

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                            |             |
|----------------------------|-------------|
| <b>Application Number:</b> | DA2019/0699 |
|----------------------------|-------------|

|                                           |                                                         |
|-------------------------------------------|---------------------------------------------------------|
| <b>Responsible Officer:</b>               | Megan Surtees                                           |
| <b>Land to be developed (Address):</b>    | Lot 4 DP 710440, 19 Joseph Street AVALON BEACH NSW 2107 |
| <b>Proposed Development:</b>              | Alterations and additions to a dwelling house           |
| <b>Zoning:</b>                            | R2 Low Density Residential                              |
| <b>Development Permissible:</b>           | Yes                                                     |
| <b>Existing Use Rights:</b>               | No                                                      |
| <b>Consent Authority:</b>                 | Northern Beaches Council                                |
| <b>Land and Environment Court Action:</b> | No                                                      |
| <b>Owner:</b>                             | David Dragan Djuric                                     |
| <b>Applicant:</b>                         | Nicholas Stanton Alfred Najar                           |

|                                  |                                         |
|----------------------------------|-----------------------------------------|
| <b>Application lodged:</b>       | 02/07/2019                              |
| <b>Integrated Development:</b>   | No                                      |
| <b>Designated Development:</b>   | No                                      |
| <b>State Reporting Category:</b> | Residential - Alterations and additions |
| <b>Notified:</b>                 | 17/07/2019 to 31/07/2019                |
| <b>Advertised:</b>               | Not Advertised                          |
| <b>Submissions Received:</b>     | 1                                       |
| <b>Clause 4.6 Variation:</b>     | Nil                                     |
| <b>Recommendation:</b>           | Approval                                |

|                                 |             |
|---------------------------------|-------------|
| <b>Estimated Cost of Works:</b> | \$ 4,000.00 |
|---------------------------------|-------------|

### 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 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 - D1.14 Landscaped Area - Environmentally Sensitive Land

## SITE DESCRIPTION

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Property Description:</b>      | Lot 4 DP 710440 , 19 Joseph Street AVALON BEACH NSW 2107                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Detailed Site Description:</b> | <p>The subject site consists of one (1) allotment located on the eastern side of Joseph Street.</p> <p>The site is irregular in shape with an access handle frontage of 5.51m along Joseph Street and a depth of 46.68m along the north-eastern boundary, and 53.5m along the south-western boundary. The site has a surveyed area of 1073m<sup>2</sup>.</p> <p>The site is located within the E4 Environmental Living zone and accommodates single storey residential dwelling with a swimming pool to the rear.</p> <p>The site has a westerly orientation and it is relatively flat. No topographical issues are located on this site.</p> <p>The site has some vegetation, primarily in the rear yard. Hedging, low-lying vegetation and some trees (primarily palms) are located along the side and rear boundaries of the rear yard. Additionally, the rear yard has large areas of turf surrounding the existing swimming pool.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by one (1) and two (2) storey residential dwellings.</p> <p>A site visit was conducted on 7 August 2019 with the owner present.</p> |

Map:



## SITE HISTORY

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

### 10 March 1992

A Building Certificate (BA5001/8926) was lodged with Council for final inspections of the dwelling.

### 12 March 1992

A Building Certificate (BA5001/8928) was lodged with Council for final inspections of the dwelling.

### 19 February 2013

A Development Application (T0048/13) was lodged with Council for the removal of five (5) trees. Consent was given for the removal of one (1) eucalyptus tree based on root decay and two (2) Casurina trees that were on learn with internal fracture. Removal for the other trees was dependent upon further assessment prepared by a qualified level 5 Arborist.

### 21 April 2015

A Development Application (T0166/15) was lodged with Council for the removal of three (3) Casurina trees located within the front area of the property. Consent was given to remove these trees, subject to conditions.

### 16 May 2019

A Flood Information Report application (FIR2019/0045) was submitted to Council.

### 24 June 2019

A Building Certificate (BC2019/0128) was lodged with Council to seek approval for two unauthorised structures on site. The first being the demolition of a carport and the erection of a new carport and the second being a bedroom extension to the principal dwelling.

## PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for the use of two unauthorised structures, being:

- Carport
- Extension of Bedroom 1, including a verandah with pergola.

Additionally, as the carport is partially constructed, this application also seeks consent for the completion of the carport.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

| Section 4.15 Matters for Consideration'                                                                                   | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument                                             | See discussion on "Environmental Planning Instruments" in this report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument                                      | None applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan                                                    | Pittwater 21 Development Control Plan applies to this proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Section 4.15 (1) (a)(iiia) – Provisions of any 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&amp;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&amp;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&amp;A Regulation 2000, allows Council to request additional information. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;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&amp;A Regulation 2000 requires the</p> |

| Section 4.15 Matters for Consideration'                                                                                                                                            | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                    | <p>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&amp;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&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) <b>Environmental Impact</b><br/>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b><br/>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 process council is in receipt of 1 submission/s from:

| Name:                                        | Address:                               |
|----------------------------------------------|----------------------------------------|
| Ms Catriona Anne Munro<br>Mr Marc Alphandary | 17 Joseph Street AVALON BEACH NSW 2107 |

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

- Bulk and scale
- Inadequate fire separation
- Amenity impacts
- Inconsistencies with comments made in the Statement of Environmental Effects (SEE)
- Impact upon views and vistas
- Width of carport
- Review amended plans

The matters raised within the submissions are addressed as follows:

- **Bulk and scale**

Comment:

Concern has been raised by the owners of 17 Joseph Street with regards to the bulk and scale of the development when viewed from their property, in particular when viewed from their internal living areas and private open space. Photographic evidence from 17 Joseph Street shows the carport beam along the south-western elevation. This is particularly noticeable due to the yellow colour. However, a condition of consent will be recommended to ensure that the structure is painted a dark and earthy tone (consistent with the BCA classification of M and D). Furthermore, a condition of consent will be recommended to ensure the carport structure has a 1m minimum setback to the south-western side boundary.

- **Inadequate fire separation**

Comment:

Concerns were raised by the owners of 17 Joseph Street with regards for the potential for fire to move swiftly from 21 Joseph Street to their property as a result of the carport structure. The subject site and surrounding properties are not mapped as being within Bush Fire Prone land. Furthermore, all development is required to be constructed in accordance with BCA standards.

- **Amenity impacts**

Comment:

As discussed above, a condition of consent has been recommended to ensure the carport structure is setback 1m from the south-western boundary to minimise amenity impacts to the adjoining property.

- **Inconsistent comments within the Statement of Environmental Effects**

Comment:

The owners of 17 Joseph Street have raised concerns with regards to comments made in the SEE, specifically referencing the unauthorised carport structure as 'an extension' to the existing carport and the carport (and dwelling extension) setbacks from boundaries. Council has conducted a thorough assessment on this application and a discussion on the setback

requirements can be found elsewhere in this report, under *D1.9 Side and Rear Boundary Line*. It is also noted the unauthorised carport structure is not an extension of the existing carport. The previous carport was located in a different location and angle within the access handle to what is currently existing, being the unauthorised carport structure.

- **Impact upon views and vistas**

Comment:

Upon a site visit it was observed that the subject site and adjoining properties do not have views of iconic structures or water views. Therefore, the carport structure does not result in any unreasonable impact upon views and vistas.

- **Width of carport**

Comment:

Concern has been raised by the owners of 17 Joseph Street that the carport is unnecessarily wide. As outlined in *B6.3 Off-Street Vehicle Parking Requirements of P21 DCP*, the dimensions of a carport structure are as follows: 2.4 metre x 5.5 metre with a 0.3m minimum clear space each side for access to doors. The existing width of the unauthorised carport structure is 4.2m, which exceeds the minimum requirement of the width (being 3m, inclusive of door access). As such, a condition of consent has been recommended to ensure compliance with the 1m side setback requirement, which in turn will reduce the width of the carport structure. This will not impact upon the requirement of *B6.3 of P21 DCP*.

- **Review amended plans**

Comment:

The independent planner, engaged by the owners of 17 Joseph Street, requested to review the amended plans to provide further response as to their adequacy. Requesting amended plans for this application was considered to not be appropriate.

## REFERRALS

| Internal Referral Body           | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NECC (Bushland and Biodiversity) | <p>This application was assessed against <i>Pittwater LEP Clause 7.6 Biodiversity</i> and <i>Pittwater 21 DCP B4.6 Wildlife Corridors</i>. Any development must be in accordance with the following specifically:</p> <ul style="list-style-type: none"> <li>• Development shall provide wildlife corridors via creation, restoration, and / or regeneration of habitat.</li> </ul> <p>The proposal is for the use of an unapproved room and carport and the completion of an unapproved carport.</p> <p>The site currently contains minimal connective habitat. In addition to the three (3) locally native canopy trees required by T0166/15, another two (2) locally native canopy tree plantings, of a different species, are required to ensure compliance with biodiversity controls.</p> <p>Council's Natural Environment - Biodiversity section supports the application, subject to conditions.</p> |

| Internal Referral Body                                    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NECC (Development Engineering)                            | <p>Comments for Development Engineers:</p> <ol style="list-style-type: none"> <li>1. The site is not located within the Geotechnical Hazard Area.</li> <li>2. The site seems to be affected by overland flow. And the site has low to medium flood risk.</li> <li>3. The application involves some building works that have already been carried out.</li> <li>4. No OSD is required.</li> <li><b>5. Council's flood engineer must comment on this application.</b></li> </ol> <p>No objection to approval, subject to <b>Council's flood engineer's approval.</b></p> |
| NECC (Stormwater and Floodplain Engineering – Flood risk) | The proposed development generally complies with Councils LEP & DCP and is recommended for approval subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)\*

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

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

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

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

### SEPP 55 - Remediation of Land

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

## SEPP (Infrastructure) 2007

## Ausgrid

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

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

## Comment:

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

## **SEPP (Coastal Management) 2018**

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

### **10 Development on certain land within coastal wetlands and littoral rainforests area**

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- (a) *the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
  - (b) *the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
  - (c) *the carrying out of any of the following:*
    - (i) *earthworks (including the depositing of material on land),*
    - (ii) *constructing a levee,*
    - (iii) *draining the land,*
    - (iv) *environmental protection works,*
  - (d) *any other development.*

## Comment:

This Clause has been assessed against the subject site and proposed development. No issues were raised in relation to the proposed development and the land being within the Coastal Wetlands area.

### **11 Development on land in proximity to coastal wetlands or littoral rainforest**

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*

- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
- (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

<insert>

## **12 Development on land within the coastal vulnerability area**

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

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

Comment:

<insert>

## **13 Development on land within the coastal environment area**

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

Comment:

This Clause has been assessed against the subject site and proposed development. No issues were raised in relation to the proposed development and the land being within the coastal environment area.

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

Comment:

This Clause has been assessed against the subject site and proposed development. No issues were raised in relation to the proposed development and the land being within the coastal environment area.

#### **14 Development on land within the coastal use area**

- (1)
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
    - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
    - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
    - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
    - (iv) Aboriginal cultural heritage, practices and places,
    - (v) cultural and built environment heritage, and
  - (b) is satisfied that:
    - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
    - (ii) if that impact cannot be reasonably avoided—the development is designed, sited

- and will be managed to minimise that impact, or  
 (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and  
 (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

This Clause has been assessed against the subject site and proposed development. No issues were raised in relation to the proposed development and the land being within the coastal use area.

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

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

Comment:

This Clause has been assessed against the subject site and it is determined the proposed development will not result in an increased risk to coastal hazards.

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

### Pittwater Local Environmental Plan 2014

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

### Principal Development Standards

| Standard             | Requirement | Proposed | % Variation | Complies |
|----------------------|-------------|----------|-------------|----------|
| Height of Buildings: | 8.5m        | 2.6m     | N/A         | Yes      |

### Compliance Assessment

| Clause                      | Compliance with Requirements |
|-----------------------------|------------------------------|
| 7.3 Flood planning          | Yes                          |
| 7.6 Biodiversity protection | Yes                          |

### Pittwater 21 Development Control Plan

#### Built Form Controls

| Built Form Control | Requirement | Proposed | % Variation* | Complies |
|--------------------|-------------|----------|--------------|----------|
|--------------------|-------------|----------|--------------|----------|

|                     |                               |                                                  |       |     |
|---------------------|-------------------------------|--------------------------------------------------|-------|-----|
| Front building line | 6.5m                          | 8.6m - 11.4m (carport)                           | N/A   | Yes |
| Side building line  | 2.5m                          | 0.4m<br>(carport; northern boundary)             | 84%   | No  |
|                     | 1m                            | nil<br>(carport; southern boundary)              | 100%  | No  |
| Building envelope   | 3.5m                          | Within envelope<br>(carport; northern elevation) | N/A   | Yes |
|                     | 3.5m                          | Within envelope<br>(carport; southern elevation) | N/A   | Yes |
| Landscaped area     | 60%<br>(643.8m <sup>2</sup> ) | 46.4%<br>(498.6m <sup>2</sup> )                  | 22.6% | 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                         |
| B3.11 Flood Prone Land                                          | Yes                          | Yes                         |
| B3.13 Flood Hazard - Flood Emergency Response planning          | Yes                          | Yes                         |
| B4.6 Wildlife Corridors                                         | Yes                          | Yes                         |
| B6.3 Off-Street Vehicle Parking Requirements                    | Yes                          | Yes                         |
| C1.2 Safety and Security                                        | Yes                          | Yes                         |
| C1.7 Private Open Space                                         | Yes                          | Yes                         |
| D1.1 Character as viewed from a public place                    | Yes                          | Yes                         |
| D1.4 Scenic protection - General                                | Yes                          | Yes                         |
| D1.5 Building colours and materials                             | Yes                          | Yes                         |
| D1.9 Side and rear building line                                | No                           | Yes                         |
| D1.14 Landscaped Area - Environmentally Sensitive Land          | No                           | Yes                         |
| D1.21 Masterplan - Careel Bay                                   | Yes                          | Yes                         |
| D15.22 Masterplan - Careel Bay                                  | Yes                          | Yes                         |

#### Detailed Assessment

##### **D1.5 Building colours and materials**

A colour and materials schedule was not provided to Council as part of this assessment. As the carport is yet to be completed, a condition of consent will be recommended that the colour of the carport structure is to be of dark and earthy tones so as to minimise the impact upon public and private places.

## Controls

External colours and materials shall be dark and earthy tones as shown below:



White, light coloured, red or orange roofs and walls are not permitted:



Finishes are to be of a low reflectivity.

### D1.9 Side and rear building line

The control requires side setbacks of all development to be 1.0m on one side, and 2.5m on the other side. The partially constructed carport results in numerically non-compliant side setbacks - being 0.4m on the northern boundary line, and a nil setback along the southern boundary line. This represents a variation of 84% and 100% respectively. In this instance, it is determined the carport structure is unacceptable in its current form and, as such, a condition of consent has been recommended to achieve compliance with the 1m minimum side setback requirement along the south-western boundary.

With regard to the above 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:

Under A4.1 Avalon Beach Locality of P21 Development Control Plan (DCP), the proposed development is consistent with the objectives of the desired future characteristics of Avalon Beach. The proposal will achieve a height that is well below the existing tree canopy. Furthermore, no native plant species are proposed to be removed as a result of the development. Additionally, the built form of the carport is unlikely to cause an unreasonable aesthetic impact to the existing streetscape.

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

Comment:

The proposed carport is an open-style structure, allowing for a visually reduced built form when viewed from the street. Furthermore, the bulk of the carport structure will be screened from the street by an existing gate which achieves a maximum height of approximately 1.8m. Therefore, 0.8m of the structure will be viewed from the street. The adjoining property owners, being 17 Joseph Street, have raised concerns with regards to the bulk of the structure. It is determined the bulk of the carport and close proximity to the south-western side boundary is unreasonable,

and as such a condition of consent has been recommended to rectify this.

- *Equitable preservation of views and vistas to and/or from public/private places.*  
Comment:  
Any views or vistas currently obtained by the subject site, and adjoining properties, will not be obstructed as a result of the proposed development.
- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*  
Comment:  
As discussed above, no impacts to views will arise as a result of the proposed carport structure.
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*  
Comment:  
Concern has been raised by the neighbours at 17 Joseph Street with regards to the privacy and amenity to their property as a result of the carport structure. The carport structure will be used for the provision of parking vehicles safely off the street and to provide protection to vehicles from undesirable weather events. It should be noted that the use of a carport is not constant, rather it is a low trafficable area.
- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*  
Comment:  
The subject site has existing substantial landscaping, however due to the access handle and siting of the property boundaries, this landscaping is partially screened from the street by the neighbouring property to the north. However, the carport is an open-style structure that is partially screen by a 1.8m high timber gate. The structure does not result in an unattractive streetscape.
- *Flexibility in the siting of buildings and access.*  
Comment:  
No unreasonable amenity impacts will arise as a result of the development. Adequate and safe vehicular and pedestrian access to the site is maintained.
- *Vegetation is retained and enhanced to visually reduce the built form.*  
Comment:  
As discussed above, the existing vegetation is proposed to remain.
- *A landscaped buffer between commercial and residential zones is achieved.*  
Comment:  
The subject site is located within a residential zone, therefore this objective does not apply.

While the carport structure results in numerically non-compliant side setbacks, subject to conditions, it is considered to be appropriate and consistent with the objectives of the control, and is therefore supported on merit.

#### **D1.14 Landscaped Area - Environmentally Sensitive Land**

The subject site is located within Area 2 of the Landscaped Area Map, therefore the site requires a minimum of 60% landscaped area. The proposed development results in a numerically non-compliant landscaped area of 46.4%; this represents a variation of 22.6%. Provided the outcomes of the control can be achieved, a variation may be permitted which allows pathways (and the like) of 1m width or less,

and 6% of the total site to be included in the overall landscaped proportion of the site. With the application of 6% of the total site, the total landscaped area is 52.5%, thus remaining numerically non-compliant.

With regard to the above 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:

As discussed elsewhere in this report, under A4.1 Avalon Beach Locality of P21 DCP, the proposal is consistent with the objectives of the desired future characteristics of the locality. The retention of canopy trees and other vegetation further contributes to the bushland character of the locality.

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

Comment:

The proposed carport is an open-style structure, allowing for a visually reduced built form when viewed from the street. Furthermore, the bulk of the carport structure will be screened from the street by an existing gate which achieves a maximum height of approximately 1.8m. Therefore, 0.8m of the structure will be viewed from the street. Subject to conditions, the bulk of the built form will be reduced.

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

Comment:

The carport structure will be used for the provision of parking vehicles safely off the street and to provide protection to vehicles from undesirable weather events. It should be noted that the use of a carport is not constant, rather it is a low trafficable area. The structure is unlikely to impact upon the solar access of the subject site or adjoining properties.

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

Comment:

No vegetation is proposed to be removed as a result of the development.

- *Conservation of natural vegetation and biodiversity.*

Comment:

As discussed above, and elsewhere in this report, no vegetation is proposed to be removed as a result of the development. Furthermore, a condition of consent has been recommended to plant additional native tree species to further contribute to the bushland character of the locality.

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

Comment:

The proposal has been assessed by Council's Development Engineer who has raised no objections to the proposal, subject to conditions included in the recommendation of this report. It is considered the existing permeable areas of the site are capable of reducing stormwater runoff, thus preventing soil erosion and siltation of natural drainage channels.

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

Comment:

As discussed above, the preservation of canopy trees and other vegetation on the site will enhance the rural and bushland character of the site and area.

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

Comment:

The carport structure is located over an existing driveway with a surface of compact pebbles. The development will not result in an unreasonable impact upon the existing soft surface of the site, thus maintaining the provision of water infiltration to the water table, stormwater runoff is minimised and a reasonable level of stormwater management is achieved.

While the proposal is numerically non-compliant, it is considered to be appropriate and consistent with the objectives of the control and is therefore supported on merit.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2019**

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

## **CONCLUSION**

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

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

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/0699 for Alterations and additions to a dwelling house on land at Lot 4 DP 710440, 19 Joseph Street, AVALON BEACH, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

| <b>Architectural Plans - Endorsed with Council's stamp</b> |              |                           |
|------------------------------------------------------------|--------------|---------------------------|
| <b>Drawing No.</b>                                         | <b>Dated</b> | <b>Prepared By</b>        |
| A101                                                       | 1 July 2019  | Blue Sky Building Designs |
| A102                                                       | 1 July 2019  | Blue Sky Building Designs |
| A103                                                       | 1 July 2019  | Blue Sky Building Designs |
| A104                                                       | 1 July 2019  | Blue Sky Building Designs |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |              |                                  |
|-----------------------------------------------------------------------------------------|--------------|----------------------------------|
| <b>Report No. / Page No. / Section No.</b>                                              | <b>Dated</b> | <b>Prepared By</b>               |
| Flood Risk Assessment                                                                   | 21 June 2019 | Structural and Civil Engineering |

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:

| <b>Waste Management Plan</b>                   |                |                                 |
|------------------------------------------------|----------------|---------------------------------|
| <b>Drawing No/Title.</b>                       | <b>Dated</b>   | <b>Prepared By</b>              |
| Northern Beaches Council Waste Management Plan | 7 January 2019 | Turnbull Planning International |

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. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house.

A Dwelling House is defined as a residential accommodation that is:

“a building containing only one dwelling”

(development is defined by the Pittwater Local Environment Plan 2014 Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must

not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

Reason: Legislative Requirement

#### 4. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1

per 20 persons.

- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

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

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

    - (i) Swimming Pools Act 1992
    - (ii) Swimming Pools Amendment Act 2009
    - (iii) Swimming Pools Regulation 2008
    - (iv) Australian Standard AS1926 Swimming Pool Safety
    - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
    - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
  - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa

area.

- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

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

### 5. Amendments to the approved plans

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

- The carport structure (excluding guttering and downpipes) is to be setback a minimum distance of 1m from the south-western boundary to achieve compliance with the 1m side setback.

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

Reason: In order to maintain privacy and amenity to the adjoining / nearby property.

### 6. Vehicle Crossings Application

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

Approval of the application by Council is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

### 7. Flooding

In order to protect property and occupants from flood risk the following is required:

#### Building Components and Structural Soundness – C1

All new development shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

#### Building Components and Structural Soundness – C2

All new development must be designed and constructed to ensure structural integrity up to the Flood Planning Level of 2.9 m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

#### Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 2.9 m AHD. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed cut electricity supply during flood events.

#### Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 2.9 m AHD unless adequately protected from floodwaters in accordance with industry standards.

#### Floor Levels – F11

A one- off addition or alteration below the Flood Planning Level of less than 30 square metres or an increase of less than 10% of the ground floor area (whichever is the lesser) for residential development may be considered only where:

- (a) it is an extension to an existing room
- (b) the Flood Planning Level is incompatible with the floor levels of the existing room

This control will not be permitted if this provision has previously been utilised since the making of this Plan.

The structure must be flood proofed to the Flood Planning Level.

#### Floor Levels – F2

The underfloor area of the dwelling below the 1% AEP flood level is to be designed and constructed to allow clear passage of floodwaters. The underfloor perimeter of the dwelling is to have a minimum of 50% open area below the 1% level of 2.4 m AHD.

#### Recommendations

The development must comply with all recommendations outlined in:

- The Flood Risk Assessment Report prepared by Kate Waddington dated 21 June 2019.

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

**Reason:** To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

### 8. **Preparation of Landscape Plan**

A Landscape Plan is to be prepared in accordance with the following:

- Provision of at least two (2) locally native canopy tree plantings (in addition to the 3 required by Tree Permit T0166/15). Species are to have a minimum mature height of 8.5m and be chosen from Council's Tree Guide on Council's website. Tree species chosen must be different from those already planted. Recommended species include *Corymbia gummifera* and/or *Banksia integrifolia*.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

The amended Landscape Plan is to be certified by a qualified Landscape Architect, Arborist or Ecologist prior to issue of the Construction Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

9. **Compliance with Standards**

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

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

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

10. **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)

11. **Boundary Survey**

A Boundary Survey is to be conducted of the south-western boundary, (being the boundary between 19 and 17 Joseph Street, Avalon) of the subject site prior to the issue of a Construction Certificate. The Boundary Survey is to be prepared and signed by a registered surveyor.

Reason: to ensure the works are contained wholly within the subject site.

12. **Colours**

The colours of the carport structure shall have a medium to dark range (BCA Classification M and D) in order to achieve consistency with *D1.5 Building Colours and Materials of P21 DCP* and minimise impacts upon neighbouring properties.

Reason: to ensure there is no amenity impact upon adjoining properties.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. **Vehicle Crossings**

The provision of one vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and specifications.

An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass.

Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

14. **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.

15. **No Material Storage within 5m/calculated Tree Protection Zone (TPZ)**

No storage of building materials or building waste, excavated fill or topsoil storage is to occur within 5m of existing trees. Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.

Reason: To protect and retain trees proposed for retention.

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

16. **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.

17. **Certification of Landscape Plan**

Landscaping is to be implemented in accordance with the approved Landscape Plan and these conditions of consent.

At least two (2) locally native canopy tree plantings (in addition to the 3 required by Tree Permit T0166/15) are required to be planted within the site. Species are to have a minimum mature height of 8.5m and be chosen from Council's Tree Guide on Council's website.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

The new landscaping is to be certified as complete and in accordance with approved Landscape Plans and these conditions of consent by a qualified Landscape Architect, Arborist or Ecologist prior to issue of any Occupation Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

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

18. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern

Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

19. **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.

20. **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.

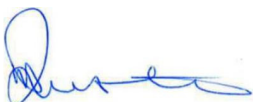
21. **Finished Works**

The finished works are to be contained wholly within the property boundaries of 19 Joseph Street, Avalon.

Reason: to ensure there is no impact upon neighbouring properties.

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

**Signed**



**Megan Surtees, Planner**

The application is determined on 12/09/2019, under the delegated authority of:



**Matthew Edmonds, Manager Development Assessments**