line	Yes	Yes
D1.11 Building envelope	Yes	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	No	Yes
D1.20 Scenic Protection Category One Areas	No	Yes
D1.21 Masterplan - Careel Bay	Yes	Yes
D15.11 Waterfront lighting	Yes	Yes
D15.12 Development seaward of mean high water mark	Yes	Yes
D15.13 Lateral limits to development seaward of mean high water mark	Yes	Yes
D15.14 Minimum frontage for waterfront development	No	Yes
D15.15 Waterfront development	No	Yes
D15.22 Masterplan - Careel Bay	Yes	Yes

Detailed Assessment

D1.14 Landscaped Area - Environmentally Sensitive Land

Description of non-compliance

The control requires a minimum of 60% of the total site area to be landscaped area.

The proposed development provides 27.8% (175.15m²) of the total site area as landscaped, which represents a variation of 53.7% (202.35m²).

It is noted the proposed boatshed comprises a green roof, which is to be vegetated with native species. Although this space technically does not contribute to the landscaped area of the site given it is located above a structure, this provision contributes toward the achievement of the underlying objectives of this Control.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying objectives of the Control as follows:

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

Comment:

The proposed development will align with the desired future character of the Avalon locality. No removal of significant vegetation is required to facilitate this development and the provision of a green roof will assist in visually screening the built form.

- *The bulk and scale of the built form is minimised.*

Comment:

The proposal complies with the 8.5m height control and furthermore with the side setback controls. The boat shed is considered to be of a minimal bulk and scale that will not inflict unreasonable amenity impacts on adjoining or surrounding properties.

- *A reasonable level of amenity and solar access is provided and maintained.*

Comment:

As depicted on the provided shadow diagrams drawing (drawing number 60.01, dated 06/12/2018) sufficient solar access will be maintained for the subject site and adjoining sites. Further, no unreasonable amenity impacts including privacy are considered likely to arise as a result of this development. The built form is compliant with the height Control, side setback Control and the building envelope Control. A generous building separation will be maintained, therefore the proposal will ensure a reasonable level of amenity and solar access be provided and maintained.

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

Comment:

The proposal does not require the removal of any significant vegetation and further, the boatshed is to contain a landscaped green roof with plants overhanging the front roof edge. This provision will enhance the on-site vegetation and furthermore will significantly visually reduce the appearance of the

built form. Further, Council's Landscape Officer has reviewed the application and has included a condition of consent for additional canopy tree planting within the front and rear portions of the site.

- *Conservation of natural vegetation and biodiversity.*

Comment:

The proposed development does not require the removal of significant vegetation. The boat shed is to feature a green roof with native plantings that will be capable of functioning similar to that of a natural landscaped area. The conservation and promotion of biodiversity will be achieved as a result of the additional native landscaped area within the site.

- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

Comment:

The proposal has been reviewed by Council's Development Engineer, having regard to provisions for stormwater management and has raised no objections to the proposed stormwater system subject to conditions included in the recommendation of this report. The provision of a green roof will furthermore maximise the portion of pervious surface thus contributing to the reduction of stormwater runoff and the prevention of soil erosion and siltation of natural drainage channels.

- *To preserve and enhance the rural and bushland character of the area.*

Comment:

The subject site is not classified as a rural zone however the proposal will contribute to the bushland character of the area as a result of the additional vegetation that is to be planted as part of the green roof. Planting is to overhand the front edge of the boat shed, which will promote the bushland character as viewed from the public domain ie. the Pittwater Waterway.

- *Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.*

Comment:

As above, the proposal has been reviewed by Council's Development Engineer, having regard to provisions for stormwater management and has raised no objections to the proposed stormwater system subject to conditions included in the recommendation of this report. The provision of a green roof will furthermore maximise the portion of pervious surface within the subject site thus contributing to the reduction of stormwater runoff and the prevention of soil erosion and siltation of natural drainage channels.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

D1.20 Scenic Protection Category One Areas

Description of non-compliance

The proposed boat shed is sited 1.7m from the rear boundary therefore eliminating the possibility for screen planting between this structure and the boundary facing the waterway. Further, given the purpose of the boatshed is to store boats and associated equipment, the provision of screen planting would detract functionality of the development.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying objectives of the Control as follows:

- *To achieve the desired future character of the Locality.*

Comment:

The proposed development will provide for the needs of the occupants without compromising the visual appearance of the site as viewed from the public Waterway. The development maintains consistency with the character and identity of surrounding development and will achieve the desired future character of the Avalon Locality.

- *To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront.*

Comment:

The proposed development will not hinder any district or local views of Pittwater's natural topographical features. The boatshed is modest in size and compliant with the height control, therefore it is considered no unreasonable amenity or aesthetic impacts are likely to arise as a result.

- *Maintenance and enhancement of the tree canopy.*

Comment:

The proposal does not require the removal of any significant vegetation. Further, conditions of consent have been imposed requiring the planting of additional canopy trees within the front and rear yards. As a result, the maintenance and enhancement of the tree canopy within the subject site will be achieved.

- *Colours and materials recede into a well vegetated natural environment.*

Comment:

A condition of consent has been imposed requiring all external colours and finishes to be of dark and earthy tones. Further, the proposal includes a vegetated green roof which will visually integrate and soften the built form. Further, the rear portion of the site is sufficiently landscaped which will contribute to the visual screening of the development.

- *To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component*

Comment:

The proposed development is modest in size and remains well within the statutory building height control of 8.5m and the DCP height limit for boatsheds of 4.5m. The development contains a green roof, that is to be landscaped with native species, some of which will hang over the front edge of the boatshed. This will ensure that when viewed from the public waterway, the built form does not appear dominant and further, the secondary component to landscaping.

- *To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility*

Comment:

No views or vistas will be hindered as a result of the proposed development. The boatshed has been appropriately sited so to ensure the preservation of district and local views.

- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

Comment:

As above, no views or vistas will be hindered as a result of the proposed development due to the compliant building height and generous side setbacks. Landscaping has been incorporated into the design so to ensure the built form appears secondary and further to screen the boatshed as viewed from the public domain ie. Pittwater Waterway.

- *To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.*

Comment:

No significant vegetation is required to be removed to facilitate the proposed development thus it is considered the proposal has been designed in scale with Pittwater's bushland setting. Visual integration and connectivity will be enhanced as a result of the green roof and the additional canopy tree plantings, which have been included as conditions of consent.

- *Development shall minimise visual impacts on the natural environment when viewed from any waterway, road or public reserve.*

Comment:

The proposed development has been appropriately sited so to ensure minimal excavation is required in conjunction with minimising visual impacts as viewed from the waterway. The incorporation of the green roof will further reduce the visual impact of the development, by way of screening and integrating the development with the surrounding natural environment. The bulk and scale of the boatshed is modest

and the height remains well within the allowable statutory limit of 8.5m and the DCP height limit of 4.5m. It is therefore considered the development minimises visual impacts on the natural environment when viewed from the waterway.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D15.14 Minimum frontage for waterfront development

Description of non-compliance

This control stipulates that waterfront facilities should be shared with neighbouring waterfront properties to minimise the density and visual impact of foreshore development. The proposal consists of a boatshed for the individual use of the occupants of the subject site. It should be noted that both adjoining properties contain individual jetties, pontoons and boat ramps. The proposed boat shed is sited wholly within the subject site, therefore it is not considered necessary or practical for such structure to be used communally between neighbouring properties.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying objectives of the Control as follows:

- *To minimise the individual and cumulative visual impact of waterfront development.*

Comment:

Both adjoining properties contain existing jetties, pontoons and boat ramps thus the addition of a single boatshed is not considered likely to inflict a negative visual impact upon the existing waterfront development. The proposal is modest in size, bulk and scale and incorporates a significant green roof. The boatshed is considered compatible with surrounding waterfront development by way of design and bulk and scale therefore the visual impact of waterfront development will remain consistent.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D15.15 Waterfront development

Description of non-compliance

The control stipulates boatsheds should be no greater than 4.0 metres in width and 6.0 metres in length. The proposed development measures 4.3m in width and 7.5m in length.

This control also states that boatsheds are not to be used for any other purpose than the storage of small boats and/or boating equipment and the incorporation of toilet facilities shall not be permitted. Further, roof areas shall not be used for recreational or observational purposes.

The proposed development includes a toilet facility that comprises a toilet and basin. The roof of the structure is flat and is to facilitate a landscaped green roof with an access pathway to enter the boatshed.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying objectives of the Control as follows:

- *Waterfront development does not have an adverse impact on the water quality and estuarine habitat of Pittwater.*

Comment:

The proposal has been reviewed by Council's Coastal Officer, having regard to provisions for coastal management who has raised an objection to the inclusion of the toilet facility (refer to the internal referral section of this report for a detailed discussion). In summary, given the boatshed has been determined to have a relatively short design life in conjunction with the floor level being set below the reduced EPL, the provision of toilet facilities cannot be supported. The proposal is however considered able to satisfy the relevant requirements subject to conditions. A condition of consent has been imposed for the removal of the bathroom facilities. Accordingly the proposal, as conditioned, is able to achieve this objective.

- *Public access along the foreshore is not restricted.*

Comment:

The proposed development will not hinder or restrict the availability of public access along the foreshore.

- *Waterfront development does not encroach on navigation channels or adversely affect the use of ferries and service vessels or use of the waterway by adjoining landowners.*

Comment:

The boatshed is wholly sited within the subject site. No impacts will be inflicted upon navigation channels, the use of ferries or service vessels or use of the waterway by adjoining landowners.

- *Structures blend with the natural environment.*

Comment:

The proposed development is modest in bulk and scale and contains a landscaped green roof. As a result it is considered the built form will sufficiently blend in with the natural surrounding environment. Further, a condition of consent has been imposed stipulating all external colours and materials are to be dark and earthy in tone so to ensure the built form is not visually dominate or reflective.

- *Structures are not detrimental to the visual quality, water quality or estuarine habitat of the*

Pittwater Waterway.

Comment:

The boatshed will not inflict unreasonable visual or water quality impacts as a result of the appropriate siting and design. Council's Coastal Officer has reviewed the application having regard to the provision of coastal management and has raised no objection subject to conditions. It is therefore considered the proposed structure, as conditioned, will not be detrimental to the visual quality, water quality or estuarine habitat of the Pittwater Waterway.

- *To promote a mix of commercial waterfront development for the accommodation of boats, their repair and maintenance, and for organised waterfront development.*

Comment:

Not applicable, as the subject site is not commercially zoned.

- *Waterfront development which does not comply with the outcomes of this clause are removed.*

Comment:

As depicted above, the proposed waterfront development, as conditioned, satisfactorily achieves the underlying objectives of the Control, and therefore no reason for its removal is generated.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, subject to conditions, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

S94 Contributions are not applicable to this application.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1968 for Construction of a boat shed on land at Lot 5 DP 17704, 16 Cabarita 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
11.01 - Site Plan and Site Analysis	06/12/2018	Envirostructure
21.01 - Boatshed Floor Plan	06/12/2018	Envirostructure
21.03 - Roof Plan	06/12/2018	Envirostructure
30.01 - Elevations	06/12/2018	Envirostructure
40.01 - Sections	06/12/2018	Envirostructure

Engineering Plans		
Drawing No.	Dated	Prepared By
23.01 - Excavation Plan	06/12/2018	Envirostructure
23.02 - Demolition and Waste Management Plan	06/12/2018	Envirostructure
23.03 - Erosion and Sediment Control Plan	06/12/2018	Envirostructure

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Estuarine Risk Management Report	13/11/2018	Salients Pty Ltd
Geotechnical Report (Ref: J1477A)	25 October 2018	White Geotechnical Group
Structural and Stormwater Report	05/11/2018	Tall Ideas Pty Ltd
Subsurface Utility Information (SUI) Photo Report	10/09/2018	EarthRadar

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
L_100, Issue A - Landscape Architectural Key Plan and Drawing Schedule	26/11/2018	Elke
L_101, Issue D - Landscape Architectural Plan	26/11/2018	Elke
L_501, Issue A - Landscape Architectural DA Specification DA Notes	26/11/2018	Elke
L_502, Issue A - Landscape Architectural DA Details and Planting Schedule	26/11/2018	Elke
L_503.1, Issue A - Landscape Architectural DA Planting Images	26/11/2018	Elke
L_503.2, Issue A - Landscape Architectural DA Planting Images	26/11/2018	Elke

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
23.02 - Demolition and Waste Management Plan	26/11/2018	Envirostructure

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

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

2. Prescribed Conditions

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

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

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative Requirement

3. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

erection of any fences, hoardings or other temporary works.

(j) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

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

(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.

4. **Compliance with Standards (Crown Land Only)**

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Security Bond**

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

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

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

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

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

6. **Construction, Excavation and Associated Works Bond (Drainage)**

A Bond of \$15,000 as security against any damage to Council's Stormwater drainage infrastructure that burdens the site, as part of this consent.

Reason: Protection of Council's Infrastructure

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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White Geotechnical Group dated 25 October 2018 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

8. **Structural Adequacy and Excavation Work**

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

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

9. **Sub-Soil Seepage**

All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being the 600mm diameter pipeline traversing the site and is to be carried out in accordance with relevant Australian Standards. (Note: At the time of determination the following (but not limited to) Standards applied:

- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 Plumbing and drainage - Stormwater drainage
- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 / Amdt 1 - 2006 Plumbing and drainage - Stormwater drainage.)
-

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

Reason: To ensure appropriate drainage and Stormwater management on site to protect amenity of residents.

10. **Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings.

Council approval is required if temporary ground anchors are to be used within Council land. A Temporary Ground Anchors (Road Reserve) Application is to be submitted with Council for assessment and approval subject to Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

11. **Stormwater Drainage Application**

A Stormwater drainage application under Section 68 of the Local Government Act 1993 is to be submitted to Council for approval. The submission is to include four (4) copies of engineering plans for the design of the following.

1. The proposed method of structural support of the existing Council pipeline adjacent to the proposed boat shed for the required excavation.
2. The proposed waterproofing details for all of the walls to the proposed boat shed to ensure no seepage from the stormwater drainage trench enters the structure.
3. The proposed connection of stormwater from the boat shed including any sub-soil drainage.

The form can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/stormwater-drainage-approval/4022-stormwater-drainage-approval.pdf>

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges.

The Council approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and Stormwater management arising from the development.

12. Pre-Construction Stormwater Assets Dilapidation Report

Survey a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at:

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure

13. Sediment and erosion control plan

Where work is to occur on the seawall or stormwater outlets into Pittwater, a sediment boom must be installed prior to work starting and installed until work is complete and the waterfront and seabed are no longer going to be disturbed.

The sediment and erosion control plan must be updated and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of the receiving environment (DACNECPCC1)

14. Estuarine Hazard Design Requirements

The following applies to all development:

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

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

15. Estuarine Planning Level Requirements

An Estuarine Planning Level (EPL) of RL 2.45m AHD has been independently derived (Salients Pty Limited, 13 November 2018) for the subject site and shall be applied to all development proposed as follows:

- All structural elements below RL 2.45m AHD shall be of flood compatible materials;

- All electrical equipment (including pool plant), wiring, fuel lines or any other service pipes and connections must be located either above RL 2.45m AHD or waterproofed to this level; and
- The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below RL 2.45m AHD.
- All interior power supplies in the boatshed (including electrical fittings, conduits, outlets and switches) must be located either at or above RL 3.9m AHD or waterproofed to this level and should be laterally located at least 1.0m from any window or door opening. All exterior power supplies (including electrical fittings, conduits, outlets and switches) that cannot withstand wetting from wave uprush or overtopping spray shall be located at or above 4.0m AHD to avoid the likelihood of contact with splashing waves and spray.

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

Reason: To ensure aspect of the development likely to be affected by tidal inundation and wave action are built at the appropriate level

16. **Compliance with Estuarine Risk Management Report**

The development is to comply with all recommendations and risk management actions of the approved Estuarine Risk Management Report prepared by Salients Pty Limited, dated 13 November 2018, including the recommendation to undertake a formal assessment of the pool structure to determine the state of the seaward concrete wall (seawall) and the founding conditions of the pool structure. All recommendations are to be incorporated into construction plans and structural specifications as necessary.

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

17. **Structural Engineering for Estuarine Risk**

New boat shed, pool fence, steps and ramp

Structural engineering design and specifications for the development shall be prepared by a registered structural or civil engineer, with input as necessary from a specialist coastal engineer who is a chartered professional engineer with coastal engineering as a core competency, to ensure that for its design life the development is able to withstand the wave impact forces and loadings identified in the approved Estuarine Risk Management Report prepared by Salients Pty Limited dated 13 November 2018.

Note: The potential for component fatigue (wear and tear) should be recognised for the less severe, but more frequent, wave impact loadings.

Pool structure/seawall

A formal assessment of the pool structure to determine the state of the seaward concrete wall (seawall) and the founding conditions of the pool shall also be undertaken by the structural or civil engineer. Any remedial work recommended as a result of the assessment must also be incorporated into construction plans and engineering design as necessary. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate. .

Reason: To ensure structural engineering design is prepared by an appropriately qualified professional

18. **Engineers Certification of Plans**

The structural design and specifications shall be prepared by and each plan/sheet signed by, a

registered professional civil or structural engineer with chartered professional status (CP Eng) who has an appropriate level of professional indemnity insurance and shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure structural engineering design and specifications are prepared by an appropriately qualified professional

19. Revised Landscape Plan

Prior to the issue of a Construction Certificate, a revised Landscape Plan that shows a minimum of two trees from the Pittwater Spotted Gum Endangered Ecological Community and 80% locally native (not native cultivar) vegetation species from the Pittwater Spotted Gum Endangered Ecological Community, is to be certified by the Project Landscape Architect and provided to the Principal Certifying Authority.

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls. (DACNECPCC2)

20. Landscaping

No hybrids are to be used in the landscaping for this development. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Biodiversity conservation and management

21. External Finishes to Roof

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are 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)

22. 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.

23. Works Within Subject Site

This consent relates to works that are located wholly within the subject site only. No approval is granted for the pool fence, steps and ramp that are sited beyond the rear property boundary, as the relevant land owners consent from the Department of Industry, Lands & Forestry has not been provided.

24. **Amendments to the approved plans**

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

- The bathroom facility is to be removed.

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

Reason: To ensure the boatshed is used for the purposes of storing small boats and/or boating equipment and to minimise potential risk to life associated with estuarine hazards for development in the coastal zone (DACNEGOG2)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

25. **Installation and Maintenance of Sediment and Erosion Control**

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

26. **New vegetation planting**

Landscaping is to incorporate a minimum of 80% locally native vegetation species from the Pittwater Spotted Gum Endangered Ecological Community.

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls. (DACNEEDW1)

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

27. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified Consulting Engineer. Details including photographic evidence of the placement of the approved water-proofing membrane, connection of drainage from the proposed structure and sub-soil drainage around the perimeter of the excavation are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

28. **Certification of Structures Located Adjacent to Council Pipeline or Council Easement**

All structures are to be located clear of any Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Pittwater 21 DCP 2014 Clause B5.12. Any proposed landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted). Structural certification prepared by a suitably qualified Consulting Engineer demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Protection of Council's Infrastructure

29. **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.

30. **Post-Construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The post construction dilapidation report must be submitted to the Council for review and the Council's approval issued to the Principal Certifying Authority prior to the issue of the Occupation Certificate. Any damage to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure

31. **New vegetation planting**

Prior to the issue of any Occupation Certificate, evidence that the two trees planted are species from the Pittwater Spotted Gum Endangered Ecological Community, and new vegetation planting comprises a minimum of 80% locally native vegetation species from the Pittwater Spotted Gum Endangered Ecological Community, is to be certified by the Landscape Architect and provided to the Principal Certifying Authority.

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls. (DACNEFPOC1)

32. **Swimming Pool Requirements (existing pool modified by works)**

The existing onsite Swimming Pool / Spa fencing enclosure shall be upgraded to comply with:

- (a) All required safety fencing has been erected in accordance with and all other requirements

have been fulfilled with regard to the 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.
- (b) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.
- (c) All signage shall be located in a prominent position within the pool area.

Swimming pools and spas must be registered with the *Division of Local Government*.

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

Reason: To protect human life. (DACPLF10)

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

33. **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.

34. **Boat Shed Not to be Used for Habitable Purposes**

At no time shall the boat shed be utilised or converted to provide for habitation. The boat shed must not be used for any other purpose than the storage of small boats, light watercraft, and boating and marine equipment. The incorporation of any internal kitchen facilities, habitable rooms, shower or toilet facilities is not permitted.

Reason: To minimise potential risk to life associated with estuarine hazards for development in the coastal zone (DACNEGOG2)

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

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

Reason: To protect Aboriginal Heritage.

36. **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.

37. **Storage of Polluting and Toxic Materials**

The storage of toxic or potentially polluting goods, materials or other products which may be hazardous or pollute waters during property inundation will not be permitted below the Estuarine

Planning Level of 2.45m AHD

Reason: To reduce the potential for pollution of the Pittwater estuary.

38. **Compliance with Estuarine Risk Management Report**

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Salients Pty Limited, dated 13 November 2018 and these recommendations are to be maintained over the life of the development.

Reason: To ensure compliance with the approved estuarine risk management measures for the life of the development

39. **Provision of Canopy Trees**

At least two (2) canopy trees are to be provided on the site, which at maturity will achieve a canopy height greater than 8.5 metres. Species are to be selected from the Pittwater Spotted Gum Endangered Ecological Community. This planting is to be retained over the life of the development and replaced if they should die or be destroyed or removed.

Reason: To ensure the retention of the Urban Forest/Natural Environment.

40. **External Colours and Finishes**

The finished surface materials, including colours and texture of any building, shall be dark and earthy and blend with the surrounding and/or natural materials. The colours and materials used shall be non-glare and of low reflectivity.

41. **Boatshed Roof**

The boatshed roof is to be non-trafficable except for the provision of the access pathway. The roof is not to be used for observational purposes.

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

Signed



Georgia Quinn, Planner

The application is determined on 06/05/2019, under the delegated authority of:



Rodney Piggott, Manager Development Assessments