

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2018/0263
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Responsible Officer:	Ashley Warnest
Land to be developed (Address):	Lot 12 DP 13291, 24 Delecta Avenue CLAREVILLE NSW 2107
Proposed Development:	Modification of consent N0451/17 for the alterations and additions to a dwelling including new swimming pool
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Claire Louise Cavanaugh
Applicant:	Claire Louise Cavanaugh

Application lodged:	30/05/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	05/06/2018 to 21/06/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

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 - 7.8 Limited development on foreshore area
 Pittwater 21 Development Control Plan - B4.22 Preservation of Trees and Bushland Vegetation
 Pittwater 21 Development Control Plan - C1.5 Visual Privacy
 Pittwater 21 Development Control Plan - C1.23 Eaves
 Pittwater 21 Development Control Plan - D1.1 Character as viewed from a public place
 Pittwater 21 Development Control Plan - D1.8 Front building line
 Pittwater 21 Development Control Plan - D1.9 Side and rear building line
 Pittwater 21 Development Control Plan - D1.11 Building envelope
 Pittwater 21 Development Control Plan - D1.14 Landscaped Area - Environmentally Sensitive Land
 Pittwater 21 Development Control Plan - D1.15 Fences - General

SITE DESCRIPTION

Property Description:	Lot 12 DP 13291 , 24 Delecta Avenue CLAREVILLE NSW 2107
Detailed Site Description:	The subject site is identified 24 Delecta Avenue, Clareville (Lot 12 DP 13291). Aside from a slightly angled front and rear boundaries, the site is otherwise a regularly-shaped allotment; the primary boundary of which is oriented towards the southeast and adjoins the Delecta Avenue road reserve, the rear boundary adjoins Clareville Beach reserve, the northeast side boundary adjoins a reserve/pathway (which connects Delecta Avenue and the beach) and the southwest side boundary adjoins a residential allotment. The subject site contains a detached single storey residential dwelling towards the rear of the site and a detached single-storey studio within the front southeast corner of the site. The subject site has an area of 599.2m ² (based on submitted survey information) and is mostly level, with a maximum front-to-rear slope of approximately 700mm.

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:

- N0451/17 - Development Application for the alterations and additions to a dwelling including new swimming pool
- T0293/17 - Development Application for tree removal
- N0301/16 - Development Application for the alterations and additions to an existing dwelling house
- N0409/15 - Development Application for the construction of a separately accessible structure (studio)
- T0229/15 - Development Application for tree removal

PROPOSED DEVELOPMENT IN DETAIL

The modification application proposes the following changes:

- Replace pitched roof with a flat roof over ground floor Bedroom and carport
- Removal of privacy screens as per condition B5
- Construction of solar panels
- Construction of a fence along the rear boundary facing the Pittwater reserve
- Delete condition C2(G) regarding replacement planting
- Delete condition B6 regarding the removal of the existing hardstand area between the existing studio and the front boundary
- Amend condition B20 regarding fencing

In consideration of the application a review of (but not limited) documents as provided by the applicant

in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for N0451/17, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under N0451/17.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application N0451/17 did not require concurrence from the relevant Minister, public authority or approval body.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Pittwater Local Environmental Plan 2011 and Pittwater Development Control Plan.

Section 4.55 (2) - Other Modifications	Comments
development consent, and	
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of 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 in the original 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

Section 4.15 'Matters for Consideration'	Comments
	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 matter has been addressed via a condition in the original consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent. <u>Clause 143A</u> 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 Warringah 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 “Public Exhibition” 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.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	No objection of the modification proposal. Council's Landscape section have reviewed the modification application, item No.11 and provide no objection to its removal subject to the planting of one canopy tree into natural ground, in lieu of landscape area, to ensure that the objectives of C1.1 Landscaping are satisfied in terms of the retention of canopy trees in Pittwater and to soften the built form by landscaping.
NECC (Bushland and Biodiversity)	Council's Bushland & Biodiversity division has assessed the proposal against Pittwater LEP 2014 Control 7.6 Biodiversity Protection & Pittwater 21 DCP 2014 Controls: B1.4 Aboriginal Heritage Significance, B4.7 Pittwater Spotted Gum Forest – EEC B4.15 Saltmarsh EEC B4.16 Seagrass Conservation B4.19 Estuarine Habitat and believes the proposed development can comply with the controls subject to conditions.
NECC (Coast and Catchments)	The property at 24 Delecta Avenue, Clareville, has been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3 Estuarine Hazard Controls will apply to any proposed development of the site. Based upon the survey prepared by Adam Clerke Surveyors Pty Ltd (dated 28/05/15), the foreshore edge treatment type appears to be a grassed or sandy slope with a crest height at or about RL 2.0m AHD. As such, in accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), an estuarine planning level (EPL) of RL 2.73m AHD applies at the subject site. As the modification application proposes no changes to the approved FFL, the proposed modifications are able to comply with the requirements of the Estuarine Risk Management Policy for Development in Pittwater and associated B3.7 Estuarine Hazard Controls subject to conditions.
NECC (Development Engineering)	No Development Engineering objection is raised to the proposed modification, with no conditions.

Internal Referral Body	Comments
NECC (Riparian Lands and Creeks)	There are no objections to this MOD application on the basis of water quality.
Property Management and Commercial	The proposal is for modifications to a previous approval for alterations and additions to the dwelling. Property has no objection to the proposal as submitted.

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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A293672_5).

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

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

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	6.7m	6.2m	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
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Detailed Assessment

7.8 Limited development on foreshore area

The changes to the development within the foreshore area are limited to the removal of privacy screens, inclusion of a Vergola Roof System to the terrace roof, and construction of a rear fence. Clause 7.8 of PLEP 2014 identifies that consent can be granted for development on land in the foreshore area for the purposes of a fence. The proposed changes and fence are consistent with surrounding development and does not appear excessive when viewed from the public foreshore area. The minor nature of the proposed works do not discourage public access or amenity along the foreshore area nor impact on natural foreshore processes. The proposed modifications within the foreshore area are therefore supported.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	12m	unaltered	No
Rear building line	NA/FBL applies	NA/FBL applies	unaltered	Yes
Side building line	2.5m	east 1.8m to dwelling 1m to swimming pool	unaltered	No
	1m	west 1.1m	unaltered	Yes
Building envelope	3.5m	Within	unaltered	Yes
	3.5m	Outside envelope	unaltered	No
Landscaped area	60%	51.2%	35.9%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
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Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B4.16 Seagrass Conservation	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B4.20 Protection of Estuarine Water Quality	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B5.11 Stormwater Discharge into Waterways and Coastal Areas	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.23 Eaves	No	Yes
D1.1 Character as viewed from a public place	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D1.5 Building colours and materials	Yes	Yes
D1.8 Front building line	No	Yes
D1.9 Side and rear building line	No	Yes
D1.11 Building envelope	No	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	No	Yes
D1.15 Fences - General	No	Yes
D1.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D1.20 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

B4.22 Preservation of Trees and Bushland Vegetation

The modified proposal seeks to delete Condition C2 (G) which required an additional ten trees with a height of 8.5m to be planted within the site. A revised landscape plan prepared by Serenescapes notes the retention of the Eucalyptus botryoides, which was previously noted for removal. With the retention of the significant tree and the limited area for substantial replanting, this condition is to be modified to ensure an overall total of five (5) canopy trees are located within the subject site. This incorporates existing trees or planted trees.

C1.5 Visual Privacy

The application seeks the removal of the privacy screening as per condition B5 of N0451/17. The removal of the privacy screening is seen not to increase upon the opportunities for additional overlooking past what was identified within the original consent.

C1.23 Eaves

There are no changes proposed to the proposed eaves and is therefore supported on merit.

D1.1 Character as viewed from a public place

Modification is sought for the change in roof pitch of the car port and bedroom two (2). The proposed modifications are seen to be consistent with the original consent as there is not an increase in the bulk and scale of the development, in addition there are examples of similar architectural design in the surrounding area. The modification of the roof pitch is therefore supported.

D1.8 Front building line

There are no changes proposed to the front setback and is therefore supported on merit.

D1.9 Side and rear building line

There are no changes proposed to the side and rear setbacks and is therefore supported on merit.

D1.11 Building envelope

There are no changes proposed to the building envelope and is therefore supported on merit.

D1.14 Landscaped Area - Environmentally Sensitive Land

Proposed

215.1m² or 35.9% (Without Variation)

261.1m² or 43.6% (With Variation)

Required

359.5m² or 60%

The modification application involves the retention of an existing hardstand area due to the necessity to provide accessible parking for persons with a disability. The retention of this hardsurfaced area will result in a significant non compliance (98.4m² with variation) with the controls prescribed in D1.14 Landscaped Area - Environmentally Sensitive Land of Pittwater 21 DCP. Due to the circumstances of the owners and family of 24 Delecta Avenue the shortfall in landscaped area is considered to be reasonable and supported on merit.

D1.15 Fences - General

The proposed 1m high rear fence is located on the boundary adjacent to Pittwater waterway, this is technically non-compliant with D1.15 of P21 DCP for Fencing adjoining Pittwater Waterway. The inability for strict adherence to the control is seen as reasonable as the proposed rear fence is consistent with the outcomes of the clause in the following ways

- In character with surrounding development as there are examples of similar fences in the immediate area
- Ensure an open view to and from the waterway is maintained through design
- Contributes positively to the public domain and does not negatively effect the significance and amenity of the foreshore area

Though technically non-compliant the proposed rear boundary fence is supported on merit.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

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 approval to Modification Application No. Mod2018/0263 for Modification of consent N0451/17 for the alterations and additions to a dwelling including new swimming pool on land at Lot 12 DP 13291,24 Delecta Avenue, CLAREVILLE, subject to the conditions printed below:

A. Add Condition - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan - Job No.1531	27/04/2018	Sketch Ark
Ground Floor Plan - Job No.1531	27/04/2018	Sketch Ark
First Floor Plan - Job No.1531	27/04/2018	Sketch Ark
Roof Plan - Job No.1531	27/04/2018	Sketch Ark
North & South Elevation - Job No.1531	27/04/2018	Sketch Ark

East & West Elevation - Job No.1531	27/04/2018	Sketch Ark
Sections A-A & B-B - Job No.1531	27/04/2018	Sketch Ark
Sections C-C & D-D - Job No.1531	27/04/2018	Sketch Ark
Job No.18404 - L-01, L-02, L-03, L-04, & L-05 - All Rev. B	11/04/2018	Serenescapes Landscape Designs

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

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

B. Modify Condition C1 & C2 to read as follows:

All previous conditions in relation to Landscaping and Tree Protection stated within the Notice of Determination in N0451/17 are to be upheld. Conditions C.1 & C.2 in N0451/17 are to be altered to ensure an overall total of five (5) canopy trees are located within the subject site. This incorporates existing trees or planted trees. Planted trees are to be locally native (within the species list of Pittwater & Wagstaff Spotted Gum Forest) and reach a minimum mature height of 13m.

Reason: Environmental Protection

C. Modify Condition B20 to read as follows:

The boundary fence to the east of the property must be a minimum height of 1800mm with a non climbable zone of 900mm on the inside of the fencing in accordance with the Australian Standards prescribed by the Swimming Pools Regulations 2008. Any shrubs maintained over the lifetime of the development at a height that does not interfere with the 900mm non climbable zone.

Reason: Public Safety

D. Modify Condition B12 to read as follows:

One (1) indigenous canopy tree, capable of reaching 13 metres at maturity, shall be planted within the front back of the property. The selected tree shall be planted at minimum 75 litre size, and shall be planted at least 3m from any structure.

Details are to be submitted by the Certifying Authority that this has been undertaken prior to the issue of the Occupation Certificate.

Reason: to enable the long term retention of local native tree canopy.

E. Add Condition Prior to Occupation Cert - Screen Planting to read as follows:

The northern boundary along the proposed spa shall include buffer shrub planting, to the extent of the proposed fencing. Shrubs planting shall consist of native shrubs capable of reaching 3 metres at maturity, and shall be planted at a minimum spacing of 900mm apart.

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

F. Add Condition On-Going - Tree Protection

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

- i) all trees and vegetation within the site shall be protected during all construction stages, excluding trees approved for removal, and exempt trees under the relevant planning instruments or legislation,
- ii) all other trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

B) Tree protection shall be undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4,
- ii) any tree roots exposed during excavation with a diameter greater than 50mm within the TPZ must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,
- iii) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- iv) no tree roots greater than 50mm diameter are to be cut from protected trees unless authorized by the Project Arborist on site,
- v) all structures are to bridge tree roots greater than 50mm diameter unless directed by a AQF Level 5 Arborist on site,
- vi) should either or both iv) and v) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures provided. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

Reason: to retain and protect significant planting on development sites, and protect the existing amenity of trees.

G. Add Condition Prior to Construction Certificate - Estuarine Hazard Design Requirements

The following applies to all development:

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

Reason: To minimise potential risks associated with coastal hazards for development in the coastal hazards.

H. Add Condition Prior to Construction Certificate - Estuarine Planning Level Requirements

An Estuarine Planning Level (EPL) of 2.73m AHD has been adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

- All structural elements below 2.73m AHD shall be of flood compatible materials;
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above 2.73m AHD or waterproofed to this level; and
- The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below 2.73m AHD.

Reason: To ensure aspect of the development are built at the appropriate level

I. Delete Condition B6 as follows:

The paved area between the existing studio and front boundary is to be removed and replaced with soft landscaped areas.

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

Signed



Ashley Warnest, Planner

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



Matthew Edmonds, Manager Development Assessments

ATTACHMENT A

Notification Plan	Title	Date
 2018/331241	Plans - Notification	29/05/2018

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2018/331249	Report - Waste Management	28/09/2017
 2018/331225	Plan - Survey	08/10/2017
 2018/331250	Report - Arborist	23/05/2018
 2018/331243	Report - Statement of Modification	25/05/2018
 2018/331312	Plans - Master Set	29/05/2018
 2018/331241	Plans - Notification	29/05/2018
 2018/331246	Plans - Certification of Shadow Diagrams + Plans	29/05/2018
 2018/331255	Plans - Stormwater	30/05/2018
 MOD2018/0263	24 Delecta Avenue CLAREVILLE NSW 2107 - Section 96 Modifications - Section 96 (2) Environmental Impact	30/05/2018
 2018/330675	DA Acknowledgement Letter - Claire Louise Cavanaugh	30/05/2018
 2018/331244	Report - BASIX Certificate	30/05/2018
 2018/331196	Development Application Form	30/05/2018
 2018/331202	Applicant Details	30/05/2018
 2018/331210	Fee Form	30/05/2018
 2018/331311	Plans - External	30/05/2018
 2018/331310	Plans - Landscape	30/05/2018
 2018/336471	Property and Commercial Development Referral Response	01/06/2018
 2018/339144	DA Acknowledgement Letter (not integrated) - Claire Louise Cavanaugh	04/06/2018
 2018/339202	Notification map for 24 Delecta Avenue	04/06/2018
 2018/339194	Notification Letter - Mod	04/06/2018
 2018/359313	Notification to Property - Mod2018/0263 - (N0451/17)	13/06/2018
 2018/383682	Natural Environment Referral Response - Coastal	22/06/2018
 2018/388917	Natural Environment Referral Response - Water Quality - 24 Delecta Ave	26/06/2018
 2018/443445	Natural Environment Referral Response - Biodiversity	11/07/2018
 2018/443552	Superseded Landscape Referral Response	11/07/2018
 2018/457515	Cavanaugh - Tree Approvals Outside of Development Application - Mod2018/0263 - 24 Delecta Avenue Clareville	16/07/2018
 2018/457533	Cavanaugh - Tree Report - Mod2018/0263 - 24 Delecta Avenue Clareville	16/07/2018
 2018/478781	Arborist Report	31/07/2018
 2018/499837	Request for Withdrawal of Development Application -	07/08/2018

Claire Louise Cavanaugh

	2018/512705	Working Plans	10/08/2018
	2018/517654	Site Photos	14/08/2018
	2018/522701	Development Engineering Referral Response	16/08/2018
	2018/523663	Landscape Referral Response	16/08/2018
	2018/525376	Updated Natural Environment Referral Response - Biodiversity	17/08/2018
	2018/530976	Natural Environment Referral Response - Biodiversity	21/08/2018