

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/1012
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Responsible Officer:	Kent Bull
Land to be developed (Address):	Lot 122 DP 12749, 55 Robertson Road SCOTLAND ISLAND NSW 2105
Proposed Development:	Alterations and additions to a Dwelling House
Zoning:	E3 Environmental Management
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Steven Rennie Speter Sandra Annette Speter
Applicant:	Steven Rennie Speter

Application Lodged:	01/09/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	08/09/2020 to 22/09/2020
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 46,500.00
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PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the alterations and additions to a dwelling house. In particular, the works include:

Lower Ground Floor Level (Referred to as the 'Ground Floor Level' in the Statement of Environmental Effects)

- Privacy wall to western side of existing front (north) balcony and BBQ space; and
- Extend existing rumpus room to infill existing undercroft / void and provide internal stair to connect to upper levels.

Ground Floor Level (Referred to as the 'Upper Ground Floor Level' in the Statement of Environmental

Effects)

- Enclose existing western side balcony to accommodate new internal stairway;
- Alterations to existing internal walls as marked within the architectural plans;
- Alterations to window and door openings as marked within the architectural plans;
- Enclose existing eastern side balcony and entry porch and convert to walk-in-pantry; and
- Glazed roof over stairwell.

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 - Zone E3 Environmental Management
- Pittwater 21 Development Control Plan - A1.7 Considerations before consent is granted
- Pittwater 21 Development Control Plan - C1.5 Visual Privacy
- Pittwater 21 Development Control Plan - C1.14 Separately Accessible Structures
- Pittwater 21 Development Control Plan - D8.3 Building colours and materials
- Pittwater 21 Development Control Plan - D8.6 Side and rear building line
- Pittwater 21 Development Control Plan - D8.9 Landscaped Area

SITE DESCRIPTION

Property Description:	Lot 122 DP 12749 , 55 Robertson Road SCOTLAND ISLAND NSW 2105
Detailed Site Description:	<p>The subject site consists of one (1) allotment location on the northern side of Robertson Road. The site is known as 55 Robertson Road, Scotland Island and is legally referred to as Lot 122 DP 12749. To the rear of the site below Mean High Water Mark (MHWM) fronting Pittwater is associated with Crown License LIC 543750.</p> <p>The site is irregular in shape with a frontage of 10.06m along</p>

Robertson Road and a depth of up to 64.62m to the MHWM. The site has a surveyed area of 790.4m².

The site is located within the E3 Environmental Management and currently accommodates a two storey dwelling house, with a shed located towards the Robertson Road frontage and access stairs leading to a jetty on the Pittwater waterfrontage.

Pedestrian access is gained via the Richard Road frontage, with water access available via the existing jetty to Pittwater.

The site falls 21m (33%) from the Robertson Road frontage to the MHWM.

The site contains predominantly native vegetation with a number of established native canopy trees throughout the property.

The site is mapped within the Pittwater Spotted Gum Forest Endangered Ecological Community, the Northern Beaches Bush Fire Prone Map 2020 and the Pittwater Geotechnical Hazard Map.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by low density residential dwellings within bushland/landscaped settings. Of those properties fronting Pittwater, most contain waterfront facilities including boat sheds and jetties.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time.

APPLICATION HISTORY

15 October 2020

Site inspection undertaken by the assessing officer. Property owners present at the time of the inspection.

15 October 2020

The Applicant's Town Planner submits an amended *Statement of Environmental Effects* to correct an error indicating that the proposed development involved the construction of a "Secondary Dwelling".

6 November 2020

Request for withdrawal letter sent by Council to the Applicant advising that the application is unable to be supported in its current form due to issues relating to permissibility, privacy, external finishes and landscaped area.

19 November 2020

The Applicant's Town Planner submits amended plans and additional information addressing Council's concerns. These amended plans form the basis of the following assessment.

26 November 2020

Email correspondence between the Applicant and assessing officer requesting confirmation of the notification sign being in place. A request (BLD2020/02186) was also made to Council's Environmental Compliance division to investigate built works that cannot be retrospectively approved by a development application.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iii) – 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 allow Council to request additional information. No additional information was requested, however amended plans were accepted on 19 November 2020 following a number of issues raised by Council with regards to initial architectural plans submitted at lodgement.</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 matter can be addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p>

Section 4.15 Matters for Consideration'	Comments
	(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 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 28/06/2020) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 08/09/2020 to 22/09/2020 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:
Mrs Jennifer Mary Cullen	PO Box 88 CHURCH POINT NSW 2105
Mr Ricardo Russo	PO Box 29 CHURCH POINT NSW 2105

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

- **Use as a "Secondary Dwelling"**

Comment:

Concerns were raised in submissions received from neighbouring property owners with regards to comments made in the *Statement of Environmental Effects* and submitted plans indicating that the lower ground floor rumpus room being proposed to be used as a "Secondary Dwelling".

A claim was also made by a neighbour that the lower ground floor rumpus room had been "tenanted on a long-term basis". Council advised the Applicant that "Secondary Dwellings" are prohibited on land zoned E3 Environmental Management under the Pittwater LEP 2014 and that any separately accessible structures must be 'ancillary to a dwelling and not designed for separate habitation and does not contain any cooking facilities'. In response the Applicant's Town Planner responded that the reference to a "Secondary Dwelling" was an error in the *Statement of Environmental Effects* and provided an amended version that was accepted by Council. Further, amended plans were received indicating that "cooking facilities do not form part of this DA". Should this application be approved, a condition will be placed ensuring that the lower ground floor is not used as a secondary dwelling.

- **Visual Privacy**

Comment:

A submission was received from the adjoining property owner to the east with regards to visual privacy concerns arising from the windows associated with the proposed kitchen pantry, the decked BBQ entertainment area and windows along the eastern side of the lower ground floor. Consideration was given that these windows would not result in an unreasonable privacy impact towards the northern adjoining property. Council did however raised issues with the Applicant concerning the proposed west facing bedroom and bathroom windows resulting in direct views towards private open space and habitable room windows at No. 53 Robertson Road. In response to these concerns, the Applicant has agreed for a fixed privacy screen to be placed on the external face of the west facing bedroom window and for the bathroom window to be of obscured (translucent glazing).

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The development application proposal is for alterations and additions predominately within the same footprint, with the addition of new stairs and landing, constructed on piers, within the landscape foreshore area.</p> <p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause E3 Environmental Management, and in particular the following Pittwater 21 DCP Controls:</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D8 Lower Western Foreshores and Scotland Island Locality <p>The site is located in the E3 Environmental Management zone, requiring a low density development designed to achieve a scale integrated with the landform and landscape, including the retention of existing landscape features and trees. The site contains predominantly native vegetation with native trees endemic to the area. The proposal does not impact upon existing trees and maintains the landscape intent of clause E3 of Pittwater LEP.</p> <p>No Landscape Referral issues are raised with the proposal subject to</p>

Internal Referral Body	Comments
	<p>conditions of consent for to the retention of existing ground levels within the tree protection zone of existing trees, pier footing construction methodology for the new stairs and landing structure, and the preservation of existing trees within the site.</p>
<p>NECC (Coast and Catchments)</p>	<p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Coastal Management) 2018 As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13, 14 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by BBF Town Planner dated August 2020, the DA satisfies requirements under clauses 13, 14 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>The subject property has also been identified as affected by estuarine</p>

Internal Referral Body	Comments
	<p>wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.</p> <p>Estuarine Risk Management</p> <p>In accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.73m AHD would apply at the subject site. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of 0.07m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m.</p> <p>On internal assessment , the floor level for the proposed additions and alterations is above the applicable EPL of for the site.</p> <p>The proposed development is therefore able to satisfy the relevant estuarine risk management requirements of P21 DCP.</p> <p>Development on Foreshore Area</p> <p>However, a large section of the subject property is within the foreshore building line. Part 7, Clause 7.8 –Limited development on foreshore area of the Pittwater LEP 2014 applies for any development within the foreshore area.</p> <p>As no proposed development works are located on the foreshores area, this clause is not relevant for the DA. .</p>
NECC (Development Engineering)	No objection to the proposed ground floor addition subject to conditions.

External Referral Body	Comments

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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 who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of

Practice. These recommendations will be included as a condition of consent.

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 unlikely to cause an adverse impact to the integrity and resilience of the biophysical, hydrological (surface and ground water) and ecological environment, coastal environmental values and natural coastal process, 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 does not restrict on any existing public open space or safe access 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 of 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 are notified. The proposed development is not likely to cause an adverse impact to 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:

The application is also supported by Council's Coast & Catchments Team. Furthermore, 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 is not likely to cause an impact on the existing access along the foreshore for members of the public, including persons with a disability and will not cause any overshadowing, wind tunneling 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 identified above, the site has not been identified to contain any Aboriginal cultural heritage, practices or places. The proposed development will also not have an adverse impact on the cultural and built environment heritage. It is considered that the proposed development has satisfied the requirement to be designed, sited and will be managed to avoid an adverse impact on the above mentioned cultural and environmental aspects. Furthermore, the proposed development is considered to be of an acceptable bulk, scale and size that is generally compatible with the surrounding coastal and built environment, which consists of low density residential dwellings and waterway structures facing the Pittwater Waterways.

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 application is supported by Council's Coast & Catchments Team that considered that the proposed development will not likely cause increased risk of coastal hazards on the subject site or 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	% Variation	Complies
Height of Buildings:	8.5m	5.8m	-	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
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone E3 Environmental Management

A condition of consent has been placed for the Lower Ground Floor to not contain any cooking facilities. This is to ensure that the area is not used for the purposes of separate habitation or as a secondary dwelling.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Variation	Complies
Front building line	6.5m	> 6.5m	-	Yes
Rear building line	N/A - Foreshore Building Line (FBL) applies: 16.02m from the MHWL along the eastern boundary 15.445m from the MHWL along the western boundary	Works are outside the Foreshore Area	-	Yes

Side building line	2.5m (East)	1.45m	1.05m	No
	1m (West)	1.37m	-	Yes
Building envelope	3.5m (East)	Within envelope	-	Yes
	3.5m (West)	Within envelope	-	Yes
Maximum area not provided as landscaped area*	29% (209m ²)	46% (332m ²)	123m ²	No

Notes:

*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
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
B5.13 Development on Waterfront Land	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
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	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.23 Eaves	Yes	Yes
D8.1 Character as viewed from a public place	Yes	Yes
D8.3 Building colours and materials	No	Yes
D8.5 Front building line	Yes	Yes
D8.6 Side and rear building line	No	Yes
D8.8 Building envelope	Yes	Yes
D8.9 Landscaped Area	No	Yes
D8.11 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D8.13 Stormwater overflow	Yes	Yes
D8.14 Parking management	Yes	Yes
D8.15 Site disturbance	Yes	Yes
D8.16 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

A1.7 Considerations before consent is granted

In accordance with Section 1.5 of the Environmental Planning and Assessment Act 1979, a development application should only be for the proposed use and/or any future works. In addition to amended plans being received on 19 November 2020 detailing that existing works did not form part of this application, a condition of consent has been placed to ensure that no approval is given to as-built works.

C1.5 Visual Privacy

Description of non-compliance

The proposed bedroom and bathroom windows along the western elevation of the lower ground floor are seen to be technically non-compliant with the control that requires for direct views of any private open space or any habitable room window within 9m to be restricted by appropriate privacy measures.

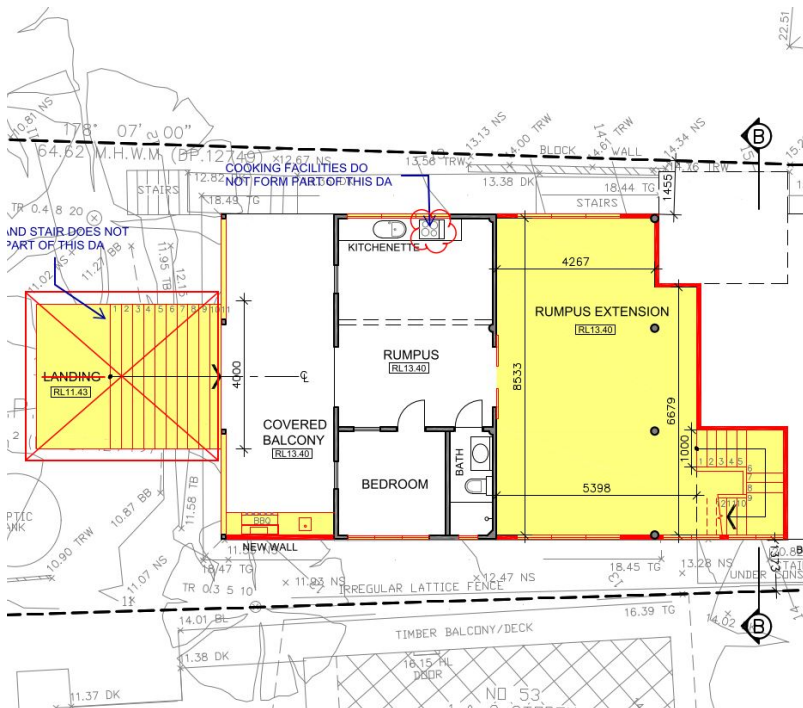


Figure 1: Proposed Lower Ground Floor Plan.

Merit consideration:

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

- Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.

Comment:

In order to optimise visual privacy between the occupants of No. 55 Robertson Road and No. 53 Robertson Road, the Applicant has agreed to accommodate an externally fixed privacy screen to Bedroom 1 and for the bathroom window glazing to be obscured (i.e. translucent). These changes are seen to be effective measures to limit the extent of privacy impacts between these dwellings.

- A sense of territory and safety is provided for residents.

Comment:

The proposed privacy measures discussed above, are considered to help ensure a sense of territory and safety is provided for residents.

Based on the above, the proposed development is considered acceptable in merit and consistent with the outcomes of this clause in this particular instance.

C1.14 Separately Accessible Structures

As discussed earlier within this report, a condition has been recommended to ensure that the Lower

Ground Floor does not contained any cooking facilities and is not used for the purposes of separate habitation.

D8.3 Building colours and materials

The amended plans received on 19 November 2020 detailed that the external finishes of the dwelling (dark blue) were not to be changed as part of this development application. However, upon inspection it was revealed that the dwelling had been recently re-painted to a lighter cream colour scheme which is inconsistent with the control that requires the use of "dark and earthy tones" as well as the desired future character of Scotland Island which seeks that "building colours and materials will harmonise with the natural environment". In this regard, the matter has been raised with Council's Environmental Compliance division to determine the permissibility of the re-painting.

Consideration has been given that the extent of the external works proposed as part of this development application is generally limited to undercroft areas and along side boundaries. These portions of the building are not readily visible from a public domain or from the Pittwater waterfrontage. Given the minor nature of the works and limited visibility, it can be expected that proposal would match the existing colour scheme of the dwelling.

Based on the above, the proposed development is considered acceptable in merit and consistent with the outcomes of this clause in this particular instance.

D8.6 Side and rear building line

Description of non-compliance

The proposed development at 1.45m from the eastern side boundary, breaches the 2.5m control requirement.

Merit consideration:

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

Outcome 1: To achieve the desired future character of the Locality.

Comment:

Despite the breach to the eastern side setback control, the proposal is considered to achieve desired future character of Scotland Island.

Outcome 2: The bulk and scale of the built form is minimised.

Comment:

The proposed development does not result in overall increase to building height and sits below the existing tree canopy. Further, the dwelling house maintains an appearance of being a maximum of two storeys in any one place.

Outcome 4: To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

Comment:

The proposed development is contained within the existing building footprint and is not considered to result in any unreasonable view loss impacts from neighbouring properties or the public domain. As such, the application is seen to encourage view sharing.

Outcome 5: To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.

Comment:

In order to ensure a reasonable level of privacy and amenity for the occupants of the site and for neighbours, conditions have been applied for an externally fixed privacy screen to Bedroom 1 and for the bathroom window glazing to be obscured (i.e. translucent). The proposal is seen to continue providing a reasonable level of solar access to neighbouring residences.

Outcome 6: Substantial landscaping, a mature tree canopy and an attractive streetscape.

Comment:

The proposal does not seek the removal of any existing native canopy trees or the removal of any significant native vegetation.

Outcome 7: Flexibility in the siting of buildings and access.

Comment:

The proposed rumpus room extension and enclosure of the eastern side entry porch form part of the building footprint. In this regard, flexibility can be provided as the works do not result in a further breach to the side setback than what already exists.

Outcome 8: Vegetation is retained and enhanced to visually reduce the built form.

Comment:

Consideration has been given that native vegetation including large established Spotted Gums are being retained on the property. The retention of these trees are seen to assist with visually reducing built form impacts.

Outcome 9: To ensure a landscaped buffer between commercial and residential zones is established.

Comment:

Not applicable.

Based on the above, the proposed development is considered acceptable in merit and consistent with the outcomes of this clause in this particular instance.

D8.9 Landscaped Area

Description of non-compliance

Requirement: Maximum area not provided as landscaped area - 29% (209m²)

Proposed: 46%* (332m²)

***Note:** The deck and associated stairs located between the balcony and mean high water mark has been annotated by the Applicant as not forming part of this development application. Whilst this 'as-built' structure is subject to the outcomes of an investigation by Council's Environmental Compliance division, the area is currently not considered to be "*Landscaped Area*" as defined under the PLEP 2014.

Merit consideration

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

Outcome 1: To achieve the desired future character of the Locality.

Comment:

The proposed development does result in some excavation into the natural landform in order to facilitate the rumpus extension and associated internal stairs. Despite this, the development is largely seen to be integrated into in site. Further, the application seeks to retain the native canopy trees and vegetation on the property. It therefore is considered that the application achieve the desired future character of Scotland Island.

Outcome 2: The bulk and scale of the built form is minimised.

Comment:

The resultant development is considered to maintain a building height below the established tree canopy and does exceed a maximum of two storeys in any one place. In this regard, the proposal is seen minimise the bulk and scale of the built form.

Outcome 3: To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.

Comment:

As previously discussed, in order to ensure a reasonable level of privacy and amenity for the occupants of the site and for neighbours, conditions have been applied for an externally fixed privacy screen to Bedroom 1 and for the bathroom window glazing to be obscured (i.e. translucent). The proposal is seen to continue providing a reasonable level of solar access to neighbouring residences.

Outcome 4: 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.

Comment:

The proposed development seeks to maintain large native canopy trees, including landscaped areas between the dwelling and the Robertson Road and Pittwater frontages. The provision of additional landscaping is not seen to be necessary to futher screen the visual impact of the built form.

Outcome 5: Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage

channels.

Comment:

The proposed development is not seen to result in any significant increase to stormwater run off. New roofing associated with this application is limited to the small porch/balcony areas located on both the eastern and western side of the dwelling.

Outcome 6: To ensure the distribution of height and mass preserves, and enhances neighbourhood amenity and has regard to site characteristics and environmental constraints.

Comment:

As previously discussed, the proposed development is not seen to result in an overall increase to the building height. Whilst the massing of the building is increased, the proposal limits the extent of excavation on site and is not seen to impact upon any existing native canopy trees.

Outcome 7: To conserve significant natural features of the site and contribute to effective management of biodiversity.

Comment:

The proposed development seen to conserve the natural features of the site and the management of biodiversity by not seeking the removal of any natural features such as rock outcrops or the removal of any native vegetation on site.

Outcome 8: The area of site disturbance is minimised.

Comment:

The proposed development is considered to minimise the extent of site disturbance by limiting the extent of works to the existing building footprint.

Outcome 9: Soft surface is maximised.

Comment:

The proposed development does not seek a further reduction to soft surface areas or landscaping on the site.

Based on the above, the proposed development is considered acceptable in merit and consistent with the outcomes of this clause in this particular instance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

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 DA2020/1012 for Alterations and additions to a Dwelling House on land at Lot 122 DP 12749, 55 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
01, Rev A (Site Plan, Site Analysis & Perspective Views)	8 July 2020	HAO Design Pty Ltd
02, Rev A (Proposed Lower Ground Floor Plan)	8 July 2020	HAO Design Pty Ltd
03, Rev A (Proposed Upper Ground Floor Plan)	8 July 2020	HAO Design Pty Ltd
04, Rev A (North Elevations)	8 July 2020	HAO Design Pty Ltd
05, Rev A (East Elevations)	8 July 2020	HAO Design Pty Ltd
06, Rev A (West Elevations)	8 July 2020	HAO Design Pty Ltd
07, Rev A (Sections)	8 July 2020	HAO Design Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Risk Assessment Report, Ref. 1287-R	28/06/20	Ronald Coffey
Geotechnical Report, Ref. J2852	12/08/20	White Geotechnical Group Pty Ltd

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

c) The development is to be undertaken generally in accordance with the following:

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

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

2. **No Approval for Existing Works**

This consent does not regularise any existing works such as the structural supports associated with the rumpus extension or the deck and stairs north of the lower ground balcony.

Reason: To ensure that this consent grants approval only for future works and is consistent with the proposal.

3. **Prescribed Conditions**

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

- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,

- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

- v) For any work/s that is to be demolished
The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
- Relevant legislative requirements and relevant Australian Standards (including but not limited) to:
- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any

damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

6. **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 13/8/20 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.

7. **Amendments to the approved plans**

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

a) The west facing lower ground floor window to Bedroom 1 shall comprise of an externally fixed vertical louvered privacy screen, with louvers being solid and having a maximum opening angle of 45 degrees. The privacy screen is to be set so that no more than 25% of overlooking will result when viewed from a midpoint of the window perpendicular to the side boundary with 53 Robertson Road, Scotland Island. The minimum height of the privacy screen is to be 1.7m from the finished floor level (RL 13.40).

b) The window glazing to west facing bathroom window on the lower ground floor is to be of translucent glazing.

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

Reason: To protect the privacy of occupants and neighbours.

8. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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 and in a manner anticipated by the development consent.

9. **Compliance with Standards**

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

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

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

11. **Tree and vegetation protection**

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

- i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall specifically be undertaken as follows:

- i) existing ground levels within the tree protection zone of existing trees shall remain unaltered,
- ii) pier footing construction methodology is to be used for the new stairs and landing structure.

c) Tree protection shall be generally undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,

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

The Certifying Authority must ensure that:

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

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

Reason: tree and vegetation protection.

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

- 12. **Privacy Screen and Window Glazing**
 - a) The west facing lower ground floor window to Bedroom 1 shall comprise of an externally fixed vertical louvered privacy screen, with louvers being solid and having a maximum opening angle of 45 degrees. The privacy screen is to be set so that no more than 25% of overlooking will result when viewed from a midpoint of the window perpendicular to the side boundary with 53 Robertson Road, Scotland Island. The minimum height of the privacy screen is to be 1.7m from the finished floor level (RL 13.40).
 - b) The window glazing to west facing bathroom window on the lower ground floor is to be of translucent glazing.

Documentary evidence of consistency with this requirement is to be provided to the Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To protect the privacy of the occupants and neighbours.

13. **Stormwater Disposal**

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

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

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

15. **Removal of Cooking Facilities within the Lower Ground Floor**

In order to ensure that the Lower Ground Floor to not be used for the purposes of separate habitation or as a secondary dwelling, the "kitchenette" is not to contain any cooking facilities.

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

Reason: Fire safety and to ensure that the lower ground floor is not used for the purposes of separate habitation.

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

16. **Use of Lower Ground Floor**

In order to ensure that the Lower Ground Floor is not used for the purposes of separate habitation or as a secondary dwelling, the "kitchenette" is not to contain any cooking facilities.

Reason: Fire safety and to ensure that the lower ground floor is not used for the purposes of separate habitation.

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

Signed



Kent Bull, Planner

The application is determined on 03/12/2020, under the delegated authority of:



Rodney Piggott, Manager Development Assessments