

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1616
----------------------------	-------------

Responsible Officer:	Rebecca Englund
Land to be developed (Address):	Lot 6 DP 3632, 3 Riverview Road AVALON BEACH NSW 2107
Proposed Development:	Alterations and Additions to a dwelling house including alterations to an existing boathouse and 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:	Nicola Domazet
Applicant:	Nicola Domazet

Application lodged:	02/10/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	15/10/2018 to 31/10/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 4,886,642.00
---------------------------------	-----------------

ASSESSMENT INTRODUCTION

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

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 5.7 Development below mean high water mark
 Pittwater Local Environmental Plan 2014 - 7.8 Limited development on foreshore area
 Pittwater 21 Development Control Plan - C1.14 Separately Accessible Structures
 Pittwater 21 Development Control Plan - C1.23 Eaves
 Pittwater 21 Development Control Plan - D1.5 Building colours and materials
 Pittwater 21 Development Control Plan - D1.9 Side and rear building line
 Pittwater 21 Development Control Plan - D1.11 Building envelope
 Pittwater 21 Development Control Plan - D1.14 Landscaped Area - Environmentally Sensitive Land
 Pittwater 21 Development Control Plan - D1.16 Fences - Flora and Fauna Conservation Areas

SITE DESCRIPTION

Property Description:	Lot 6 DP 3632 , 3 Riverview Road AVALON BEACH NSW 2107
Detailed Site Description:	<p>The site has a legal description of Lot 6 DP 3632, and is commonly known as 3 Riverview Road, Avalon Beach. The site slightly irregular in shape, with a 27.74m wide frontage to Riverview Road, a maximum depth of 153.96m, and a total area of 4224m². The site has a direct frontage to the Pittwater Waterway, with the MHWL acting to divide public and private land. The site contains an existing dwelling situated on the lower portion of the site, with a boat shed and boathouse within the foreshore area. The upper portion of the site is generally free of development with a number of existing significant canopy trees.</p> <p>The existing dwelling is identified as an item of local heritage significance. The site is located within the Coastal Zone, and is subject to estuarine and geotechnical hazards. The site is located within a low density residential area, and is surrounded by dwellings of varied age, character and architectural style.</p>

Map:



SITE HISTORY

On 2 October 2018, the subject application was lodged with Council.

On 17 December 2018, additional supporting application was submitted in response to concerns raised by landscaping/biodiversity.

On 23 January 2019, Council and Council's heritage consultant met with the applicant to discuss heritage concerns.

On 11 February 2019, the applicant provided additional information to address the heritage concerns raised.

Between 4-13 March 2019, Council continued to negotiate with the applicant regarding works within the foreshore area.

On 14 March 2019, the final set of amended plans were presented to Council.

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for alterations and additions to the existing dwelling, which is listed as an item of local heritage significance. Specifically, the application seeks consent for:

- extension to the internal driveway,
- alterations and additions to the existing two storey dwelling,
- substantial alterations to the boatshed and boathouse above,
- internal access, including a lift, to connect the existing dwelling to the boathouse, and
- landscaping works, including significant works within the foreshore area.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan (P21 DCP) applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters can be addressed via a condition of consent.</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 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 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 can be addressed via a condition of consent.</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 P21 DCP 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	No submissions were received in response to the notification of this application.

Section 4.15 Matters for Consideration'	Comments
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.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The landscape component of the proposal is acceptable subject to the protection of existing trees and vegetation, and the completion of landscaping.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls: B4.22 Preservation of Trees or Bushland Vegetation C1.1 Landscaping</p>
NECC (Bushland and Biodiversity)	<p>The application has been assessed against the Pittwater LEP Clause 7.6, and DCP B4.7 Pittwater Spotted Gum Forest EEC.</p> <p>No native trees are proposed to be removed as part of this application, as such Council's Natural Environment – Biodiversity section supports the application.</p>
NECC (Coast and Catchments)	<p>Estuarine Risk Management</p> <p>The property at 3 Riverview Road, Avalon has been identified as being affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. The Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls</p>

Internal Referral Body	Comments
	<p>will apply to any proposed development of the site.</p> <p>Based upon survey lodged in support of the DA (Hill & Blume, 16/04/2018) the foreshore edge treatment type for the subject site appears to be a vertical seawall with a crest height at approximately 2.00m AHD. As such, in accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.76m AHD for the 2050 sea level rise scenario will apply to the proposed development.</p> <p>The majority of the new alterations and additions proposed by the subject DA are above the adopted EPL of 2.76m AHD. New development proposed below this level is considered to be either relatively minor or external to the dwelling structure and is able to satisfy the requirements of the Estuarine Risk Management Policy and related B3.7 Estuarine Hazards controls subject to conditions.</p> <p>State Environmental Planning Policy (Coastal Management) 2018. 12 Development on land within the coastal vulnerability area</p> <p><i>Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:</i></p> <ul style="list-style-type: none"> (a) <i>if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</i> (b) <i>the proposed development:</i> <ul style="list-style-type: none"> (i) <i>is not likely to alter coastal processes to the detriment of the natural environment or other land, and</i> (ii) <i>is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and</i> (iii) <i>incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</i> (c) <i>measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</i> <p><u>Comment:</u> The subject land has not been included on the Coastal Vulnerability Area Map under <i>State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP)</i> and in regard to clause 15 of the CM SEPP the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land. As such, it is considered that the application complies with the</p>

Internal Referral Body	Comments
	requirements of <i>State Environmental Planning Policy (Coastal Management) 2018</i> as they relate to development on land identified as a coastal vulnerability area or land that may be affected by coastal hazards.
NECC (Development Engineering)	The proposed development does not require OSD and the concept drainage plan is satisfactory subject to conditions. The existing driveway crossings are to remain which is satisfactory. The internal grades for the new parking area will be satisfactory subject to conditions. The Geotechnical report addresses the relevant DCP controls. No objection to approval, subject to conditions as recommended.
NECC (Riparian Lands and Creeks)	<p>This application is recommended for approval with conditions.</p> <p>The proposed water quality controls shown on the stormwater drainage plan are satisfactory.</p> <p>The planter boxes shown on the northern edge of the terrace on the stormwater drainage plan that will filter stormwater runoff are not shown on the landscape plan. The two plans need to be in agreement with each other.</p> <p>Plans for the discharge points for stormwater shown at both the northern and southern waterfront boundary must be submitted to the certifier prior to issue of the construction certificate and must demonstrate that flows will be dissipated and will not cause erosion or sedimentation impacts to the waterfront. Visual impacts must also be minimized in their design.</p> <p>Sediment and erosion controls must be installed prior to any works on site and maintained for the duration of work.</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>The proposal has been referred to heritage as the property is a heritage item</p> <p>Little House 'Yoorami'</p>
	<p>Details of heritage items affected</p> <p>Details of the item as contained within the Pittwater heritage inventory is as such:</p> <p><u>Statement of Significance</u></p> <p>Little House (Yoorami) at 3 Riverview Road, Clareville, built c1965 to a design by the architect Douglas Snelling, has historic and aesthetic significance as an early example of Late Twentieth-Century Sydney Regional architecture showing direct influences by Frank Lloyd Wright. Typical modernist features include: horizontal emphasis in the structure, free asymmetrical massing, flat roof, clerestory windows, timber deck, exposed structure, retention and adaptation to the natural setting and use of natural materials.</p>

Internal Referral Body	Comments																		
	<p><u>Physical Description</u> The house is a one-storey, skillion roof building organised around a central patio with a pool. A little stream of water runs below the house that is gently adapted on the sandstone rocks facing the water. The property has four double bedrooms, five bathrooms, a billiard room, cellar, commercial kitchen, in-ground pool and guest/staff accommodation. It also includes boating facilities with a two-storey boat house, landing ramp, slipway and deepwater jetty with two mooring pens.</p> <p>Other relevant heritage listings</p> <table border="1" data-bbox="518 772 941 1310"> <tr> <td>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td> <td>NO</td> <td></td> </tr> <tr> <td>Australian Heritage Register</td> <td>NO</td> <td></td> </tr> <tr> <td>NSW State Heritage Register</td> <td>NO</td> <td></td> </tr> <tr> <td>National Trust of Aust (NSW) Register</td> <td>NO</td> <td></td> </tr> <tr> <td>RAIA Register of 20th Century Buildings of Significance</td> <td>YES</td> <td>Yoorami is on the register</td> </tr> <tr> <td>Other</td> <td>N/A</td> <td></td> </tr> </table> <p>Consideration of Application</p> <p>The proposal is for alterations and additions to the heritage listed property. It is important to note that the property is listed as it is a prominent and substantial work by the now relatively little celebrated Douglas Snelling. Snelling was an individual architect that drew on design themes from the United States, Asia and the Pacific and incorporated them into the designs for his clients.</p> <p>The house appears to have been little changed which means it has retained its important and privileged setting and design. Distinctive contemporary elements such as the Asian/Pacific 'fusion' character, custom artworks conceived and made for the house, the sunken conversation areas, elaborate kitchen and bar as well as the focus on the pool, all lend to the status of the house as a remarkable survivor.</p> <p>Below are detailed comments on specific areas of interest.</p> <p>External</p> <p>The entrance and garage forecourt is proposed to be finished with an aggregate concrete with partial inlaid tiles in a similar colour to</p>	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	NO		Australian Heritage Register	NO		NSW State Heritage Register	NO		National Trust of Aust (NSW) Register	NO		RAIA Register of 20th Century Buildings of Significance	YES	Yoorami is on the register	Other	N/A	
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	NO																		
Australian Heritage Register	NO																		
NSW State Heritage Register	NO																		
National Trust of Aust (NSW) Register	NO																		
RAIA Register of 20th Century Buildings of Significance	YES	Yoorami is on the register																	
Other	N/A																		

Internal Referral Body	Comments
	<p>the concrete. It is noted that the tiles are to be aligned to the beams of the eastern facade and this is considered an appropriate treatment and allows for pattern formed by the repeating beams to extend into this area. Heritage also acknowledges that proposed changes to the pond have been removed and appreciates the care shown by the proponents in this regards.</p> <p>The replacement of the existing 400 X 400mm travertine tiles throughout the property and their replacement with a 400 X 800mm grid to ensure a consistent finish is noted. In the overall context of the house the replacement of the old tiles with new travertine times with a similar veining and colour is considered an appropriate response.</p> <p>The proposed changes to the external area on the west of the property facing Pittwater are noted and it is considered that the proposed landscaping is appropriate and will allow the visual prominence of the projecting upper pool level to remain as was originally intended while allowing for the rationalisation of the spaces below.</p> <p>House Exterior</p> <p>The proposed extension of the skylight to the main house is considered to have minimal impact on the visual appearance and balance of the house. Similarly the proposed removal of the greenhouse area to the south of the existing kitchen and replacement with the new stairwell and lift will be of no adverse impact</p> <p>Heritage understands that the proposed enlargement of the west facing window in the new master bedroom will involve the brick being relaid to the new width and is therefore of little impact. The proposed changes to the pool fence are noted and considered appropriate for the overall character of the house.</p> <p>The proposed 'punched' openings to the lower level undercroft below the pool and the use of non-reflective glass are noted and considered appropriate. Heritage appreciates the amendments undertaken by the proponents as they help to retain the visual dominance of the projecting pool deck above and allows for these new openings to recede back into the brickwork.</p> <p>House Interior</p> <p>The proposed relocation of bedrooms 3 and 4 to the north eastern wing are noted and the reconfiguration of this area is considered acceptable. The lowering of the bulkhead and room framing above the guest water closet and en suite 2 is also considered acceptable. The proposed changes for the internal refit of bedroom 1 and the en suite and robe west of the kitchen are of minimal</p>

Internal Referral Body	Comments
	<p>impact and acceptable.</p> <p>The proposed changes to the kitchen are noted - the architects advise that the owner desires a modern kitchen. Heritage considers that the current existing kitchen and bar setup is substantial and of interest given the relative space and luxury it was afforded at the time of its construction. Heritage considers that its replacement is acceptable on balance, subject to an archival recording that details these features in comprehensive detail including the adjoining glass house area to the south. The proposed retention of certain features such as the bar chairs is also supported and strongly encouraged. Heritage would also ask that the applicant considers that any replacement kitchen is considerate of the original design intent of the house and respectful of its character</p> <p>External Ceramic Tile Wall</p> <p>It is noted that the proponents have revised the proposed relocation of the external ceramic art-tile wall from the northern wall of master bedroom and have proposed to move it to the head of the pool. This will involve the complete relocation of the wall and care must be afforded in how it is moved to avoid damage to the custom tile work. Heritage understands that a specialist has been engaged by the applicants to advise on how this might be safely undertaken. It is considered appropriate that a condition be imposed that this report and its recommended strategy are conveyed to Council and for Heritage concurrence before the construction certificate is issued. This will detail the proposed method of transport of the tile wall and proposed protection and conservation measures.</p> <p>Archival Photographic Recording</p> <p>The house is of substantial design with key elements of Wrightian influence displaying Japanese and Pacific 'fusion' themes. Given the scale of the proposed changes, Heritage recommends that an archival recording of the property in its current state be undertaken. This recording should include the interiors and exteriors of the house and its land, with special specific and detailed attention given to the kitchen, the bar area and the external tile wall in its current location.</p> <p>In summary, the proposal is considered to be an acceptable approach for the renovation – effectively an adaptive re-use - of the property that allows the owners to enjoy modern living requirements while also respecting the unique and special heritage values of the property. Heritage appreciates the care and detail afforded to the property by the applicants and their willingness to discuss with Council how the significance of the property might be best conserved.</p> <p>Heritage supports the proposal subject to the imposition of the two</p>

Internal Referral Body	Comments
	<p>conditions for archival recording and the provision of the report on the movement of the tile wall.</p> <p>Consider against the provisions of CL5.10 of WLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p> <p>Further Comments</p> <p>COMPLETED BY: Brendan Gavin, Strategic Planner</p> <p>DATE: 8 February 2019</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
Aboriginal Heritage Office	The application was referred to AHO, who advised that there are no Aboriginal heritage issues for the proposed development.

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. A329719 dated 28 September 2018). Conditions can be included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

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

SEPP (Coastal Management) 2018

The relevant provisions of the Coastal Management SEPP have been considered and Council can be satisfied that the proposal is consistent with the relevant matters prescribed by this policy.

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	6.9m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
5.7 Development below mean high water mark	No
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
Schedule 5 Environmental heritage	Yes

Detailed Assessment

5.7 Development below mean high water mark

The application includes minor works below the MHW. Owners consent from the land owner (Crown Lands) has not been provided to support the application, and as such, a condition is recommended to remove these works from the application.

7.8 Limited development on foreshore area

The application proposes extensive works within the foreshore area, including:

- construction of new retaining walls, fencing and access stairs,
- construction of a jacuzzi, and
- alterations and additions to the existing boat house, including new subterranean access thereto.

The applicant has provided a statement to confirm that all proposed works are permissible within the foreshore area and consistent with the provisions clause 7.8 of PLEP 2018. However, concern is raised with regard to the general extent of development within the foreshore area and a number of specific elements proposed within the foreshore area, as follows:

- Fencing: The application proposes a 'boundary wall' within the foreshore area, between the southern side boundary and the existing boatshed. The wall is to be comprised of sandstone and reaches a maximum height of 3.2m. The wall is not a retaining wall, but rather a fence that acts to separate private property from the adjoining public foreshore area. Whilst fences are permitted within the foreshore under the provisions of clause 8.7 of PLEP 2014, the proposed sandstone wall is excessive and visually dominant, and inconsistent with the design criteria of clause D1.16 of P21 DCP. As discussed further with respect to the fencing development control, the fence as proposed is not supported, and conditions of consent are recommended to achieve a greater level of consistency with the design criteria of P21 DCP.
- Alterations and additions to the existing boathouse, including new access thereto: The application proposed to rebuild the existing Level 1 boathouse. Whilst the footprint of the development remains generally unchanged, the floor level, ceiling level and parapet levels are to be raised, resulting in an overall increase to the parapet height of 1.67m (from RL6.91m AHD to RL8.58m AHD). A 1m open palisade balustrade is then proposed atop of the boathouse to allow for the area above to be used for outdoor recreation. The extension of and rebuilding of the existing boathouse is permitted by virtue of subclause 2(a) of this clause, and subject to conditions of consent, the proposed new boathouse will be consistent with the provisions of control. The application also proposes a new subterranean access pathway to the boathouse below the existing above ground access stairs. The proposed new access way is supported as the footprint of the development remains consistent with that currently on site, and the works do not extend further into the foreshore area.

Overall, subject to some minor refinement by virtue of recommended conditions of consent, the proposed development will achieve consistency with the provisions of this control, and in particular, Council can be satisfied of the matters prescribed by 7.8(3) and 7.8(4) of PLEP 2014.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Variation*	Complies
Front building line	6.5m	97m	-	Yes
Rear building line	FSBL	FSBL	-	Yes
Side building line	2.5m	2.06m (existing - no change)	-	No
	1m	317mm	68.3%	Yes
Building envelope	3.5m (north)	Within	-	Yes
	3.5m (south)	Outside envelope	2.9m	No
Landscaped area	60%	49.6%	17.3%	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B4.16 Seagrass Conservation	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B4.20 Protection of Estuarine Water Quality	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.4 Stormwater Harvesting	Yes	Yes
B5.11 Stormwater Discharge into Waterways and Coastal Areas	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	No	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.5 Building colours and materials	No	Yes
D1.8 Front building line	Yes	Yes
D1.9 Side and rear building line	No	Yes
D1.11 Building envelope	No	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	No	Yes
D1.16 Fences - Flora and Fauna Conservation Areas	No	Yes
D1.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D1.20 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

C1.14 Separately Accessible Structures

The application seeks consent to rebuild the existing boathouse, which currently includes a bathroom. The boathouse can be accessed independently from the main building, and can be reasonably described as a separately accessible structure. The rebuilding of the boathouse, inclusive of the bathroom, is supported subject to a condition of consent to restrict the inclusion of cooking facilities and use of the space for separate habitation. Subject to the imposition of this condition, Council can be satisfied that the building will be consistent with the outcome of this control and that the area will be used as an extension of the dwelling, and not an area of separate habitation.

C1.23 Eaves

The proposed new boathouse has been designed with a parapet and green roof, inconsistent with the provisions of this control that requires the incorporation of 450mm wide eaves. Nonetheless, the proposal is considered to reflect the coastal heritage and character of Pittwater, achieve appropriate levels of solar access, and optimise roof forms, consistent with the outcomes of this control.

D1.5 Building colours and materials

The proposal seeks consent to paint over the existing external face brickwork with white paint. The proposed use of white is inconsistent with the requirements of this control, which require the use of dark and earthy tones. Furthermore, the proposed use of white paint over the existing brickwork has been appropriately addressed in the heritage report which states that the face brick is to be retained. As the rest of the proposed palette is otherwise acceptable, a condition of consent is recommended to endorse the proposed schedule of finishes, subject to the retention of existing brickwork.

D1.9 Side and rear building line

Minimum prescribed northern side setback: 2.5m

Minimum proposed northern side setback: 2.06m (existing - non change)

Minimum prescribed southern side setback: 1m

Minimum proposed southern side setback: 317mm (existing - extended)

Minimum prescribed western rear setback: Foreshore building line

The application proposes to extend an existing non-compliant side elevation approximately 8m to the west and 3.5m to the east, resulting in a 22m (approximately long wall situated 317mm from the side boundary. The extension is setback approximately 3.5m from the western facade to reduce the visual impact of the non-compliance, and has been designed to marry in with the design of the existing building, to the satisfaction of heritage advisers. The non-compliance occurs adjacent to an access handle, and despite the technical non-compliance, the setback will not be perceived to be non-compliant and adequate spatial separation will be maintained between adjoining dwellings. The non-compliant element allows for the inclusion of a lift and additional internal access, without compromising the internal layout of the existing dwelling, which is identified as an item of local heritage significance. Overall, the proposal is supportable on merit, as the design is consistent with the outcomes of this control, as follows:

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

Comment: The proposed development is consistent with the desired character of the Avalon Beach Locality.

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

Comment: The built form of the dwelling remains generally unchanged. The proposed non-compliant additions are setback from the rear facade and will be generally screened from view by landscaping such that they do not attribute to unreasonable bulk and scale.

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

Comment: The proposal will not result in any unreasonable impacts upon views to/from public/private places.

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

Comment: As above, the proposed additions are sited such that they will not result in any unreasonable impacts upon views to/from public/private places.

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

Comment: The proposed additions maintain reasonable levels of solar access, privacy and general amenity for adjoining sites.

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

Comment: The proposed development provides for substantial landscaping within the foreshore area and within the front setback to Riverview Road.

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

Comment: The proposed non-compliant additions along the southern setback demonstrate a flexible design solution that provides for the modern convenience of an internal lift, without impacting upon the design and layout of the existing heritage listed home.

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

Comment: Vegetation is to be retained and enhanced within the foreshore area, to screen the proposed non-compliant elements as seen from the waterway.

- *A landscaped buffer between commercial and residential zones is achieved.*

Comment: Not applicable.

D1.11 Building envelope

The western extent of the proposed southern side extension protrudes beyond building envelope by a maximum height of 2.9m. However, despite this non-compliance, the proposed development is a reasonable solution in light of the constraints of the site and is consistent with the outcomes of the building envelope control, as follows:

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

Comment: The proposed development is consistent with the desired future character of the Avalon Beach locality.

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

Comment: The proposed development presents with a maximum height of two storeys in any one place, with the new additions consistent with or below the height of the existing dwelling. Furthermore, the resultant built form will be maintained below existing and proposed tree canopy.

- *To ensure new development responds to, reinforces and sensitively relates to spatial*

characteristics of the existing natural environment.

Comment: The proposed new development is considered to be a sensitive design response in consideration of the natural characteristics of the site, with the retention of all existing canopy trees and the enhancement of landscaping within the foreshore area.

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

Comment: The proposed non-compliant additions are setback from the rear facade, and will be screened by existing and proposed landscaping within the foreshore area. Whilst the reduced setback to the side boundary will limit any opportunity for plantings along the side boundary, the built form is acceptable on its own merit, and will be softened by landscaping on the adjoining access handle.

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

Comment: The proposed additions to not result in any unreasonable impacts upon views.

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

Comment: The proposed additions to not result in any unreasonable impacts upon the amenity of adjoining properties.

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

Comment: Vegetation is retained and enhanced within the foreshore area to reduce the visual impact of the development.

D1.14 Landscaped Area - Environmentally Sensitive Land

The existing dwelling is inconsistent with the minimum requirements of this control, with a landscaped area calculation of 2158m² or 51%. The application seeks consent to remove existing hard surfaces (35m²) and proposes additional hard surfaces (97m²), further reducing the landscaped area calculation by 62m² to 2096m² or 49.6% of the total site. The proposed minor decrease in landscaped area (1.4%) is considered acceptable on merit, as the proposed development is consistent with the outcomes of the control, as follows:

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

Comment: The proposed development is consistent with the desired character of the Avalon Beach Locality.

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

Comment: The proposed additions are comparably minor, and the bulk and scale of the resultant development is not unreasonable.

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

Comment: The proposed landscape area non-compliance does not result in any unreasonable

impacts upon amenity and solar access of the subject site or adjoining properties.

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

Comment: The proposal provides for the enhancement of landscaping on the site, which will visually soften the resultant built form as seen from both the street and the waterway.

- *Conservation of natural vegetation and biodiversity.*

Comment: The proposed development retains all existing canopy trees and conserves the existing significant native vegetation at the site.

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

Comment: The proposed development was supported by water management plans which demonstrate that, despite non-compliance with the minimum landscaped area control, stormwater can be appropriately managed at the site.

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

Comment: The proposed development preserves and enhances the bushland character of the site.

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

Comment: As above, the application has demonstrates that stormwater can be appropriately managed at the site.

D1.16 Fences - Flora and Fauna Conservation Areas

The application proposes new fences along both side boundaries and within the foreshore area. The different fences are considered individually, as follows:

- **Northern side fence:** The application seeks consent to replace the existing northern side fence, with a combination of timber fencing and chain wire fence. No concerns is raised with regard to the chain wire fence within the foreshore area, subject to a condition to limit the height to 1.8m (as the height is not nominated). However, the proposed replacement of the timber fence raises concern, as the existing and proposed fence is not located on the boundary, and consent from the adjoining land owner has not been provided. As such, a condition of consent is recommended to remove this component of the development from the application, to be resolved under the provisions of the Dividing Fences Act.
- **Southern side fence:** The application proposes to replace an existing fence with a new timber paling fence. No concern is raised subject tot he imposition of a condition to limit the height of the fence to 1.8m as measured from existing ground levels, as some sections unnecessarily exceed this height.
- **Fence to waterway:** The application proposes a new wall/fence along the foreshore, which reaches a maximum height of 3.2m above existing ground. The proposed stone wall/ fence, which is to be excavated into the site, has the potential to impact upon an existing canopy tree

(T20) and is inconsistent with the height and design criteria of this control. Whilst the incorporation of a fence to separate public and private land is supported, the design should be amended to be more responsive to the design criteria and outcomes of this development control. As such, a condition of consent is recommended to require the wall to be replaced with an open style fence, finished in black, with a height of no more than 1.8m above existing and proposed ground levels.

Subject to conditions of consent, the proposed development will be consistent with this development control.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1616 for Alterations and Additions to a dwelling house including alterations to an existing boathouse and swimming pool on land at Lot 6 DP 3632, 3 Riverview Road, AVALON BEACH, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Analysis Plan DA002, issue C	15 March 2019	Smart Design Studio
Site/Roof Plan DA003, issue E	15 March 2019	Smart Design Studio
Ground Plan DA100, issue B	8 March 2019	Smart Design Studio
Level 1 Plan DA101, issue D	15 March 2019	Smart Design Studio
Level 2 Plan DA102, issue E	15 March 2019	Smart Design Studio
Level 3 Plan DA103, issue B	1 March 2019	Smart Design Studio
Level 3 Plan DA104, issue B	11 December 2019	Smart Design Studio
North Elevations DA300, issue C	15 March 2019	Smart Design Studio
South Elevations DA301, issue C	15 March 2019	Smart Design Studio
West & East Elevations DA302, issue D	15 March 2019	Smart Design Studio
Section A & B DA400, issue C	1 March 2019	Smart Design Studio
Landscape DA Plan LDA-01, issue B	12 December 2018	Christopher Owen Landscape Design
Landscape DA Plan LDA-02, issue B	12 December 2018	Christopher Owen Landscape Design
Landscape DA Plan LDA-03, issue B	12 December 2018	Christopher Owen Landscape Design
Landscape DA Plan LDA-04, issue B	12 December 2018	Christopher Owen Landscape Design
Landscape DA Plan LDA-05, issue B	12 December 2018	Christopher Owen Landscape Design
Schedule of Finishes (External), Page 15	(undated)	Smart Design Studio
Schedule of Finishes (Internal), Page 16	(undated)	Smart Design Studio

Engineering Plans

Drawing No.	Dated	Prepared By
Cover Sheet DA00, revision 1	27 September 2018	Northrop
Concept Erosion and Sediment Control Plan DA01, revision 1	27 September 2018	Northrop
Concept Erosion and Sediment Control Details DA02, revision 1	27 September 2018	Northrop
Concept Civil and Stormwater Plan DA03, revision 2	2 October 2018	Northrop

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Assessment Report	21 August 2018	Jacksons Nature Works
Arboricultural Impact Assessment Report Addendum	12 December 2018	Jacksons Nature Works
Geotechnical Risk Management Report, 5083-R1-Rev1	27 September 2018	Asset Geotechnical Engineering Pty Ltd
BASIX Certificate A329719	28 September 2018	G.E. Hunt
Heritage Impact Assessment Report	August 2018	Zoltan Kovacs Architect

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

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

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

2. Amendments to the approved plans

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

- The landscape and stormwater plans are to be amended to align with the approved architectural drawings prepared by Smart Design Studio. If there are any inconsistencies, the architectural plans are to prevail.
- The fire pit within the foreshore is to be deleted from all plans and is not authorised by this consent.
- The proposed sandstone wall/fence presenting to the waterway, adjacent to Tree 20, and the associated proposed excavation is not authorised by this consent. The wall/fence is to be replaced with an open style fence constructed of timber or finished in black, with a height not exceeding 1.8m above existing or proposed ground levels.
- No works are approved below MHWL or on adjoining properties, and any such works are to be removed from all plans.
- No new boundary fencing shall exceed 1.8m above existing ground level.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

3. Prescribed Conditions

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

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

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

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

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

allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement

4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

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

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. Security Bond

A bond (determined from cost of works) of \$10,000 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

6. **Stormwater Disposal**

Drainage plans in accordance with the requirements of clause B5.11 of Pittwater 21 DCP and Section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2:1998 - Stormwater Drainage – Acceptable solutions are to be submitted and certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments.

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

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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report referenced in Condition 1 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

8. **Vehicle Driveway Gradients**

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure suitable vehicular access to private property.

9. **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.

10. **Shoring of Adjoining Property**

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

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

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

11. **Photographic Archival Recording**

A photographic archival recording of the property will need to be undertaken in accordance with the NSW Office of Environment and Heritage's *'Photographic Recording of Heritage Item Using Film or Digital Capture'* (2006).

This recording will be provided to Council for archival purposes.

Details demonstrating compliance with this condition are to be submitted to the principal certifying authority.

Reason: To provide a historical record of heritage significant works for archival purposes.

12. **External Ceramic Tile Wall**

A report or plan detailing the proposed method of moving the external ceramic tile wall is to be prepared and submitted to Council's satisfaction.

Details demonstrating compliance with this condition are to be submitted to the principal certifying authority.

Reason: To ensure the safe movement of the ceramic tile wall to its new location.

13. **Works near existing tree 20 - Spotted Gum**

A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to

Construction Certificate to determine the location of piers to support the access stairs and fence near existing Tree 20.

- i) The Project Arborist shall determine on-site the location of all piers for the fence, and the stair suspended slab, and provide this information to the engineer prior to the design of the retaining wall and stairs,
- ii) With the exception of the piers, no additional excavation is to occur within the TPZ of Tree 20, and
- iii) details are to be provided to the Certifying Authority by the Project Arborist that the selected pier locations and the works as a whole will not impact upon the health of Tree 20 in the long term.

Reason: To ensure protection of vegetation proposed for retention on the site.

14. **Stormwater discharge into waterways and coastal areas**

In accordance with clause B5.11 of Pittwater 21 DCP B5.11, an outlet structure is required to be installed that defuses concentrated stormwater discharge to reduce flow velocities and prevent scour, be safe and easily maintained.

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

Reason: Protection of the receiving environment.

15. **Estuarine Hazard Design Requirements**

The following applies to all development:

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

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

16. **Estuarine Planning Level Requirements**

An Estuarine Planning Level (EPL) of RL 2.76m AHD has been adopted by Council for the subject site and shall be applied to all new development proposed below this level as follows:

- o All structural elements below RL 2.76m AHD shall be of flood compatible materials;
- o All electrical equipment (including electrical fittings, outlets and switches), wiring, fuel lines or any other service pipes and connections must be located either above RL 2.76m AHD or waterproofed to this level; and
- o The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below RL 2.76m AHD.

Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure aspects of the development vulnerable to tidal inundation and wave action are built at the appropriate level.

17. **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.

18. **External Finishes**

The external finishes of the development are to be consistent with the Schedule of Finishes (External) referenced in Condition 1 of this consent, with the exception of the proposed 'white paint to existing brick' which is not endorsed by this consent. The existing face brickwork is to be retained and is to remain unaltered.

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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

19. **Project Arborist**

A) a Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works,

i) the Project Arborist is to oversee all tree protection measures and works adjacent to protected trees as outlined in the Addendum Arborist Report, prepared by Jacksons Nature Works, and dated 12 December 2018, and AS4970-2009 Protection of trees on development sites,

ii) the Project Arborist shall be in attendance and supervise all works in the vicinity of Tree 20 - Spotted Gum, with specific attention to the construction methodology recommended in section 3.1 (b),

iii) the Project Arborist shall determine on-site the location of all piers for the fence and the stair suspended slab, and provide this information to the engineer prior to the design of the resultant works, and shall provide details to the Certifying Authority including certification of compliance to this requirement,

iv) the Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

B) All tree protection measures for Tree 20 shall be undertaken as recommended in the Addendum Arborist Report, and the Certifying Authority or Project Arborist must ensure that:

i) the activities listed in section 4.2 of AS4970- 2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site, and

ii) 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.

iii) tree protection measures shall be in place before work commences on the site, maintained in good condition during the construction period, and remain in place for the duration of the construction works.

Reason: to ensure protection of vegetation proposed for retention on the site.

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

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing

Urban Stormwater: Soils and Construction' (2004).

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. **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.

22. **Tree and vegetation protection**

A) Existing trees and vegetation shall be retained as follows:

i) all trees and vegetation within the site, as identified in the Arboricultural Impact Assessment prepared by Jacksons Nature Works, dated 21 August 2018, and the Addendum Arborist Report dated 12 December 2018, shall be protected during all construction stages, excluding exempt trees under the relevant planning instruments or legislation.

ii) all trees and vegetation located on adjoining properties, including trees 1, 2, 3, 4, 5, 6, 7, 15, 26, 27, 28, 29 and 30,

iii) all road reserve trees and vegetation,

iv) the following trees on-site are to be retained and protected: 8, 9, 10, 11, 13 and 20,

v) the following trees are exempt: 12, 14, 16, 17, 18, 19, 21, 22, 23, 24 and 25,

B) Tree protection shall be generally undertaken as follows:

i) all tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, with particular attention to section 4,

ii) any tree roots exposed during excavation with a diameter greater than 25mm within the TPZ must be assessed by an Arborist,

iii) to minimise the impact on trees and vegetation to be retained and protected, 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,

iv) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorized by the Project Arborist on site,

v) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,

vi) should either or both iv) and v) occur during site establishment and construction works, a

AQF Level 5 Arborist shall provide recommendations and shall report on the tree protection action undertaken, including photographic evidence,

vi) 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, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009.

C) Tree protection shall be specifically undertaken as recommended in the Arboricultural Impact Assessment prepared by Jacksons Nature Works, dated 21 August 2018, and the Addendum Arborist Report dated 12 December 2018.

Reason: to retain and protect significant planting on development sites.

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

23. **Landscape works**

Landscaping is to be implemented in accordance with the Landscape Plan LDA-01 to LDA-05 inclusive, prepared by Christopher Owen Landscape Design.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the landscape plan and inclusive of any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

24. **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an AQF Level 5 Arborist (or equivalent), shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- a) Compliance to Arborist recommendations for tree protection and excavation works.
- b) Extent of damage sustained by vegetation as a result of the construction works.
- c) Any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: to ensure compliance with the requirement to retain and protect significant planting on development sites.

25. **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 any interim / final Occupation Certificate.

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

development.

26. **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.

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

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

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

(i) Swimming Pools Act 1992;

(ii) Swimming Pools Amendment Act 2009

(iii) Swimming Pools Regulation 2008;

(iv) Australian Standard AS1926 Swimming Pool Safety;

(v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools;

(vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

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

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

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

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

Reason: To protect human life.

28. **External Finishes**

Written certification from the project architect is to be provided to the certifying authority to confirm that the resultant development is consistent with the Schedule of Finishes (External) referenced in Condition 1 of this consent, as amended by Condition 18 of this consent.

Reason: To ensure that the visual impact of the development is appropriately minimised.

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

29. **Landscape maintenance**

All landscape components are to be maintained for the life of the development. A maintenance program is to be established. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components and species to maintain the landscape theme in accordance with the Landscape Plans.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

30. **Environmental and priority weed control**

All weeds are to be removed and controlled in accordance with the Biodiversity Conservation Act 2016.

Reason: preservation of environmental amenity.

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

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

Reason: To protect Aboriginal Heritage.

32. **Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

33. **Use of boat shed**

The boat shed must not be used for any other purpose than the storage of small boats, light watercraft and boating and marine equipment. The incorporation of any internal kitchen facilities, habitable rooms, shower or toilet facilities is not permitted.

Reason: To minimise potential risks associated with estuarine hazards for development in the Coastal Zone.

34. **Separate Habitation**

No part of the premises shall be converted, adapted or used for separate habitation. The Boathouse on Level 2 and the Guest Bedroom on Level 3 shall not contain cooking facilities.

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

Signed



Rebecca Englund, Principal Planner

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



Matthew Edmonds, Manager Development Assessments