

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1630
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Responsible Officer:	Kent Bull
Land to be developed (Address):	Lot 21 DP 609008, 16 A Rednal Street MONA VALE NSW 2103 Lot 22 DP 609008, 16 Rednal Street MONA VALE NSW 2103
Proposed Development:	Construction of a Jetty ramp and pontoons
Zoning:	E4 Environmental Living E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Noel Mervyn Doyle Jillian Sue Doyle Andrew Harold Kennard Prue Alice Kennard
Applicant:	Andrew Harold Kennard

Application lodged:	04/10/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	05/11/2018 to 19/11/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 160,160.00
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ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;

- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone W1 Natural Waterways

Pittwater 21 Development Control Plan - D15.12 Development seaward of mean high water mark

Pittwater 21 Development Control Plan - D15.13 Lateral limits to development seaward of mean high water mark

Pittwater 21 Development Control Plan - D15.14 Minimum frontage for waterfront development

Pittwater 21 Development Control Plan - D15.15 Waterfront development

SITE DESCRIPTION

Property Description:	Lot 21 DP 609008 , 16 A Rednal Street MONA VALE NSW 2103 Lot 22 DP 609008 , 16 Rednal Street MONA VALE NSW 2103
Detailed Site Description:	The subject site consists of one (1) allotment located on the northeastern side of Rednal Street. The site is regular in shape with vehicle access obtained via a 5.0m wide right of carriageway across 16A Rendal Street Rednal Street. The site has a depth of 30.48m. The site has a surveyed area of 926.3m². The site is located within the E4 Environmental Living zone and accommodates a one storey brick house and pool located centrally. The subject works are however located entirely within the W1 Natural Waterways zone. The site falls approximately 3m from the rear boundary to the waterfrontage with an average slope of 10%. The site contains no substantial vegetation, with the majority of landscaping located within planter boxes. Detailed Description of Adjoining/Surrounding Development Adjoining and surrounding development is characterised by low density residential dwellings. The Pittwater Waterway (Winnererremy Bay) adjoins the site to the northwest.

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:

14 January 2010

Development Application N0558/09 for the construction of alterations and additions to the dwelling was granted consent.

19 November 2010

Development Application N0367/10 for the construction of alterations and additions to the dwelling was granted consent.

19 July 2018

Complying Development Certificate CDC2018/0662 for the structural repair of the existing stone groyne (jetty) was issued by Insight Building Certifiers.

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the alterations and additions to existing waterfront facilities. In particular the works include:

- Removal of two (2) existing berthing piles; relocation of one (1) existing pile;
- Construction of two (2) 9m x 5m berthing areas and one (1) 9m x 6.2m berthing area with three (3) new berthing piles; and
- Partial removal of the existing jetty, with the installation of a new ramp, pontoon and finger pontoon.

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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<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>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested. <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>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application. <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 Matters for Consideration'	Comments
	Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
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 not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

REFERRALS

Internal Referral Body	Comments
NECC (Coast and Catchments)	Estuarine Risk Management The property at 16 Rednal Street, Mona Vale has been identified as

Internal Referral Body	Comments
	being affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. The Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site. Based upon the survey submitted with the DA (Souter & Associates, 4/09/2009), the foreshore edge treatment type for the subject site appears to be a vertical seawall with a variable crest height around RL 1.75m AHD. As such, in accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.52m AHD has been adopted by Council for the subject site. The Estuarine Planning Level does not apply however to jetties, bridging ramps or pontoons located on the seaward side of the foreshore edge and the development proposal is able to satisfy the relevant requirements of the B3.7 controls without conditions. State Environmental Planning Policy (Coastal Management) 2018 12 Development on land within the coastal vulnerability area <i>Development consent must not be granted to development on land that is within the area identified as "coastal vulnerability area" on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:</i> (a) <i>if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</i> (b) <i>the proposed development:</i> (i) <i>is not likely to alter coastal processes to the detriment of the natural environment or other land, and</i> (ii) <i>is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and</i> (iii) <i>incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</i> (c) <i>measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</i> <u>Comment:</u> The subject land has not been included on the Coastal Vulnerability Area Map under <i>State Environmental Planning Policy (Coastal Management) 2018</i> (CM SEPP) and in regard to clause 15 of the CM SEPP the proposed development is unlikely to cause increased risk of

Internal Referral Body	Comments
	coastal hazards on the subject land or other land. As such, it is considered that the application complies with the requirements of <i>State Environmental Planning Policy (Coastal Management) 2018</i> as they relate to development on land identified as a coastal vulnerability area or land that may be affected by coastal hazards.
NECC (Development Engineering)	No Development Engineering objection to the proposed replacement of the existing jetty with no conditions.
NECC (Riparian Lands and Creeks)	Application doesn't impact seagrass, or a creek riparian area. Please refer to Coastal officer's referral.

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 (Coastal Management) 2018

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

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed*

- development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*

Comment:

The proposed development is unlikely to cause an adverse impact to the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, coastal environmental values and natural coastal processes, the water quality of the marine estate, or to marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms. The application is also supported by a response from the NSW Department of Primary Industries identifying no adverse impact upon the key fish habitats. The proposed ramp, pontoons, piles and berthing areas does not restrict on any existing public open space or safe access along the foreshore for members of the public, including persons with a disability. The subject site has not been identified to contain any Aboriginal cultural heritage, practices or places, however, a recommended condition will be placed with the consent to ensure that if any Aboriginal engravings or relics are unearthed as part of the proposed development, works will cease immediately and the relevant authorities are notified. The proposed development is not likely to cause an adverse impact to the use of the surf zone.

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

Comment:

As detailed above, the proposed development has been designed, sited and will be managed to avoid an adverse impact on the cultural and environmental aspects referred to in Subclause 1.

14 Development on land within the coastal use area

- (1)
 - (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
 - (b) *is satisfied that:*

- (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment:

The proposed development is not likely to cause an adverse impact on the existing access along the foreshore for members of the public, including persons with a disability and will not cause any overshadowing, wind funnelling or loss of views from public places to foreshores. The visual amenity and scenic qualities of the coast, including the coastal headlands will be preserved. As identified above, the site has not been identified to contain any Aboriginal cultural heritage, practices or places. The proposed development will also not have an adverse impact on the cultural and built environment heritage. As such, it is considered that the proposed development had been designed, sited and will be managed to avoid an adverse impact on the above mentioned cultural and environmental aspects. Furthermore, the proposed development is consistent with the surrounding coastal and built environment, which consists of low-density residential dwellings services by jetties within the Pittwater waterways, and is of an appropriate bulk, scale and size.

15 Development in coastal zone generally - development not to increase risk to 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:

It has been considered that the proposed development will not likely cause increased risk of coastal hazards on the subject site or other land.

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	4m	2.67m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.7 Development below mean high water mark	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone W1 Natural Waterways

Development for the purposes of jetties and water recreational structures are not listed within the land use table as permissible development within the Zone W1 Natural Waterways Land Use Table of the Pittwater Local Environment Plan 2014 (PLEP 2014).

However, Clause 2.5 of the PLEP 2014 allows for additional permitted uses on particular land, as described or outlined in Schedule 1 of the PLEP 2014. Schedule 1 Clause 23 states the following:

23 Use of certain land in Zone W1 Natural Waterways

(1) This clause applies to land identified as "Area 23" on the Additional Permitted Uses Map.

(2) development for the purposes of boat sheds, jetties or water recreation structures is permitted with development consent.

As the subject application is for the alterations and additions to existing water recreation structures located within "Area 23" on the Additional Permitted Uses Map, the proposed development is permitted with consent.

Pittwater 21 Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B4.16 Seagrass Conservation	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B4.20 Protection of Estuarine Water Quality	Yes	Yes
B5.13 Development on Waterfront Land	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
D9.1 Character as viewed from a public place	Yes	Yes
D15.12 Development seaward of mean high water mark	Yes	Yes
D15.13 Lateral limits to development seaward of mean high water mark	Yes	Yes
D15.14 Minimum frontage for waterfront development	No	Yes
D15.15 Waterfront development	No	Yes

Detailed Assessment

D15.12 Development seaward of mean high water mark

The proposed alterations and additions to the existing waterfront facilities. The control permits works to such facilities seaward of the mean high water mark when associated either with the

and therefore does not consist of the construction of buildings located seaward of the MHW. The control permits structures

Only structures associated either with the accommodation, servicing or provision of access to boats shall be permitted seaward of mean high water mark.

do not seek to further extend into the waterway.

D15.13 Lateral limits to development seaward of mean high water mark

The existing berthing areas are located approximately 6m and 6.6m from the lateral limit lines. The subject application seeks no changes to this arrangement.

D15.14 Minimum frontage for waterfront development

The subject site at No. 16 Rednal Street has water frontage to Pittwater Waterway that has been surveyed at 30.38m. However, as No. 16A Rednal Street does not have a water frontage and is subject to a Right of Carriageway to access the waterway, the proposal is non-compliant with this control. It is noted that the existing jetty, ramp, pontoons and concrete boat ramp are shared between the residents of 16 and 16A Rednal Street. Consideration of this non-compliance has been given in assessing the outcome of the control to minimise the individual and cumulative visual impact of waterfront development. The proposed development includes the reconfiguration of existing berthing areas as well as the partial removal of the existing jetty, with the installation of a new ramp, pontoon and finger pontoon. These additions and the proposed berthing area southeast of jetty is generally consistent with neighbouring waterfront development. Furthermore, the individual and cumulative visual impact of the waterfront development is considered to be minimal given the partial removal of the existing jetty with the replacement for pontoons and the wide water frontage of 16 Rednal Street. Based on the above, the

proposed development is consistent with the outcome of the control and the non-compliance is supported on merit.

D15.15 Waterfront development

Ramp and Pontoons

The proposal consists of the partial removal of an existing jetty and the replacement with ramp and pontoons. As identified in this control, ramp and pontoon structures are preferred in place of jetties, where practicable. The minimum depth required for the pontoon that is furthest seaward is -1.526 AHD based on a draft of 0.930m. The survey plan submitted indicates the depth taken at the end of this pontoon being measured at approximately -2.54 AHD which therefore complies with this requirement. While the proposed pontoon will be 1.5m greater in length when measured from the seaward end of the existing jetty, it is considered that the partial removal of the existing jetty and low profile of the pontoon and ramp is a preferred configuration. Furthermore, the application is also supported by a response from the NSW Department of Primary Industries identifying no harm proposed to marine vegetation, or blockage of fish passage.

Berthing Areas

Of the proposed three (3) berthing areas, Berthing Area 1 and Berthing Area 2 are configured parallel to the MHW, with Berthing Area 3 configured at a right angle to the MHW. The control requires that vessels shall be berthed at right angles to the MHW to minimise visual impact on the foreshore, where practicable. The control allows for vessels to be berthed parallel to the MHW provided such vessels are no greater in length than the maximum length of the distance between the lateral limits of the property less 4m, and provided that the parallel moored vessel does not restrict navigation. In this regard, the lateral limits between Berthing Area 1 and Berthing Area 2 are 6m and therefore compliant with this requirement. The application is supported by a response from NSW Roads and Maritime Services also advised that an inspection/assessment conducted by the local Boating Safety Officer stated there were no navigational concerns regarding the proposal.

In accordance with the criteria for berthing areas under this control, the proposed berthing areas are to provide for sufficient depth of water below each vessel. The following vessel drafts of which this assessment is subject to, were provided via written correspondence by the applicant on 21 February 2019. The minimum depth required for Berthing Area 1 is -2.296 AHD based on a vessel draft of 1.7m. The survey plan submitted indicates the depth taken at a midpoint of this berthing area being measured at approximately -2.7 AHD. The minimum depth required for Berthing Area 2 is -1.096 AHD based on a vessel draft of 0.5m. The survey plan submitted indicates the depth taken at a midpoint of this berthing area being measured at approximately -2.5 AHD. The minimum depth required for Berthing Area 3 is -1.096 AHD based on a vessel draft of 0.5m. The survey plan submitted indicates the depth taken at a midpoint of this berthing area being measured at approximately -2.3 AHD. It is therefore considered that each proposed berthing area provides for compliance for sufficient depth of water below each vessel. Berthing Area 3 however is proposed as being 6.2m x 9m and therefore does not comply with the maximum dimensions of 5m x 9m as required under this control. While the proposed dimensions of this berthing area exceeds the requirements of this control, the applicant has provided written correspondence confirming that the catamaran within Berthing Area 3 will have a width (beam) of 5.4m and therefore require a wider berthing area to accommodate the vessel.

Licence no. 331028 and 338774 pursuant to the provisions of Section 34 of the Crown Lands Act 1989 demonstrate that three (3) berthing areas below the MHW of 16 Rednal Street, Mona Vale. Whilst the proposed berthing areas will not be accommodated wholly within these lease areas, it must be noted that there will be no net increase in the existing berthing areas. Furthermore, it is noted in the Owners Consent letter from the Department of Industry, Lands & Water dated 3 October 2018 specifically

references that "Irrespective of any development consent or any approval given by other public authorities, any work or occupation of Crown land cannot commence without a current tenure from the department authorising such work or occupation". It is therefore considered that the proposal of capable of being accommodated wholly within a lease area.

As discussed above, the application demonstrates that there will be no increase to the current amount of berthing areas designated for each subject site and that there are no alternatives for storage on site such as within boat shed. Berthing Area 1 is seaward of the proposed finger pontoon, however the berthing area is within the same location as that previous and not seaward of an existing pile nor when measured from where the existing jetty is located. It is considered that there is also sufficient distance between the berthing areas from prolongation of adjoining boundaries, being 6m from the lateral limit line with No. 14 Rednal Street and 6.6m from the lateral limit line of No. 18 Rednal Street. The dimensions of the vessels to be located within these berthing areas demonstrate that the vessels are capable of efficiently and safely maneuver without impinging on adjoining neighbours and that the vessels will be accommodated wholly within the lease area.

Berthing Piles

The proposed berthing areas incorporate six (6) piles which are freestanding or end piles which are generally not favoured under this control. The control however allows for a variation to be considered when freestanding or end piles are unlikely to have a detrimental visual effect when viewed from the waterway. The existing berthing areas have five (5) piles and the proposal seeks to increase the overall total of piles by one (1) through the relocation of one (1) pile and removal two (2) existing piles. While the proposal includes new piles in area where there were no existing piles for Berthing Area 3, the minor overall increase in the amount of freestanding piles is not considered to have a detrimental visual effect when viewed from the waterway. Furthermore, the proposed height of proposed piles do not exceed 2.67 AHD and therefore meets the height requirement under this control. The proposed piles however do not demonstrate compliance with the criteria relating to the design, visual appearance as well as the location of these piles in relation to any Posidonia seagrass. Therefore, a condition of consent will be included to ensure that the piles meet the criteria as required under this control.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1630 for Construction of a Jetty ramp and pontoons on land at Lot 21 DP 609008, 16 A Rednal Street, MONA VALE, Lot 22 DP 609008, 16 Rednal Street, MONA VALE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
2257-DA01A (Plan)	November 2017	Stephen Crosby & Assoc. Pty. Ltd.
2257-DA02A (Site Plan & Section)	November 2017	Stephen Crosby & Assoc. Pty. Ltd.

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

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

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

2. **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
Department of Industry, Lands & Water	Consent for Owner for lodgement of a Development Application (Ref. MN79H156 & MN01H94)	3 October 2018
Roads and Maritime Services	Development application for proposed replacement of existing jetty with new ramp, pontoon, finger pontoon and relocation of berthing area at 16 & 16A Rednal Street Mona Vale NSW Lot 22 DP 609008	14 December 2017
Department of Primary Industries, Fisheries NSW	Ramp, Pontoon, and Berthing areas (Ref. C17/505)	7 December 2017

(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 Department, Authority or Body's. (DACPLB02)

3. **Prescribed Conditions (Crown Land Only)**

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements (Crown Land Only)**

(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) 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.

(c) 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.

(d) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(e) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(f) 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.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(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) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.northernbeaches.nsw.gov.au

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

5. **Compliance with Standards (Crown Land Only)**

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

6. **Sewer / Water Quickcheck (Crown Land Only)**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

7. **Environmental Safeguards**

Environmental safeguards (silt curtains, booms etc.) are to be used during construction to ensure that there is no turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.

Reason: To ensure environmental safeguards are utilised in accordance with the requirements of the P21 DCP.

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

8. **Sediment Control and Building Materials**

No building materials or other materials are to be placed on Saltmarsh or other foreshore vegetation. Sediment is not to leave the site or enter areas of Saltmarsh or other foreshore vegetation, and the appropriate sediment fencing is to be installed.

Reason: To ensure the protection of Saltmarsh or other foreshore vegetation in accordance with the requirements in the P21 DCP.

9. **Materials used for construction**

Materials used for construction should not be deleterious to marine life, for example anti-fouling or treated woods must not be used.

Reason: To ensure the protection of marine life in accordance with the requirements in the P21 DCP.

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

Signed



Kent Bull, Planner

The application is determined on 16/05/2019, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments