

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0762
Responsible Officer:	Julie Edwards
Land to be developed (Address):	Lot 166 DP 12749, 131 Thompson Street SCOTLAND ISLAND NSW 2105
Proposed Development:	Construction of a dwelling house
Zoning:	E3 Environmental Management
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Edmund Joseph Burke Maria Del Rosario Mendizabel
Applicant:	Edmund Joseph Burke
Application Lodged:	19/07/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	02/08/2019 to 16/08/2019
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 425,000.00

PROPOSED DEVELOPMENT IN DETAIL

The proposal is seeking approval for Construction of a two-storey dwelling with three bedrooms, kitchen, living and dining, rumpus, bathroom, laundry, associated water tanks, effluent management system and fencing.

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 - B3.2 Bushfire Hazard

Pittwater 21 Development Control Plan - D8.8 Building envelope

SITE DESCRIPTION

Property Description:	Lot 166 DP 12749 , 131 Thompson Street SCOTLAND ISLAND NSW 2105
Detailed Site Description:	The subject site consists of one allotment located on the corner of Hilda Avenue and Thomas Street, Scotland Island. The site is irregular in shape with a frontage of 12.9m along Thomas Street and 41.82m along Hilda Avenue. The site has a surveyed area of 1185m². The site is located within the E3 Environmental Management zone and is currently a vacant lot. The site slopes to the southwest. The site is moderately vegetated with several large trees including the Pittwater Spotted Gums along the boundary of the site. Detailed Description of Adjoining/Surrounding Development Adjoining and surrounding development is characterised by one to two storey residential dwellings .

Map:



SITE HISTORY

A search of Council's records has revealed the following:

Application N1283/99

New single dwelling

Determined for approval -15/03/2000

The land has been a vacant lot for an extended period of time.

Pre-Lodgement Meeting

The proposed development was the subject of a pre-lodgement meeting with Council held on 30/08/2018. The plans submitted as part of the pre-lodgement meeting are consistent with the plans submitted as part of this application and therefore the prelodgement advice is relevant to the assessment of this application.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any	None applicable.

Section 4.15 Matters for Consideration'	Comments
planning agreement	
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to bushfire assessment and biodiversity. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application. <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 has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
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	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is identified on the Bushfire Prone Land map as containing Category 1 Vegetation therefore Planning for Bush For Protection 2006 (PBP) applies.

The Application is supported with a Bushfire Assessment Report which was referred to RFS. In response to issues raised in the first referral response from RFS an additional Bushfire Attack Level Review prepared by Building Code and Bushfire hazard Solutions was submitted. RFS have reviewed all the materials supported information and on the 27 April 2020 issued the final terms of approval which include conditions relating to the following:

Asset Protection Zones;
Construction Standards;
Water and Utility Services, and
Landscaping Assessment.

RFS advised that an alternate solution has been employed utilising Short Fire Run (SFR) modelling rather than Direct Performance compliance or Method 2 Modelling which resulted in a radiant heat level of 11.87kW/sqm, which would be equivalent to BAL 12.5. The proposed dwelling should therefore be constructed to BAL 12.5 with works undertaken in accordance with Sections 3 & 5 of AS 3959 2009.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Environmental Health (unsewered lands)	General Comments Environmental Health has reviewed the proposal for the construction of a dwelling at 131 Thompson Street Scotland Island. Two points of inquiry have been focused on: wastewater management; and wood-fired heater installation. <u>Wastewater management</u> Historically, Scotland Island as a whole has had wastewater management issues due to highly constrained sites and the difficulty in accessing maintenance services. The more recent introduction of large houses located close to the Pittwater combined with the use of fire-fighting reserve water as a potable water supply has only increased the risks to public health and environmental values.

Internal Referral Body	Comments
	Fortunately, this particular site has the comparative advantage of a fair amount of disposal area / volume and some exposure to afternoon sunlight to aid evapotranspiration of treated effluent. We recommend approval subject to conditions. <u>Wood-fired heater</u> Operation of wood-fired heaters is a major cause of air pollution within the northern beaches area. The one being proposed here does not meet the criteria to be approved as there is an overarching tree canopy that is likely to cause smoke to stay low and affect neighbouring properties. It may be construed that many other houses on Scotland Island have wood-fired heaters and so it is un-fair to refuse this installation. In any case, we encourage the provision of best-practice building -dwellings should have adequate insulation and minimal heating to deal with the cold. We recommend approval given that the appropriate information is provided about the model of system and certifications. Recommendation APPROVAL - subject to conditions
Landscape Officer	The development application seeks approval for the construction of a two-storey dwelling, associated water tanks, effluent management system and fencing. The proposal in terms of landscape outcome is acceptable subject to the protection of existing trees and vegetation proposed for preservation, and the completion of compensatory canopy tree planting. A Arboricultural Impact Assessment has been prepared in accordance with DA Lodgement Requirements, and the recommendations are supported, subject to conditions. A Landscape Plan has been prepared, and completion of landscaping is subject to conditions to satisfy Pittwater 21 DCP. Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP Controls: B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping D8 Lower Western Foreshores and Scotland Island Locality
NECC (Bushland and Biodiversity)	Updated comments 28/10/2019 Council's Natural Environment - Biodiversity section raises no objections, subject to conditions protecting trees to be retained in accordance with AS4970-2009 Protection of trees on development

Internal Referral Body	Comments
	sites. The submitted Stormwater Management Plan (5QS Consulting Group, 09/05/2019) shows trenching within the SRZ of trees to be retained and is not supported. This plan must be amended in consultation with the Project Arborist prior to issue of construction certificate. No trenching works will be permitted within the SRZ of any tree to be retained. Updated bushfire mitigation information confirms 3 further tree removals, Tree 9 (Low priority of retention), 16 (Medium priority for retention), and tree 32 (Medium priority for retention), for bushfire mitigation purposes. The applicant cannot satisfy no net loss of canopy trees within the site due to site constraints and bushfire mitigation measures. However, understorey planting is permissible and will be conditioned. Replacement canopy tree plantings may be permitted within adjacent land as shown on the proposal plans. Original comments 08/10/2019 This application was assessed against Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP B4.7 Pittwater Spotted Gum EEC. The property is also mapped as Pittwater Spotted Gum EEC within the SMCMA V3 mapping project (OEH 2016). The property is current vacant unsewered land which contains native vegetation/trees characteristic of Pittwater Spotted Gum EEC, with a exotic / mown lawn understorey. The proposal is for the construction of a two-storey dwelling with 3 bedrooms, kitchen, living and dining, rumpus, bathroom, laundry, associated water tanks, effluent management system and fencing. The submitted Arboricultural Impact Assessment report (Tree Report, 03/04/2019) assesses 39 trees, 23 trees within the property, and 16 trees within adjoining land. The development will result in the removal of 2 Turpentine trees which have medium retention value. Ten trees within the site will undergo major encroachments within their Tree Protection Zones "TPZ" (and some into the Structural Root Zone "SRZ"), 5 high retention value T1, T7, T8, T33, T37 and 2 medium retention value T2, T4 due to sewerage dispersal and 1 high retention value T13 and 2 medium retention value T16, T29 due to the dwelling location. A further 5 trees will undergo minor encroachments into their TPZ (T8, T12, T32, T35 and T39). The trenching locations within the Effluent dispersal zone are not currently known. Further unknown impacts are detailed below. The submitted Bushfire Assessment Report (Building Code & Bushfire Hazard Solutions Pty Limited, 13/03/2019) recommends that the whole property be maintained to Inner Protection Area standards, however no clarification was provided to indicate if any vegetation would need to be removed to satisfy this requirement (i.e. there are trees proposed to be retained which will overhang the dwelling). There

Internal Referral Body	Comments
	are no details of tree replacement plantings in accordance with natural environment controls and whether this will be compliant with bushfire recommendations. The submitted Stormwater Management Plan shows trenching and the Fire Fighting Tank immediately adjacent to significant trees. Impacts to these trees has not been assessed. Trenching and tanks should be realigned in consultation with a qualified Arborist to ensure no impacts to trees proposed for retention. The submitted Flora and Fauna Assessment (Ecological Consultants Australia Pty Ltd, April 2019) includes a Test of Significance ("5-part test") for Pittwater Spotted Gum EEC, as well as threatened species known from the locality, all concluding non-significant impacts. This report satisfies impact assessment requirements. The recommendations include replanting 20 canopy trees to replace the 2 to be removed, which may not be feasible due to bushfire mitigation requirements. Council's Natural Environment - Biodiversity section cannot complete this assessment until further information is provided. <i>Further information and clarification</i> • A statement addressing how the proposal has been designed and sited to avoid adverse environmental impact, in accordance with Section 7.6 (Biodiversity Protection) of the PLEP. • A qualified Arborist is to assess the impacts of trenching within the sewerage dispersal area (referencing plans showing locations of trenches), stormwater trenching, and identify construction machinery access to minimise impacts to trees. • The updated Bushfire Assessment Report is to explore mitigation options which reduce impacts to existing native vegetation, and is to clarify if any vegetation is required to be removed or modified to achieve the recommended APZ. • Machinery access to the site is to be identified on the proposal plans which minimises potential impacts to trees during construction. • Landscape Plan which shows replacement canopy trees and which complies with bushfire mitigation recommendations and natural controls (i.e. no net loss) • Review of updated RFS referral comments may be required
NECC (Development Engineering)	The subject site is located in a Geotechnical Hazard H1 area. The applicant has not submitted Forms 1 and 2 as required in Council's Geotechnical Risk Management Policy for Pittwater - 2009 Appendix 5. As result the development can not be supported. Dated 12/12/2019

Internal Referral Body	Comments
	The submitted additional information for the Geotechnical forms is acceptable. Recommend 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.
NSW Rural Fire Service – local branch (s79BA EPAA)	I refer to your correspondence dated 20/04/2020 seeking advice regarding bush fire protection for the above Development Application in accordance with Clause 55(1) of the Environmental Planning and Assessment Regulation 2000. The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions: Asset Protection Zones The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply: 1.0 From the start of building works, the entire property must be managed as an inner protection area (IPA). The IPA must comprise: • Minimal fine fuel at ground level; • Grass mowed or grazed; • Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area; • Trees and shrubs located far enough from buildings so that they will not ignite the building; • Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors; • Minimal plant species that keep dead material or drop large quantities of ground fuel; • Tree canopy cover not more than 15%; • Tree canopies not located within 2 metres of the building; • Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and, • Lower limbs of trees removed up to a height of 2 metres above the ground. Construction Standards The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

External Referral Body	Comments
	2.0 New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006. Water and Utility Services The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply: 3.0 Water, electricity and gas must comply with the following: • A 10,000 litre static water supply tank must be provided for fire fighting purposes. • The tank must be located / designed so that a connection for fire fighting purposes is located within the inner protection area (IPA) or on the non-hazard side away from the building. • Underground tanks must be clearly marked, have an access hole of 200mm to allow fire fighting appliances to refill direct from the tank, and have a hardened ground surface for truck access within 4 metres of the access hole. • Aboveground tanks must be manufactured of concrete or metal. Raised tanks must have their stands protected. • Tanks on the hazard side of a building must be provided with radiant heat shielding to protect the tank from bush fire impacts and maintain safe access to the water supply for firefighters. • A standard 65mm metal Storz outlet with a gate or ball valve must be provided to the tank. The gate or ball valve, pipes and tank penetration of any tank must be adequate for full 50mm inner diameter water flow through the Storz fitting and made of metal. • All associated fittings to the tank must be metal. • Pumps where provided to supply water for fire suppression activities, must be a minimum 5hp or 3kW and petrol or diesel powered. The pump must be shielded from the direct impacts of bush fire. Any hose and reel must have an internal diameter of 19mm. • An SWS marker must be obtained from the local NSW RFS and positioned for ease of identification by fire fighting personnel and other users of the SWS. Markers must be fixed in a suitable location so as to be highly visible and be positioned adjacent to the most appropriate access for the static water supply. • All aboveground water pipes external to the building must be metal including and up to any

External Referral Body	Comments
	taps/outlets/fittings. • Electrical transmission lines should be located underground where possible. Overhead electricity lines must have short pole spacing (i.e. 30 metres) except where crossing gullies, gorges or riparian areas. No tree may be closer to an electricity line than the distance set out in in ISSC3 Guideline for Managing Vegetation Near Power Lines. • Gas must be installed and maintained as set out in the relevant Australian Standard and all pipes external to the building must be metal including and up to any taps/outlets/fittings. Polymer-sheathed flexible gas supply lines must not be used. • Fixed gas cylinders must be kept at least 10 metres clear of flammable materials and be shielded on the hazard side. Connections must be metal. Cylinders near to a building must be have safety valves directed away from the building and be at least 2 metres from combustible materials. Landscaping Assessment The intent of measures is for landscaping. To achieve this, the following conditions shall apply: 4.0 Landscaping of the site should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006': • Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways. • Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building. • Planting is limited in the immediate vicinity of the building. • Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters). • Landscape species are chosen in consideration needs of the estimated size of the plant at maturity. • Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies. • Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown. • Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter). • Climbing species are avoided to walls and pergolas. • Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building. • Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building. • Low flammability vegetation species are used. General Advice – Consent Authority to Note

External Referral Body	Comments
	• Council is advised that an alternate solution has been employed utilising Short Fire Run (SFR) modelling rather than Direct Performance compliance or Method 2 Modelling which resulted in a radiant heat level of 11.87kW/sqm, which would be equivalent to BAL 12.5. • The proposed dwelling should therefore be constructed to BAL 12.5 with works undertaken in accordance with Sections 3 & 5 of AS 3959 2009. • This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval/recommendations dated 4 March 2020.

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 a vacant lot 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. 1014937S dated 9 July 2019). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No.0004007027 dated 9 Jul 2019).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	77
Thermal Comfort	Pass	Pass

Energy	50	60
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A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	8m	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.9 Preservation of trees or vegetation	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes

Clause	Compliance with Requirements
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	Thomas Street - 6.5m	7.3m	N/A	Yes
	Hilda Avenue - 3.25m	3.5m		Yes
Rear building line	6.5m	17.726m	N/A	Yes
Side building line	1 - 2.5m	2.167m	N/A	Yes
Building envelope	South-east -3.5m	Within envelope	N/A	Yes
	North - west - 3.5m	Outside envelope	N/A	No
Landscaped area	230m ²	200.68m ²	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.8 Lower Western Foreshores and Scotland Island Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes

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

Detailed Assessment

B3.2 Bushfire Hazard

Clause B3.2 requires:

All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.

Development land to which this control applies must comply with the requirements of:

Planning for Bushfire Protection (2006)

Australian Standard AS 3959:2009 - Construction of a building in a bushfire-prone area

Scotland Island

Properties on Scotland Island are now subject to the Scotland Island Bushfire Management Plan.

Please refer to the Scotland Island Bushfire Management Plan on Council's website in order to understand what implications it may have on your development.

Comment:

The site is identified on the Bushfire Prone Land map as containing Category 1 Vegetation therefore Planning for Bush For Protection 2006 (PBP) applies.

The Application is supported with a Bushfire Assessment Report which was referred to RFS. In response to issues raised in the first referral response from RFS an additional Bushfire Attack Level Review prepared by Building Code and Bushfire hazard Solutions was submitted. RFS have reviewed all the materials supported information and on the 27 April 2020 issues the final referral responses offering no objections to the proposal subject to conditions relating to the following:

Asset Protection Zones;
Construction Standards;
Water and Utility Services;
Landscaping Assessment, and
General advice.

The conditions recommended by RFS are included in the final decision.

D8.8 Building envelope

Description of works

The proposed development breaches the side boundary envelope along the North West Elevation for a length of 1m and a height of 0.4 - 0m.

The control states that the building must be sited within the building envelope determined by projection planes at 45 degrees from a height above the ground at the side boundaries of 3.5m.

Merit consideration:

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

- *To achieve the desired future character of the Locality. (S)*

Comment:

The development is consistent with the desired future character of the locality, with the proposed dwelling being a maximum of 2 storeys along its length. The proposal incorporates a stepped design to spread the massing of the built form. The design also uses modulation to reduce the height, bulk and scale of the development.

- *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 building promotes a building scale and density that is below the height of the trees of the natural environment, specifically the trees located at the boundaries of the subject site and adjoining properties. The site is currently vacant and the proposed development and additional landscaping will screen and blend the development into the natural environment.

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

Comment:

The site is an irregular shaped corner lot which slopes from the primary street frontage of Thompson Street down to the south-western boundary. The site is well vegetated with large trees, shrubs and other vegetation. The proposal has been designed to step down with the slope of the site on piers to reduce the disturbance to the natural environment and minimise the need for excavation. The proposal involves the retention of large trees on the site and additional landscaping that ensures that the proposed sensitively relates to spatial characteristics of the existing natural environment.

- *The bulk and scale of the built form is minimised. (En, S)*

Comment:

The site of the proposal is a steep and densely vegetated lot. The proposed setbacks to the boundaries are appropriate to allow sufficient space between adjoining dwellings. The building is stepped and articulated appropriately to minimise the bulk and scale of the development.

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

Comment:

No views or vistas to and/or from public/private places will be unreasonably hindered as a result of the proposal, given the built form remains below the building height requirement of the PLEP. Views from the site are towards Pittwater to the south-west and sits well below the height of the adjoining dwellings to the north-east.

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

Comment:

The proposed development ensures adequate light, solar access and privacy is obtained between dwellings. The proposal complies with the requirements of the C1.4 - Solar Access and has been designed so that there are no unreasonable impacts on the adjoining neighbours. Adequate physical separation between the proposed development and habitable areas of the adjoining properties to protect privacy and amenity of the site and adjoining properties has been achieved.

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

Comment:

The building has been appropriately sited and designed so to ensure amenity is protected in addition to providing for maximum retention of significant vegetation. Additional landscaping has been proposed which will contribute to the softening of the built form.

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

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

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$4,250 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$425,000.

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 DA2019/0762 for Construction of a dwelling house on land at Lot 166 DP 12749, 131 Thompson Street, SCOTLAND ISLAND, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Certificate of Compliance - Solid Fuel Heater**

Provide Council a certificate from an appropriately qualified person indicating the solid fuel heater system is compliant with all relevant legislation, Building Code of Australia, Australian

Standards, Specifications and manufacturer requirements.

Reason: To ensure the system operates in a legislatively compliant manner.

2. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
1 Site Plan	12.03.2019	Ezy Homes Australia
2 Floor Plan	24.04.2019	Ezy Homes Australia
3 Floor Plan	12.02.2019	Ezy Homes Australia
4 Elevation	18.07.2019	Ezy Homes Australia
5 Elevation	18.07.2019	Ezy Homes Australia
6 Section	15.02.2019	Ezy Homes Australia
15 Basix Commitments	24.04.2019	Ezy Homes Australia
16 Material and Colour Schedule	18.07.2019	Ezy Homes Australia

Engineering Plans		
Drawing No.	Dated	Prepared By
Erosion and Sediment Control Plan	12.03.2019	Ezy Homes Australia
Drawing No. 9604 Rev A Sheet C1 Site Locality Plan	09.05.2019	5QS Consulting Group
Drawing No. 9604 Rev A Sheet C2 Stormwater Management Plan	09.05.2019	5QS Consulting Group
Drawing No. 9604 Rev A Sheet C3 Stormwater Schematic	09.05.2019	5QS Consulting Group

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report	31.07.2018	5QS Consulting Group
Arboricultural Impact Assessment Version 2	April 2019	Lex Atkins
Flora and Fava Assessment	April 2019	Kingfisher Urban Ecology and Wetlands
Building Attack Level Review	2 April 2020	Building Code and Bushfire Hazard Solutions Pty
Bushfire Assessment Report 19005	13 Mach 2019	Building Code and Bushfire Hazard Solutions Pty
Investigations and Assessment for the	March 2019	Blue Mountains

siting of effluent management Ref No 190302		Geological and Environmental Services Pty Ltd
BASIX Certificate Number 2014937S	9 July 2019	Insight Energy

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
11 Landscape Plan	10.07.2019	

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	16.07.2019	Edmund Burke

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.

3. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Rural Fire Service (RFS) NSW	Response Rural Fire Service (RFS) NSW	26 April 2020

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

4. **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.

5. 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.

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

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$4,250.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$425,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

7. Security Bond

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

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

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

prior to the issue of the Construction Certificate.

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

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

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

8. **Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's PITTWATER DCP21 clause B5.10. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by 5QS Consulting Group dated 31 July 2018 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

10. **Approval to Install an On-site Sewage Management System**

Prior to the release of the Construction Certificate (CC), the applicant must receive an 'Approval to Install an On-Site Sewage Management System' from Council.

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

Reason: To fulfil the requirements under Section 68 of the Local Government Act 1993

11. **Stormwater Plans to be amended**

The stormwater plans are to be amended to include the following:

- Must show all surveyed trees
- Must not propose trenching within the calculated Structural Root Zone (SRZ) of any surveyed trees to be retained.
- Trenching must be aligned to avoid and minimise impacts to trees in consultation with the project Arborist.

Compliance with these measures is to be certified in writing by the project arborist, including photographic evidence, and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

12. **Preparation of Landscape Plans**

Detailed Landscape Plans are to be prepared and certified by a qualified landscape architect and are to include the following:

- the location of existing trees and vegetation to be retained, removed and/or planted. The structural root zone (SRZ) and tree protection zone (TPZ) of all existing trees must be indicated in accordance with Arboricultural Impact Assessment report (Tree Report, 03/04/2019) and the updated Tree Schedule Table as amended by these conditions of consent.
- A planting schedule comprising a minimum of 80% locally native vegetation species from the Pittwater Spotted Gum EEC species list as a proportion of the total number of plants. The planting schedule is to specify details including stratum, species/common names, quantities, pot sizes and staking details.
- Provision of shrubby vegetation in islands or clumps covering no more than 20% of the total area of the site.
- The proposed finished treatment of garden areas, including soil depth and the location of retaining walls and underground services.

The Landscape Plan is to be certified in writing by a qualified landscape architect prior to issue of the Construction Certificate.

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

13. **Engage a Project Ecologist**

A project ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with conditions of consent and the Flora and Fauna Assessment (Ecological Consultants Australia Pty Ltd, April 2019).

The project ecologist must have one of the following memberships/accreditation,

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method assessor accreditation under the NSW Biodiversity Conservation Act 2016 (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of a qualified ecologist is to be provided to the Principal Certifying Authority Prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

14. **Engage a Project Arborist**

A Project Arborist with a minimum of AQF Level 5 is to be appointed for the duration of the works. The Project Arborist is to implement pre-construction tree protection measures and undertake direct supervision of all works within 5m of significant trees.

In addition, the Project Arborist is to update "Appendix 2 - Results of Arboricultural Assessment" table, columns detailing DBH, TPZ, and SRZ, as the calculations below do not correlate with the

heading (calculations and headings are mixed up), e.g. see table below showing changes to the table including but not limited to trees which will incur TPZ encroachments and that may be near stormwater and construction access.

Table 1. Example Tree Schedule Table showing correct DBH TPZ and SRZ calculations

Id	Botanical name	Height (m)	DBH (mm)	TPZ (Rm)	SRZ (Rm)
1	<i>Corymbia maculata</i>	21	650	7.2	2.7
2	<i>Corymbia maculata</i>	15	250	3	1.9
4	<i>Corymbia maculata</i>	10	150	2	1.5
7	<i>Corymbia maculata</i>	15	250	3	1.9
8	<i>Corymbia maculata</i>	15	250	3	1.9
12	<i>Corymbia maculata</i>	17	350	4.2	2.1
13	<i>Corymbia maculata</i>	22	850	10.2	3.1
29	<i>Corymbia maculata</i>	20	400	4.8	2.3
30	<i>Allocasuarina littoralis</i>	14	200	2.4	1.7
31	<i>Allocasuarina littoralis</i>	9	100	2	1.5
32	<i>Corymbia maculata</i>	22	400	4.8	2.3
33	<i>Corymbia maculata</i>	22	300	3.6	2
34	<i>Corymbia maculata</i>	15	300	3.6	2
35	<i>Corymbia maculata</i>	22	500	6	2.5
37	<i>Corymbia maculata</i>	24	900	10.8	3.2
38	<i>Corymbia maculata</i>	22	300	3.6	2
39	<i>Corymbia maculata</i>	24	900	10.8	3.2

Evidence demonstrating Project Arborist engagement and the amended Tree Schedule is to be provided to the Principal Certifying Authority prior to the issue of Construction Certificate.

Reason: Tree protection in accordance with relevant Natural Environment LEP/DCP controls.

15. **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)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

16. **Tree protection measures**

An Arborist with AQZ Level 5 qualifications in arboriculture/horticulture shall be engaged to provide the following:

- inspection and certification of tree protection measures at the commencement of works, in accordance with the Arboricultural Impact Assessment prepared by Tree Report - section 4 Recommendations, and tree protection fencing as documented in Appendix iii - Tree protection plan.
- inspection and certification of tree protection measures within the tree protection zone of existing trees T1, T4, T7, T8, T9, T13, T16, T29, T32, T33 and T37, as documented in

Appendix i - Impact Assessment, and Appendix iii - Tree protection plan.

The tree protection measures and fencing specified in this clause must:

- i) be in place before work commences on the site, and
- ii) be maintained in good condition during the construction period, and
- iii) remain in place for the duration of the construction works.

Additionally, the Certifying Authority or a Project Arborist AQZ Level 5 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, 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.

The Arborist shall provide the Certifying Authority with certification details that the tree protection measures are in place at the commencement of works.

A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: to ensure tree protection is provided and maintained.

17. **Tree removal**

The following existing trees are granted approval for removal following assessment and recommendation in the Arboricultural Impact Assessment prepared by Tree Report:

Tree 14 - Syncarpia glomulifera (Turpentine)

Tree 15 - Syncarpia glomulifera (Turpentine)

These existing trees are impacted by the development footprint, and no alternative layout opportunity is available to retain the trees. Approval is subject to replacement canopy tree planting within the site.

18. **Compliance with Arborist's Recommendations – Pre-construction**

All pre-construction tree protection measures specified in the submitted arborist report (Tree Report, 03/04/2019) and these conditions of consent are to be implemented at the appropriate stage of development.

In addition, the Project Arborist must undertake direct supervision of installation of tree protection measures for construction access to the site including trunk and ground protection. The Project Arborist is to clearly mark the trees to be removed (T9, T14, T15, T16, T32). All other trees are to be retained and protected.

Compliance with pre-construction measures is to be certified in writing by the project arborist and provided to the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

19. **Compliance with Ecologist's Recommendations – Pre-construction**

All pre-construction biodiversity-related measures specified in the approved Flora and Fauna Assessment (Ecological Consultants Australia Pty Ltd, April 2019) and these conditions of consent are to be implemented at the appropriate stage of the development.

Compliance with pre-construction measures is to be certified by the project ecologist prior to issue of the Construction Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

20. Tree and vegetation protection

a) Existing trees and vegetation shall be retained and protected as identified in the Arboricultural Impact Assessment prepared by Tree Report, including:

- i) all trees and vegetation within the site not Council approved for removal, excluding exempt vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) 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,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009,
- xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) Tree protection during the works shall be specifically undertaken as follows:

- i) a AQF Level 5 Arborist shall be on site for any works within the tree protection zone of existing trees identified as T1, T7, T13, T16, T29, T33 and T37 and shall provide on site instructions on construction techniques within the tree protection zone,
- ii) documentary evidence shall be submitted to the Certifying Authority including photos and certification approving the works in accordance with section 4 Recommendations of

the Arboricultural Impact Assessment prepared by Tree Report.

d) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

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

21. **Compliance with Arborist's Recommendations – During Construction**

All tree protection measures to be implemented during construction, as specified in Arboricultural Impact Assessment report (Tree Report, 03/04/2019) and these conditions of consent are to be implemented at the appropriate stage of development.

In addition, the Project Arborist is to undertake direct supervision of all excavation works within the Tree Protection Zone (TPZ) of trees to be retained, and to ensure compliance with no excavation within the Structural Root Zone (SRZ) as amended by these conditions of consent, including for the installation of sewerage dispersal and stormwater trenches.

Compliance with these measures is to be certified in writing by the project arborist, including photographic evidence, and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

22. **Compliance with Ecologist's Recommendations – During Construction**

All biodiversity-related measures are to be implemented during construction in accordance with the approved Flora and Fauna Assessment (Ecological Consultants Australia Pty Ltd, April 2019) and these conditions of consent.

In addition, the Project Arborist is to undertake direct supervision of all approved tree removal works to ensure no native fauna are injured or harmed.

Compliance with these measures is to be certified by the project ecologist in writing to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

23. **No excavation within the Structural Root Zone of Retained Trees**

No excavation is permitted within the calculated Structural Root Zone of trees to be retained.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

24. **Implementation of Landscape Plan**

Landscaping is to be implemented in accordance with the approved Landscape Plans and these conditions of consent. The new landscaping is to be certified by a qualified landscape architect as being in accordance with the approved Landscape Plans and these conditions of consent prior to issue of the Occupation Certificate.

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

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

25. **Replacement canopy tree planting**

Replacement canopy tree planting is to be implemented in accordance with the Landscape Plan sheet 11, prepared by Ezy Homes Australia, inclusive of the following requirements:

- i) the nominated tree planting shall be contained wholly within the site, and trees shall be a mix in equal quantities of the following list: *Acacia floribunda*, *Angophora costata*, *Corymbia maculata*, and *Syncarpia glomulifera*,
- ii) each tree shall be installed at a minimum 25 litre pot size, and planted 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used,

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 works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.

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

26. **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQZ Level 5 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained on site and on adjoining properties, as a result of the proposed development, including the following information:

- i) compliance to any Arborist recommendations for tree protection and excavation works.
- ii) extent of damage sustained by vegetation as a result of the construction works.
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

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

27. **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.

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

29. **Environmental Reports Certification**

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

- (a) Geotechnical Report, dated 31 July 2018, prepared by 5QS Consulting Group
 - (b) Arboricultural Impact Assessment Version, dated 2 April 2019, prepared by Lex Atkins
 - (c) Flora and Fauna Assessment, dated April 2019, prepared by Kingfisher Urban Ecology and Wetlands
 - (d) Building Attack Level Review, dated 2 April 2020, prepared by Building Code and Bushfire Hazard Solutions Pty
 - (e) Bushfire Assessment Report 19005, dated 13 March 2019, prepared by Building Code and Bushfire Hazard Solutions Pty
 - (f) Investigations and Assessment for the siting of effluent management Ref No 190302, dated March 2019, prepared by Blue Mountains Geological and Environmental Services Pty Ltd
 - (g) BASIX Certificate Number 2014937S9, dated July 2019, prepared by Insight Energy
- Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To ensure compliance with standards.

30. **Waste Water System**

Prior to the issuing of any interim / final occupation certificate, a copy of a s68 (Local Government Act 1993) approval to operate the Waste Water System, and the waste water system must be activated and effectively operating to the satisfaction of the Principal Certifying Authority.

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

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity.

31. **Installation of solid/fuel burning heaters**

Installation work must be carried out by an appropriately experienced and qualified person and in accordance with the relevant provisions of AS2918:2001 – Domestic Solid Fuel Burning Appliances – Installation

Reason: To ensure the installation is completed in a legislatively compliant manner.

32. **Certification of solid fuel burning heaters**

A certificate from an appropriately qualified person indicating the solid fuel heating system is compliant with all relevant legislation, Building Code of Australia, Australian Standards, Specifications and manufacturer requirements is to be submitted to Council prior to the operation of the solid fuel heater.

Reason: To ensure the system operates in a legislatively compliant manner.

33. **Compliance with Arborist's Recommendations – During and Post-construction**

All tree protection measures to be implemented following construction, as specified in Arboricultural Impact Assessment report (Tree Report, 03/04/2019) and these conditions of consent, are to be implemented. Written certification of compliance is to be prepared by the project arborist and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

34. **Replacement of Canopy Trees**

At least 5 locally native canopy trees are to be planted to replace prescribed trees approved for

removal. Species are to have a minimum mature height of 8.5m and be consistent tree species listed within the Pittwater Spotted Gum EEC. 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. Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To establish appropriate landscaping in accordance with relevant Natural Environment LEP/DCP controls

35. **Certification of Landscape Plan**

Landscaping is to be implemented in accordance with the approved Landscape Plans and these conditions of consent. The new landscaping is to be certified by a qualified landscape architect as being complete and in accordance with approved Landscape Plans and these conditions of consent prior to issue of the Occupation Certificate.

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

36. **Compliance with Ecologist's Recommendations – Post Construction**

All biodiversity-related measures are to be implemented at the appropriate stage of development in accordance with the approved Flora and Fauna Assessment (Ecological Consultants Australia Pty Ltd, April 2019) and these conditions of consent. Satisfactory establishment/initiation of post-construction measures is to be certified by the project ecologist prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

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

37. **Landscape maintenance**

Any existing landscaping including trees required to be retained together with any additional landscaping required by this Consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

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

38. **Environmental and priority weed control**

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: preservation of environmental amenity.

39. **Operation of solid fuel burning heaters**

You are requested to take all practicable measures to prevent the likelihood of causing smoke and/or odour nuisances. Such measures should include:

- Using dry seasoned hardwood
- Storing wood in a dry well ventilated place
- Having a hot and well oxygenated fire
- Ensuring that the chimney flue is clean
- Checking the chimney at different stages of the fire to see if there is any smoke.

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

40. **Maintenance of solid fuel heaters**

The owner/occupier shall ensure servicing of the solid fuel heater is maintained according to the manufacturer's specifications.

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

41. **Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Reason: Weed management.

42. **Tree Retention**

In accordance with Pittwater 21 DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.

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

43. **Clearance of Structures from Trees**

A minimum of 200mm clearance is to always be maintained to the tree trunk from proposed bearers, joists and decking.

Reason: To ensure existing/proposed trees are not negatively impacted.

44. **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.

45. **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.

46. **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.

47. **Domestic Animals Exclusion**

For the life of the development, cats are to be kept in a cat run and/or inside the dwelling such that they are prevented from entering wildlife habitat areas at all times. Dogs are to be kept in an enclosed area such that they cannot enter areas of bushland, unrestrained, on surrounding properties.

Reason: Wildlife protection

48. **Fencing for Wildlife Passage**

Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

Reason: Management of wildlife corridors

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

Signed



Julie Edwards, Planner

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



Anna Williams, Manager Development Assessments