

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0763
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Responsible Officer:	Georgia Quinn
Land to be developed (Address):	Lot 19 DP 222082, 37 Terama Street BILGOLA PLATEAU NSW 2107
Proposed Development:	Alterations and additions to a dwelling house including a swimming pool
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Miranda Ruth Felton Matthew Stuart Felton
Applicant:	JJ Drafting

Application lodged:	19/07/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	30/07/2019 to 13/08/2019
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 56,500.00
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ASSESSMENT INTRODUCTION

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

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

Development Control Plan;

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - D3.6 Front building line

Pittwater 21 Development Control Plan - D3.7 Side and rear building line

Pittwater 21 Development Control Plan - D3.11 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 19 DP 222082 , 37 Terama Street BILGOLA PLATEAU NSW 2107
Detailed Site Description:	<p>The subject site consists of one (1) corner allotment located on the northern side of Raymond Road and the western side of Terama Street.</p> <p>The site is regular in shape with a primary frontage of 29.1m along Raymond Road and a secondary frontage of 20.9m along Terama Street. The site has a surveyed area of 690.3m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates a one and two storey dwelling house.</p> <p>The site has a cross fall from south to north (ie. from the primary frontage down to the northern boundary) of approximately 3.1m</p> <p>The site is not known to contain any threatened species.</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.</p>

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

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

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for alterations and additions to a dwelling.

In particular, the application includes:

- the construction of an in-ground swimming pool;
- associated swimming pool fencing;
- re-position of northern boundary fence;
- new access stairs to the first floor deck and associated privacy screen;
- alfresco area with roof and privacy screen;
- retaining wall to level the western lawn area;
- removal of garden shed; and
- a new timber deck above existing paving.

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	See discussion on "Environmental Planning

Section 4.15 Matters for Consideration'	Comments
environmental planning instrument	Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, 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>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed</p>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is 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 of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>This application was assessed against Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP B4.7 Pittwater Spotted Gum EEC.</p> <p>The proposal is for the alterations and additions to the existing dwelling and the construction of an in-ground pool. No native trees or vegetation are proposed to be removed or impacted by the proposal. The proposed stairs to the east of the existing dwelling are to be</p>

Internal Referral Body	Comments
	<p>above current ground level to ensure no adverse impacts to the large native tree within the road reserve.</p> <p>Council's Natural Environment - Biodiversity section supports the application.</p>
NECC (Development Engineering)	<p>Comments for Development Engineers:</p> <ol style="list-style-type: none"> 1. No flood risk. 2. The site is a low level property. The site is unlikely to be impacted by overland flow. 3. The site is not located within the Geotechnical Hazard Area. Excavation is required. An "Acceptable Risk Management" Level is achieved by Hodgson Consulting Engineers, dated 6 July 2019. 4. No OSD is required as the impervious area increase is less than 50 square meters. <p>No objection to approval, subject to conditions as recommended.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>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.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A353213, dated 17 July 2019).

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

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	4.7m	Yes

Compliance Assessment

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

Clause	Compliance with Requirements
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
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m <i>Primary frontage - Raymond Rd</i>	13.6m New stairs	N/A	Yes
	3.25m <i>Secondary frontage - Terama St</i>	2.6m Access stairs	20%	No
		2.9m First floor deck extension	10.8%	No
		3.1m Alfresco roof	4.6%	No
		3.3-3.5m Coping	N/A	Yes
		7.8m Swimming pool	N/A	Yes
Side building line	2.5m West	7.1m Pool pump	N/A	Yes
		9.9m Swimming pool	N/A	Yes
	1m North	0.6m Rainwater tank	40%	No
		0.7-1.5m Coping	Up to 30%	No
Building envelope	3.5m West	Within envelope	N/A	Yes
	3.5m North	Within envelope	N/A	Yes
Landscaped area	60% (414.2m ²)	51.2% (353.7m ²)	14.7% (60.5m ²)	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.3 Bilgola Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	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	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
D3.1 Character as viewed from a public place	Yes	Yes
D3.2 Scenic protection - General	Yes	Yes
D3.3 Building colours and materials	Yes	Yes
D3.6 Front building line	No	Yes
D3.7 Side and rear building line	No	Yes
D3.9 Building envelope	Yes	Yes
D3.11 Landscaped Area - Environmentally Sensitive Land	No	Yes
D3.12 Fences - General	Yes	Yes
D3.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

C1.5 Visual Privacy

Description of non-compliance

The Control requires private open space areas including swimming pools to be protected from direct overlooking within nine (9) metres. Given the swimming pool is sited between 2 and 2.6m from the northern side boundary, the front yard of the adjoining property is located within this nine (9) metre parameter.

Merit consideration

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

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

Comment:

The pool has been designed and sited so as to allow for direct access from the internal and external living areas. It is noted the swimming pool is setback between 2.0 and 2.6m from the northern side boundary. Such setback surpasses the required 1m side setback control. Further, significant vegetation (both existing and proposed) is/ will be planted within the side setback area of the subject site and that of the adjoining property. The landscaping proposed as part of this application comprises hedging of Lilli Pilli along the northern boundary. This, in conjunction with the 1.8m boundary fence and the spatial separation between the pool and the adjoining property is considered capable of providing reasonable amenity for the dwelling occupants and those of the adjoining property. Such privacy mechanisms will mitigate the opportunity for direct overlooking and are capable of providing reasonable visual and acoustic privacy for the dwelling occupants and those of adjoining and surrounding properties.

It is therefore considered the siting and design of the proposed swimming pool provides a high level of amenity as a result of good design.

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

Comment:

The proposal will maintain the sense of territory and safety on-site for the dwelling occupants and those of adjoining and surrounding properties.

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.

D3.6 Front building line

Description of non-compliance

The Control stipulates that where the outcomes of this Control are achieved, Council may accept a minimum building setback to a secondary street of half the front building line ie. 3.25m. Given the subject site is a corner allotment, the secondary frontage along Terama Street therefore has a front setback of 3.25m

The proposed stairway up to the first floor deck is setback 2.6m from the secondary frontage; and the new privacy screen around the northeastern corner of the first floor deck is setback 2.9m from the secondary frontage. The roof of the alfresco area is setback 3.1m from the secondary frontage.

It is also noted the proposed stone pavers along the ground encroach the front setback however given they are located on the ground, no further assessment of such matter is required.

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 elements of the proposal that encroach the front setback have a minimised bulk and scale ie. the alfresco roof is an open structure and the access stairs and associated privacy screen adjoin the existing dwelling therefore will integrate and provide a degree of articulation. The built form is softened and screened by boundary fencing and proposed landscape treatments, therefore the desired future character of the area is considered to be achieved.

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

Comment:

No views or vistas will be hindered as a result of the proposed development, given the swimming pool is in-grounded and the alfresco area is located at ground level.

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

Comment:

Not applicable, as the subject site does not adjoin a main road.

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

Comment:

No significant vegetation is required to be removed in order to facilitate the proposal. Sufficient landscape treatments including Lilli Pilli hedging is proposed along the entire northern boundary and the first third of the eastern boundary. The on-site vegetation will be retained and enhanced to visually reduce the built form.

- *Vehicle manoeuvring in a forward direction is facilitated.*

Comment:

Not applicable, the proposal does not relate to parking provisions. The on-site parking facilities and arrangement will remain unchanged as they do not form part of this application.

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

Comment:

Given no significant tree species are required to be removed to facilitate the development, and the proposed structures remain well within the allowable height limit, the proposal is considered to be in keeping with the height of the natural environment.

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

Comment:

The proposed development will remain largely unseen as viewed from the streetscape. Pedestrian amenity will not be hindered by the proposal, given the works remain within the subject site.

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

Comment:

The swimming pool has been appropriately sited within the center of the rear yard, such that amenity will remain reasonable for adjoining and surrounding properties. The hedging will furthermore enhance amenity. The proposed development is considered to respond to, reinforce and sensitively relate to the spatial characteristics of the existing urban environment.

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.

D3.7 Side and rear building line

Description of non-compliance

The Control requires swimming pools and associated coping to be setback from property boundaries by at least one (1) meter.

The proposed development comprises coping that encroaches the side setback at the northeastern corner only. Such corner has a setback of 0.77m and encroaches the setback area for a length of 3.3m. The proposed rainwater tank also encroaches the side setback area, measuring between 0.6 and 0.8m from the northern boundary.

It should be noted the retaining wall that is located 1.0m from the western side boundary is covered under the variations provision of this Control, and therefore no further merit assessment is required in regard to this specific matter.

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 swimming pool will remain unseen from the streetscape and provides increased outdoor recreational opportunities for the dwelling occupants, therefore the proposal is considered to achieve the desired future character of the locality.

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

Comment:

The swimming pool will be in-grounded and visually enclosed with Lilli Pilli hedging such that the built form is minimised. The outdoor alfresco area contains a privacy screen along the northern elevation which will also be softened as a result of the hedging. The adjoining site to the north is situated in excess of 6 meters from the alfresco roof, therefore no unreasonable amenity impacts are considered likely to arise as a result of the side boundary encroachment. The built form of the development will be appropriately minimised as a result of landscape treatments, boundary fencing and the modest scale of the works.

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

Comment:

No views or vistas to or from public or private places will be hindered as a result of the proposed development, given the pool is in-grounded and the existing boundary fencing is a standard 1.8m height.

- *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 result of the proposed works. The swimming pool has been appropriately sited and designed so to ensure amenity is protected. The proposal comprises significant hedging along the northern elevation which will furthermore act as a screening mechanism.

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

Comment:

The pool has been designed and sited so as to allow for direct access from the internal and external living areas. It is noted the swimming pool is setback between 2.0 and 2.6m from the northern side boundary. Such setback surpasses the required 1m side setback control. Further, significant vegetation (both existing and proposed) is/ will be planted within the side setback area of the subject site and that of the adjoining property. The landscaping proposed as part of this application comprises hedging of

Lilli Pilli along the northern boundary. This, in conjunction with the 1.8m boundary fence and the spatial separation between the pool and the adjoining property is considered capable of providing reasonable amenity for the dwelling occupants and those of the adjoining property. The outdoor alfresco area comprises a fixed privacy screen along the northern elevation, which will contain acoustic pollution as well as enhancing visual privacy. Such mechanisms will mitigate the opportunity for direct overlooking and are capable of providing reasonable visual and acoustic privacy for the dwelling occupants and those of adjoining and surrounding properties.

The application is supported by certified shadow diagrams (drawing numbers DA.12, DA.13 and DA.14 dated June 2019) which denote compliance with P21DCPs solar access requirements.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*

Comment:

The proposal will remain largely unseen as viewed from the streetscape. Further, additional planting along the northern and eastern elevations has been proposed and enforced as a condition of consent which will ensure the onsite landscaping be maintained and enhanced.

- *Flexibility in the siting of buildings and access.*

Comment:

No unreasonable amenity impacts are considered likely to arise for the occupants of the dwelling or those of adjoining and surrounding properties. The access arrangements for the site will remain unchanged as a result of the application.

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

Comment:

The proposal has been appropriately sited so as to retain significant vegetation and proposes a significant amount of new landscaping. Such provisions will therefore effectively screen and visually reduce the built form.

- *To ensure a landscape buffer between commercial and residential zones is established.*

Comment:

Not applicable, as the subject site does not adjoin a commercial zone.

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, as conditioned, in this particular circumstance.

D3.11 Landscaped Area - Environmentally Sensitive Land

Description of non-compliance

The Control requires a minimum of 60% (414.2m²) of the site to be landscaped area.

The proposed development provides 51.2% (353.7m²) of the total site area as landscaped area which represents a variation 14.7% (60.5m²).

The variations provision prescribed within the Control allows for up to 6% of the total site area to be impervious landscape treatment provided the objectives of the Control are achieved and that such area is provided for outdoor recreational purposes only. As below, the objectives of the Control are achieved, therefore the variation is permitted. The landscaped area of the site therefore increases to 57.2%.

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 proposal is appropriately sited and does not require the removal of significant vegetation. No unreasonable amenity impacts are considered likely to arise as a result of the privacy mechanisms included in the proposal and the development will enhance the outdoor recreational opportunity for the dwelling occupants. The proposal is considered to achieve the desired future character of the locality.

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

Comment:

The proposed works will remain largely unseen from the streetscape given the provision of existing and proposed vegetation in conjunction with boundary fencing. The new roof to the alfresco area will be visible from Terama Street, however given this is an open structure and one storey in height, it will not appear visually dominant. It is also noted the siting of the swimming pool is central within the rear yard. The bulk and scale of the built form will therefore be appropriately minimised as a result of the considered design, landscape treatment and fencing provisions.

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

Comment:

The swimming pool is centrally located within the rear yard and visually enclosed by hedging along the entire northern boundary and the first third of the eastern boundary. 1.8m boundary fencing further contributes to the provision of amenity. The outdoor alfresco area comprises a fixed privacy screen along the northern elevation for the height of the structure, which mitigates any opportunity of overlooking and assists in the containment of noise. The proposal is supported by certified shadow diagrams (drawing numbers DA.12, DA.13 and DA.14 dated June 2019) which denote compliance with P21DCPs solar access requirements. The dwelling occupants and those of adjoining and surrounding properties will be provided with a reasonable level of amenity and solar access.

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

Comment:

No significant vegetation is required to be removed to facilitate the proposed development. Further, additional planting is proposed as part of the application therefore the on-site capacity of vegetation will be retained and enhanced to visually reduce the built form.

- *Conservation of natural vegetation and biodiversity.*

Comment:

As above, no significant vegetation is required to be removed to facilitate the proposed works. The conservation of natural vegetation and biodiversity will therefore be achieved.

- *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 subject to conditions included in the recommendation of this report. It is considered the site contains a reasonable amount of pervious surface which will contribute to 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 bushland character of the area will be maintained as no significant vegetation is required to be removed as a result of the proposed works.

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

Comment:

Sufficient pervious surfacing is provided on-site which will enable the infiltration of water to the water table, whilst minimising run-off and assisting with stormwater management.

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

Northern Beaches Section 7.12 Contributions Plan 2019

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

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/0763 for Alterations and additions to a dwelling house including a swimming pool on land at Lot 19 DP 222082, 37 Terama Street, BILGOLA PLATEAU, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA.01 - Site Analysis Plan	June 2019	JJ Drafting
DA.02 - Pool & Landscape Concept Plan	June 2019	JJ Drafting
DA.03 - Ground Floor Plan	June 2019	JJ Drafting
DA.04 - First Floor Plan	June 2019	JJ Drafting
DA.05 - Elevations	June 2019	JJ Drafting
DA.06 - Elevations	June 2019	JJ Drafting
DA.07 - Elevations	June 2019	JJ Drafting
DA.08 - Sections	June 2019	JJ Drafting

Engineering Plans		
Drawing No.	Dated	Prepared By
DA.09 - Roof & Stormwater Concept Plan	June 2019	JJ Drafting
DA.11 - Erosion & Sediment Control/ Waste Management Plan	June 2019	JJ Drafting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (Cert. No. A353213)	17 July 2019	JJ Drafting
Geotechnical Report (Ref: PX00009)	06 July 2019	Hodgson Consulting Engineers

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:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	16 July 2019	JJ Drafting

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.

FEES / CHARGES / CONTRIBUTIONS

4. Security Bond

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

development site.

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

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

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

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

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

5. Stormwater Disposal from Low Level Property

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Clause B5.10 in PITTWATER DCP21.

Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the Northern Beaches Council's Clause B5.10 in PITTWATER DCP21 are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

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 Hodgson Consulting Engineers dated 6 July 2019 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. 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.

8. **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.

9. **External Finishes to Roof**

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

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

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

10. **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.

11. **Fencing**

The fencing along the northern boundary is to remain wholly within the property boundaries of the subject site. No consent has been provided by the adjoining owners of the common boundary.

Reason: To ensure compliance with the Dividing Fences Act 1991.

12. **Survey**

A survey prepared by a registered surveyor indicating all works and structures can be located within the property boundaries and consistent with the approved plans shall be provided prior to the issue of any construction certificate.

Reason: To ensure all works are contained within the property boundaries.

13. **Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

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

14. **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 final Occupation Certificate.

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

15. **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.

16. **Swimming Pool Requirements**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(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 certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) 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 an Interim / Final Occupation Certificate.

Reason: To protect human life (DACPLF09)

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

17. **Swimming Pool Filter**

The swimming pool filter shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that acoustic amenity is maintained for adjoining properties.

18. **Landscaping**

A shrub screen planting hedge of Lilli Pilli along the northern elevation and a portion of the eastern elevation (as indicated on the plans) is to be planted and maintained for the life of the development.

Reason: To soften the built form, provide landscape amenity and protect visual and acoustic privacy for adjoining and surrounding properties.

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

Signed



Georgia Quinn, Planner

The application is determined on 19/08/2019, under the delegated authority of:



Rodney Piggott, Manager Development Assessments