

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0636
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 114 DP 16393, 24 The Serpentine BILGOLA BEACH NSW 2107
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Marian Concepta Welsh
Applicant:	Ian Sercombe Architect

Application Lodged:	16/06/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	26/06/2020 to 10/07/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,200,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed works involve changes to each of the existing floor levels, without a significant change in the bulk and scale, or footprint of the existing dwelling. The works will involve minor demolition works of portions of the existing structure and changes to existing window openings, replacement of the existing Level 2 & Level 1 decks, replacement of existing balustrades and the rear pergola over Level 2 deck and the replacement of the existing roof sheeting.

The new works to the layout of the dwelling will comprise:

Roof Ridge Level 43.10 to 39.90

- New roof and Photovoltaic cells

Level 3 and Garage Floor 39.08 to 40.0

- Alterations and additions to existing the existing garage and entry level to provide additional parking space and garage depth for domestic storage.
- Internal stair access and pedestrian lift access to the dwelling, internal changes to provide for new entry WC bathroom Hall and bedroom with robe area.

Level 2 Floor 35.78

- Internal alterations to provide for new open plan kitchen living and dining area with TV space, two bedrooms bathroom WC ensuite storage and internal lift access.
- Minor addition to provide for new pantry area and laundry.
- Alterations and additions to the existing storage area under the garage, with minor additional excavation to provide for increased storage area.

Level 1 Floor 32.94

- Additions and alterations to the existing lower floor level to provide for bedroom with family room study hall bathroom seller and internal stair access to upper floor

External Works

- New water tank under lower level deck.
- New photovoltaic panels to the roof.
- New low-level timber deck to provide access from the street to the front entry.
- Ancillary site works.

The external colours and finishes of the new works will complement the existing dwelling as per the colours and materials schedule provided.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - C1.1 Landscaping
 Pittwater 21 Development Control Plan - D3.6 Front building line
 Pittwater 21 Development Control Plan - D3.7 Side and rear building line
 Pittwater 21 Development Control Plan - D3.9 Building envelope
 Pittwater 21 Development Control Plan - D3.11 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 114 DP 16393 , 24 The Serpentine BILGOLA BEACH NSW 2107
Detailed Site Description:	The site is located on the southern side of The Serpentine and slopes towards the rear, south-western boundary facing the public reserve above Bilgola Beach, with a total fall exceeding 10 metres (m). The site is regular in shape, with an angled front boundary measuring 13.715m to The Serpentine, and eastern and western side boundaries of 44.115 & 35.98m respectively. The rear boundary to the reserve is 18.29m in length and the site has an area of 616.4 square metres (sqm). The site is currently developed with a part two storey brick and timber residence with a metal roof. Vehicular access to an existing double garage is provided from The Serpentine via a common concrete driveway access, which also provides vehicular access to the adjoining site at No 26 The Serpentine. The site is identified as being within the Class 5 Acid Sulfate Soils Area and is a "Coastal Use Area" under the provisions of SEPP Coastal Management 2018. The property is noted as being within the W Hazard H1 area on Council's <i>Geotechnical Hazard Map</i> but does not contain any unique rock outcrops or significant native trees.

Map:



SITE HISTORY

Building Certificate No.BC0008/16 for a two storey sole occupancy brick dwelling with a metal roof together with a timber deck at the rear of the dwelling and a metal and timber garage at the front of the allotment. was issued by Council for the property on 4 March 2016. No issues with the building were identified.

Development Application No.N0977/04 for the construction of a new deck at the rear of the dwelling was approved by Council on 12 April 2005.

The proposed works involve substantial alterations and additions to the dwelling and garage building, including ancillary site works and landscaping. Therefore, while the building will remain consistent in its original appearance, shape and style, much of the original internal fabric / historical changes to the building will be renovated or modernised. Therefore, no further site history is relevant to the proposal.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.

Section 4.15 Matters for Consideration'	Comments
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>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <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 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 insurance requirements under the <i>Home Building Act 1989</i>. 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 <i>Building Code of Australia</i> (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 <i>Pittwater 21 Development Control Plan</i> 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 Matters for Consideration'	Comments
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 classified as bush fire prone land. Section 4.14 of the *Environmental Planning and Assessment Act 1979* requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by *Building Code & Bushfire Hazard Solutions Pty Ltd*, dated 7 May 2020) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	The proposed development has been assessed against Pittwater LEP Clause 7.6 (Biodiversity Protection). The subject site is heavily modified with limited native vegetation remaining, and the proposal is generally within the existing built form. It is considered that the proposal complies with PLEP Clause 7.6, subject to conditions to avoid weed encroachment into surrounding coastal vegetation.
NECC (Coast and Catchments)	The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP. Coastal Management Act 2016

Internal Referral Body	Comments
	The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>. State Environmental Planning Policy (Coastal Management) 2018 As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development. The subject land has been included on the 'Coastal Use Area' maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 14 and 15 of the CM SEPP apply for this DA. <u>Comment:</u> On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Milligan Development Consulting Pty. Ltd. dated June 2020, the DA satisfies requirements under clauses 14 and 15 of the CM SEPP. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018. Pittwater LEP 2014 and Pittwater 21 DCP No other coastal related issues identified. As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.
NECC (Development Engineering)	The submitted Geotechnical report certifies that an acceptable risk is achievable for the development. No objection to approval, subject to conditions

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.A378317_02 dated 4 June 2020).

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

Commitment	Required Target	Proposed
Water	40	Achievable
Thermal Comfort	Pass	Achievable
Energy	50	Achievable

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.

Other Service Infrastructure Authorities

The proposal was not required to be referred to the *Roads and Maritime Service* and no other Service Authority referral issues are raised pursuant to the SEPP.

SEPP (Coastal Management) 2018

The proposal is consistent with the aims of the SEPP (Coastal Management) 2018 which have been considered as part of this assessment. In determining matters relevant to the 'coastal use zone' the following matters have been considered where relevant:

- (i) existing, safe access to and along the foreshore for persons including public access to roads and the like where practicable.
- (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,
- (vi) the development design, siting to minimise impacts,
- (vii) the development is design, siting and management of impacts where they may not be minimised,
- (viii) management and mitigation of impacts, and
- (ix) the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

In summary, the proposal involves alteration and additions to an existing dwelling house including ancillary site works. Subject to conditions the proposal is considered to not create any unreasonable impacts on the coastal environment, including public land.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.0m	8.0m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
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	6.5m	1.4m to 2.1m Garage 9.2m to 12.8m Dwelling house	78%	No*
Rear building line	6.5m	5.5m to 13.5m Dwelling house	Existing As approved	No* (No change)
Side building line	2.5m	1.2m to 1.6m Dwelling house	Existing As approved	No (No change)
	1m	0.27m Garage and storeroom 0.94m to 0.88m Dwelling house	73% Existing As approved	No* No (No change)
Building envelope	45 degrees at 3.5m	Outside envelope	28%	No*
	45 degrees at 3.5m	Outside envelope	30%	No*
Landscaped area	60%	40% 248sqm	32%	No*

*Refer to detailed merit assessment under the heading "Built Form Controls - Compliance Assessment" within this report.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.3 Bilgola Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3.11 Flood Prone Land	Yes	Yes
B5.4 Stormwater Harvesting	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	No	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.19 Incline Passenger Lifts and Stairways	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D3.1 Character as viewed from a public place	Yes	Yes
D3.3 Building colours and materials	Yes	Yes
D3.6 Front building line	No	Yes
D3.7 Side and rear building line	No	Yes
D3.9 Building envelope	No	Yes
D3.11 Landscaped Area - Environmentally Sensitive Land	No	Yes
D3.13 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D3.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D3.15 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

C1.1 Landscaping

Description of Non-Compliance with Built Form Control:

The proposal is able to provide 40% (248sqm) of landscaping (grass and gardens) however the DCP requires 60% landscaping for the site.

Merit Consideration of Objectives and non-compliance:

- The built form of the proposal is softened and complemented by landscaping that will be increased from the existing 36% presently available. In this regard, the existing site has a substantial area of the rear yard covered in synthetic lawn, which will be reinstated to natural grass and garden area.
- Landscaping proposed will reflect the beachside location and the scale and form of development and the proposal seeks to retain existing garden areas where practicable for the construction works required.
- The site does not have any substantial canopy trees and trees within the road reserve area are not proposed to be subject to any new driveway construction or engineering works (stormwater lines) that may affect root zones.
- The proposal results seeks to retain existing native vegetation in the lower part of the site (along the rear boundary) and does not seek to create any deep excavation works that may affect trees on adjacent private property. Conditions are included to ensure erosion and sediment controls and dilapidation survey are made prior to commencement to minimise risk to adjacent vegetation / gardens and property.
- The landscaping will marginally increase the existing landscaped area on the site and replace synthetic lawn with grass and natural surfaces that is more appropriate to supporting native trees planting in the future and local species for Pittwater's Biodiversity.
- The replacement of existing landscaping with natural grass and garden areas will provide improved fauna habitat and residential amenity.
- The landscape areas around the perimeter of the site and the rear yard are not proposed to substantially changed that would affect landslip risk (by removal of trees) or create unreasonable watering requirements that are inconsistent with BASIX requirements for water conservation / re-use.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of Pittwater21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D3.6 Front building line

Description of Non-Compliance with Built Form Control:

The proposal has a front building line of 1.4m to 2.1m for the garage, however the DCP requires 6.5m, which is a variation of 78%.

Merit Consideration of Objectives and non-compliance:

- The site currently has a carport that has solid side walls and was approved with a 1.4m to 2.1m front setback. The proposed alterations and additions seeks to enclose the remainder of the carport to a garage (door) with an extension at the rear of the garage for additional garage storage / parking area. The dwelling house complies with the front building line setback. The garage will retain a similar appearance in terms of external materials, roof profile and width. The appearance of garages close to the road along this section of The Serpentine Crescent is consistent with the established streetscape character due to the steepness of the land above Bilgola Beach and close to the headland area.
- The change to the garage does not create any unreasonable loss of views or vistas to, or from, private and public land in the vicinity of the site. This is demonstrated in the image provided below (Image 1).

Image 1: View over the site and the existing carport (left) including adjacent garage also accessed from the 'slip lane'.



- The changes to the garage will not have an unreasonable impact on the amenity of residential development of the adjacent road as the site is accessed by a 'slip lane' (common vehicle access to multiple properties or CVAMP) that is below the main road alignment.
- The existing area of gardens and landscaping within the front building line area (to the side of the garage adjacent the pedestrian entry) will be re-instated (following works) and generally retained as landscape area to ensure residential amenity of the built form for the site is maintained.
- Due to the existing width and area of the concrete slip-lane in front of the site vehicle are able to maneuver a car to enter The Serpentine Crescent in a forward direction which is consistent with the objectives of the control.
- The scale and density of the development is consistent with the existing house on the property, including the built form, height and landscape area. The proposed changes to the carport into a garage structure will not have an unreasonable impact on the street frontage or pedestrian

amenity.

- The proposal is consistent with the existing spatial characteristics of the surrounding urban environment including the visual form of the existing roof profile, setbacks, colours and materials for the garage building.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of Pittwater21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D3.7 Side and rear building line

Description of Non-Compliance with Built Form Control:

The proposal has a side setback line of 1.2m to 0.88m for the dwelling house which are the existing approved side setbacks that will not change. On the eastern side the garage is to be extended and the setback is 0.27 for the new garage additions. The DCP requires a 1.0m side setback which is a variation of 73%

Merit Consideration of Objectives and non-compliance:

- The bulk and scale of the built form is minimised by retaining the existing wall alignments, footing and building height to ensure no unreasonable impact by the variation to the side setback proposed.
- Equitable preservation of views and vistas to and/or from public/private places has been retained. A view across the site is shown below as 'Insert 2'.
- View sharing through complimentary siting of new work to the existing built form, including a responsive and skillful design and a minor increase to landscape open space has been achieved. The surrounding properties have expansive ocean, coastline and beach views, eastwards and southward. The juxtaposed positions of surrounding houses and lot layouts, steep variation in topography and low profile of the proposed alterations and additions result in no unreasonable view loss. Major / iconic view lines for surrounding dwellings will be retained with no unreasonable view loss. The proposed development has been skillfully designed to retain the general outline of the existing house to ensure view sharing considerations are consistent with the planning principle considerations outlined within *Tenacity Consulting v Warringah Council (2004) NSWLEC 140*. In summary, of those considerations the view impact is considered to be a 'negligible impact' change.
- Insert 2: View across the site toward the south.



- The proposal achieves a reasonable level of privacy, amenity and solar access within the development and to residential properties by retaining the exterior wall lines / roof height / footings and rationalizing / modernizing the internal floor areas without a substantial change to the existing building footprint. Window and door openings are designed to maintain consistency with the existing dwelling with minimal change and no unreasonable privacy or amenity impacts.
- Landscaping changes will achieve a minor increase to the existing approved landscape area and no significant planting is proposed that would unreasonably affect views or create significant overshadowing. New planting of vegetation to be provided (to replace synthetic lawn) and enhanced the built form setting of the dwelling.
- The proposed design of the alterations and additions improves the flexibility and livability of the dwelling house, including provision of domestic living space for a family home.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of Pittwater21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D3.9 Building envelope

Description of Non-Compliance with Built Form Control:

The proposal has breach of the side boundary envelope for the extension at the rear of the garage wall and a minor addition at the rear of the dwelling. The DCP requires a 3.5m 45 degree setback envelope from the side boundary and the building breaches this envelope by 30% (2.0m).

Merit Consideration of Objectives and non-compliance:

- Existing approved wall line and heights are maintained and the changes to the building envelope are limited to 2 minor extensions to the existing approved wall plane for short 'in-fill' sections. These are minor encroachments for the new section at the rear of the existing garage (Level 3) and minor section of the southwest corner of the dwelling (Level 2).

- The dwelling retains principal similarities with the existing house in terms of height, roof form setbacks, private open space, wall lines and fenestration and landscape setting. Therefore, the proposal alterations and additions achieve the principal elements of the Desired Future Character of the Locality and is
- No significant change is proposed to the streetscape when viewed from 'The Serpentine Crescent' and the building maintains a scale and density that is below the height of the trees of the natural environment.
- The proposed alterations and additions responds to and reinforces the existing setting of the house within the coastal environment natural environment with no unreasonable increase in building bulk and scale. The majority of work involves modernizing and re configuring the internal layout while retaining the outer wall alignments and footings.
- The non-compliance to the building envelope does not have an unreasonable impact on the equitable sharing or preservation of views and vistas to and/or from public and private places surrounding the site.
- The proposal will maintain a reasonable level of privacy, amenity and solar access that is consistent with the objectives of the DCP while modernizing and renovating the existing dwelling house throughout the building. Privacy, amenity and solar access will be retained that is consistent with the existing dwelling height and built form.
- The non-compliance with the building envelope does not create any unreasonable impact on landscaping and the provision to maintain appropriate planting within the open space areas of the property.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of Pittwater21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D3.11 Landscaped Area - Environmentally Sensitive Land

Description of Non-Compliance with Built Form Control:

The proposal is able to provide 40% (248sqm) of landscaping (grass and gardens), however the DCP requires 60% landscaping for the site within the E4 Environmental Living Zone.

(Note: This variation has also been addressed under *Part C1.1 Landscaping* within this report)

Merit Consideration of Objectives and non-compliance:

- The development will maintain consistency in terms of the built form in accordance with the desired future character of the Bilgola Beach area. This includes responding to the local topography and natural features, of the site that is above the beach area with a coastal outlook demand different sets of constraints on building design. The bulk and scale of the built form of the alterations and additions is minimised by retaining the original outer wall profile and footings for the building in its landscape surroundings. No unreasonable impact on amenity and solar access is created by the proposal and the existing synthetic lawn is to be replaced with natural lawn and landscaping to complement the built form of the dwelling house.
- The proposal will not create an unreasonable impact on the natural vegetation and biodiversity

of the Bilgola area with the bushland character to be maintained by minimal change to the building footprint where the site borders the beachfront reserve land.

- Stormwater runoff will be managed by the existing stormwater connections and soil erosion and siltation devices will be used during construction (addressed by conditions) to ensure no adverse impact on Council drainage systems. The soft surface areas of the site will be re-landscaped to improve the lawn areas and provide for infiltration of water to the manage run-off stormwater systems.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of Pittwater21 DCP 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 affect 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 \$12,000 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,200,000.

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 DA2020/0636 for Alterations and additions to a dwelling house on land at Lot 114 DP 16393, 24 The Serpentine, BILGOLA BEACH, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A2.1 Site Plan	2.6.2020	Ian Sercombe Architect
A2.2 Site / Roof Plan	2.6.2020	Ian Sercombe Architect
A2.3 Level 1 Plan	2.6.2020	Ian Sercombe Architect
A2.4 Level 2 Plan	2.6.2020	Ian Sercombe Architect
A2.5 Level 3 Plan	2.6.2020	Ian Sercombe Architect
A2.6 Level 1 Demolition	2.6.2020	Ian Sercombe Architect
A2.7 Level 2 Demolition	2.6.2020	Ian Sercombe Architect
A2.8 Level 3 Demolition	2.6.2020	Ian Sercombe Architect
A3.1 Elevation	2.6.2020	Ian Sercombe Architect
A3.2 East Elevation	2.6.2020	Ian Sercombe Architect
A3.3 West Elevation	2.6.2020	Ian Sercombe Architect
A3.4 Section X1	2.6.2020	Ian Sercombe Architect
A3.5 Section X2	2.6.2020	Ian Sercombe Architect
A3.6 Section X3	2.6.2020	Ian Sercombe Architect
A3.7 Section Y1 Y2	2.6.2020	Ian Sercombe Architect
A3.8 Section Y3 Y4	2.6.2020	Ian Sercombe Architect

Engineering Plans		
Drawing No.	Dated	Prepared By
A1.4 Stormwater	2.6.2020	Ian Sercombe Architect

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report P2007781JR01V02	June 2020	Martens Pty Ltd
Bushfire Assessment Report 201372	7.5.2020	Bushfire Code & Bushfire Hazard Solutions
Basix Certificate A378317_02	4.6.2020	Ian Sercombe Architect

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
A1.4 Landscape Plan	2.6.2020	Ian Sercombe Architect

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan - 24 The Serpentine	Ian Sercombe Architect	5.6.2020

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

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

2. Prescribed Conditions

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

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

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

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

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

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

Reason: Legislative requirement.

3. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) 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.
- (k) 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.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) All sound producing lift plant, pump motors, air conditioning machinery or fittings and the like, to service the building must 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.
- (o) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$12,000.00 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 \$1,200,000.00.

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.

5. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

6. **Stormwater Disposal**

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

Clause B5.10 PITTWATER DCP21. 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.

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Martens Consulting Engineers dated June 2020 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

8. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

9. **Vehicle Driveway and parking**

Driveway gradients, car parking and turning maneuvering area within the private property are to comply with AS/NZS 28901:2004

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

Reason: To ensure suitable vehicular access to private property.

10. **Compliance with Standards**

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

12. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

13. Wildlife Protection

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

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

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

14. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

15. 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.

16. **House / Building Number**

House/building number is to be affixed to the letterbox / fence to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Proper identification of buildings.

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

17. **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.

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

Signed



Alex Keller, Principal Planner

The application is determined on 07/08/2020, under the delegated authority of:



Steven Findlay, Manager Development Assessments