

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                            |             |
|----------------------------|-------------|
| <b>Application Number:</b> | DA2020/0724 |
|----------------------------|-------------|

|                                           |                                                                 |
|-------------------------------------------|-----------------------------------------------------------------|
| <b>Responsible Officer:</b>               | Nick Keeler                                                     |
| <b>Land to be developed (Address):</b>    | Lot 73 DP 1045610, 91 Florence Terrace SCOTLAND ISLAND NSW 2105 |
| <b>Proposed Development:</b>              | Use of existing structures as habitable space                   |
| <b>Zoning:</b>                            | E3 Environmental Management                                     |
| <b>Development Permissible:</b>           | Yes                                                             |
| <b>Existing Use Rights:</b>               | No                                                              |
| <b>Consent Authority:</b>                 | Northern Beaches Council                                        |
| <b>Land and Environment Court Action:</b> | No                                                              |
| <b>Owner:</b>                             | Janice Beatrice Murray                                          |
| <b>Applicant:</b>                         | Janice Beatrice Murray                                          |

|                                  |                                         |
|----------------------------------|-----------------------------------------|
| <b>Application Lodged:</b>       | 30/06/2020                              |
| <b>Integrated Development:</b>   | No                                      |
| <b>Designated Development:</b>   | No                                      |
| <b>State Reporting Category:</b> | Residential - Alterations and additions |
| <b>Notified:</b>                 | 13/07/2020 to 27/07/2020                |
| <b>Advertised:</b>               | Not Advertised                          |
| <b>Submissions Received:</b>     | 2                                       |
| <b>Clause 4.6 Variation:</b>     | Nil                                     |
| <b>Recommendation:</b>           | Approval                                |

|                                 |         |
|---------------------------------|---------|
| <b>Estimated Cost of Works:</b> | \$ 0.00 |
|---------------------------------|---------|

### PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent to regularise the use of three unauthorised outbuildings, including a studio, laundry and utility room.

### 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 - D8.6 Side and rear building line

Pittwater 21 Development Control Plan - D8.9 Landscaped Area

## SITE DESCRIPTION

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Property Description:</b>      | Lot 73 DP 1045610 , 91 Florence Terrace SCOTLAND ISLAND NSW 2105                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Detailed Site Description:</b> | <p>The subject site consists of one (1) allotment located on the eastern side of Florence Terrace.</p> <p>The site is irregular in shape with a frontage of 16.765m along Florence Terrace and a depth of 69.2m. The site has a surveyed area of 792.6m<sup>2</sup>.</p> <p>The site is located within the E3 Environmental Management zone and accommodates a two storey residential dwelling with a raised rear deck, a jetty and deck at the waterfront, water and wastewater tanks and three unauthorised outbuildings used as a studio, laundry and utility room.</p> <p>The site falls approx. 23m from the western boundary towards the eastern waterfront.</p> <p>The site contains numerous canopy trees throughout with undeveloped areas containing dense groundcover.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by low density residential dwellings with ancillary waterfront structures including jetties and boatsheds.</p> |

Map:



## SITE HISTORY

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

Development Application **N0518/01** for dwelling house alterations and additions was approved on 15/10/2001 by Council staff under delegated authority.

Development Application **N0047/06** for proposed jetty, ramp and pontoon was approved on 01/12/2006 by Council staff under delegated authority.

Building Certificate Application **BC0028/07** for a one and two storey timber and stone building with a metal roof together with a timber deck, concrete sea wall and timber outbuilding at the rear of the allotment was issued on 29/10/2009.

Building Certificate Application **BC0212/07** for A timber jetty, ramp and pontoon was issued on 22/10/2008.

Building Certificate Application **BC0044/13** for a timber deck addition adjoining the timber jetty at the rear of the allotment was issued on 08/07/2013.

Building Certificate Application **BC0022/15** for unauthorised and non-complying additions and alterations was refused on 27/03/2015.

Development Application **N0113/16** for Alterations to existing waterfront deck to accommodate new waste water tanks was approved on 28/07/2016 by the former Pittwater Application Determination Panel.

Building Information Certificate Application **BC2020/0119** for an outbuilding studio and detached laundry is under assessment at the time of writing.

## 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 (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) | <p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to a bushfire report and certificate.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition</p> |

| Section 4.15 Matters for Consideration'                                                                                                                                            | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                    | <p>of consent.</p> <p>Clause 143A of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>                                                                                                                                                                                                                                                                                                                          |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) <b>Environmental Impact</b><br/>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b><br/>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| Section 4.15 (1) (c) – the suitability of the site for the development                                                                                                             | The site is considered suitable for the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs                                                                                             | See discussion on “Notification & Submissions Received” in this report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Section 4.15 (1) (e) – the public interest                                                                                                                                         | No matters have arisen in this assessment that would justify the refusal of the application in the public interest.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is 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 Ronald Coffey, dated 09/09/2020) 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 from 13/07/2020 to 27/07/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

| Name:                       | Address:                                     |
|-----------------------------|----------------------------------------------|
| Stephen Hampson             | 93 Florence Terrace SCOTLAND ISLAND NSW 2105 |
| Mrs Carolyn Frances Hampson | 93 Florence Terrace SCOTLAND ISLAND NSW 2105 |

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

- Impacts caused by unauthorised structures
- Inaccurate statements in SEE
- BCA compliance
- Wastewater issues

The matters raised within the submissions are addressed as follows:

- *Concern is raised that the use of the unauthorised structures unreasonably impact upon the amenity, privacy and views of the adjacent dwellings.*

Comment:

The unauthorised structures include a 'studio', 'laundry' and 'utility room'. The studio outbuilding is the only structure containing a habitable room as defined by the BCA. The laundry and utility room are non-habitable rooms. As such, the studio is the structure that has the potential to cause the greatest amenity and privacy impact to adjacent dwellings as it is expected there will be a higher level of use as opposed to the other structures. The studio is setback 3.3m from the southern side boundary and 3.4m from the northern side boundary. It is considered this setback is sufficient in ameliorating unreasonable levels of amenity and privacy impact to the adjacent dwellings.

The unauthorised structures are not considered to unreasonably impact upon view corridors enjoyed by the adjacent dwellings. Any view corridor that is interrupted by the structures is only able to be attained across a side boundary. The planning principle established in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* states that the retention of views across a side boundary is often unrealistic. All dwellings on the eastern side of Florence Terrace attain water and land interface views towards the east. The unauthorised structures do not impact on the view corridors to the east. As such, the unauthorised structures are not considered to unreasonably impact upon views.

- *Concerns are raised that statements in the submitted SEE are not accurate.*

Comment:

A Statement of Environmental Effects is one of multiple documents required by the *Environmental Planning and Assessment Regulation 2000* to be submitted to Council as part of a development application. While the contents of the document are considered during assessment, they do not influence Council's assessment of the development proposal.

- *Concern is raised the unauthorised outbuildings do not comply with relevant BCA requirements.*

Comment:

This Development Application relates to the regularisation of the use of the unauthorised structures. A concurrent Building Information Certificate application has been submitted that will assess structures' the level of compliance with the relevant BCA requirements and Australian Standards. As the site is located in bushfire prone land, this consent will require the remediation of the structures to comply with the relevant fire safety requirements.

- *Concern is raised regarding the existing wastewater system and its ability to correctly function with the unauthorised outbuildings.*

Comment:

The functions of the existing wastewater system are not expected to be compromised as the use of the outbuildings will not intensify the use of the overall site. This will be controlled by consent conditions requiring the outbuildings to operate as ancillary to the dwelling and not permitted to be used for separate habitation or as a secondary dwelling. Council's Environmental Health team have also included a condition for the wastewater system to obtain approval from Council to operate prior to the use of the unauthorised structures.

## REFERRALS

| Internal Referral Body                             | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building Assessment - Fire and Disability upgrades | <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><i><u>Note:</u> The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</i></p>                                                                                                                                      |
| Environmental Health (unsewered lands)             | <p><b>General Comments</b></p> <p>A Prevention notice under the Protection of the Environment Operations Act 1997 is currently directed to the owners of the property referenced as PEO2019/0002. The notice directs the owner to remove the existing wastewater holding tank/ macerator pump, install an aerated wastewater system and increase the disposal area for treated effluent.</p> <p>This referral is based on the current prevention notice being complied with and the installation of a disposal area based on configuration used in whiteheads and associates wastewater report 2019/518692. This referral does not consider that the</p> |

| Internal Referral Body              | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     | <p>existing septic tank to macerator wastewater system will be retained. This is based on the system being determined to be inadequate in the whiteheads and associates wastewater report. A condition is recommended to be imposed requiring an approval to operate to be granted prior to the use of the structures for which consent is being sought.</p> <p>The building in the rear has been referred to as a studio in the SEE. The Whiteheads and associates wastewater report considers the rear building to be habitable and as such Environmental Health has considered that this room to be habitable for wastewater generation calculations.</p> <p>Environmental Health is satisfied that wastewater can be effectively managed within the property. The planner will need to consider if the studio would be defined as a dual occupancy and whether that is permissible under the LEP and apply a condition of consent or refuse accordingly. This may include for cooking facilities not being permitted within the studio or wastewater to not be connected to the studio.</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to condition</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| NECC<br>(Bushland and Biodiversity) | <p><b>Updated Biodiversity Referral (17 September 2020)</b></p> <p>This updated assessment is based on the following additional information:</p> <ul style="list-style-type: none"> <li>- Bushfire Risk Assessment Report (Ronald Coffey, received 16 September 2020)</li> </ul> <p>The submitted bushfire report concludes that existing site conditions comply with required defendable area provisions and that no further APZs are required to be established. The proposal is therefore unlikely to impact further on significant native vegetation and is considered to comply with the controls.</p> <p><b>Biodiversity Referral (9 September 2020)</b></p> <p>There is insufficient information to assess the proposal at this time. The following biodiversity-related provisions apply to the subject site:</p> <ul style="list-style-type: none"> <li>- NSW Biodiversity Conservation Act 2016</li> <li>- SEPP (Coastal Management) - Coastal Environment Area</li> <li>- Northern Beaches Bushfire Prone Land Map</li> <li>- Pittwater LEP Clause 7.6 (Biodiversity Protection)</li> <li>- Pittwater DCP Clause B4.7 (Pittwater Spotted Gum Forest Endangered Ecological Community)</li> </ul> <p>As the property is identified on the Northern Beaches Bushfire Prone Land Map, the proposal for change of use of an existing structure to a habitable space must be accompanied by a Bush Fire Assessment Report (BFAR) in accordance with Planning for Bushfire Protection 2019 and previously provided pre-lodgement advice.</p> <p>Any bushfire Asset Protection Zones (APZs) proposed in the bushfire report may result in long-term impacts to native vegetation on the property (if approved).</p> |

| Internal Referral Body            | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   | <p>Therefore, a bushfire report is required in order to determine the extent of vegetation impacts, and in turn, to determine the proposal's compliance with relevant biodiversity controls.</p> <p>In order to achieve consistency with these controls, the bushfire report should provide recommendations for appropriate bushfire protection measures which minimise impact to native vegetation as much as possible. Vegetation on the site is mapped as the Pittwater Spotted Gum Forest Endangered Ecological Community.</p> |
| NECC<br>(Development Engineering) | No Development Engineering objection is raised to the proposed change in use with no conditions                                                                                                                                                                                                                                                                                                                                                                                                                                    |

### 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 (Coastal Management) 2018

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

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

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater)*

- and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
  - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) Aboriginal cultural heritage, practices and places,*
  - (g) the use of the surf zone.*

Comment:

The proposed development is not expected to cause adverse impact to the coastal environment area.

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

Comment:

The proposed development is considered to be adequately designed, sited and managed to avoid adverse impact on the coastal environment area.

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

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

- (c) *that impact, and has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment:

The proposed development is not expected to cause adverse impact to the coastal use area.

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

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

Comment:

The proposed development is not expected to increase the risk of coastal hazards on the site or surrounding land.

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

**Pittwater Local Environmental Plan 2014**

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

Principal Development Standards

| Standard             | Requirement | Proposed        | % Variation | Complies |
|----------------------|-------------|-----------------|-------------|----------|
| Height of Buildings: | 8.5m        | 4.1m (existing) | N/A         | Yes      |

Compliance Assessment

| Clause                      | Compliance with Requirements |
|-----------------------------|------------------------------|
| 4.3 Height of buildings     | Yes                          |
| 7.6 Biodiversity protection | Yes                          |
| 7.7 Geotechnical hazards    | Yes                          |

**Pittwater 21 Development Control Plan**

Built Form Controls

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|--|--|--|--|--|

| Built Form Control  | Requirement                | Proposed                                | % Variation*                 | Complies |
|---------------------|----------------------------|-----------------------------------------|------------------------------|----------|
| Front building line | 6.5m                       | Studio - 22m (existing)                 | N/A                          | Yes      |
|                     |                            | Utility/Laundry - 32m (existing)        | N/A                          | Yes      |
| Rear building line  | FSBL                       | All structures above FSBL (existing)    | N/A                          | Yes      |
| Side building line  | N - 2.5m                   | Studio - 3.4m (existing)                | N/A                          | Yes      |
|                     |                            | Utility/Laundry - 7.6m (existing)       | N/A                          | Yes      |
|                     | S - 1m                     | Studio - 3.3m (existing)                | N/A                          | Yes      |
|                     |                            | Utility/Laundry - 0.68m (existing)      | 32%                          | No       |
| Building envelope   | N - 3.5m                   | Within envelope                         | N/A                          | Yes      |
|                     | S - 3.5m                   | Within envelope                         | N/A                          | Yes      |
| Landscaped area     | 72% (570.7m <sup>2</sup> ) | 57.4% (455.2m <sup>2</sup> ) [existing] | 20.2% (115.5m <sup>2</sup> ) | No       |

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example:  $38/40 \times 100 = 95$  then  $100 - 95 = 5\%$  variation)

#### Compliance Assessment

| Clause                                                              | Compliance with Requirements | Consistency Aims/Objectives |
|---------------------------------------------------------------------|------------------------------|-----------------------------|
| A4.8 Lower Western Foreshores and Scotland Island Locality          | Yes                          | Yes                         |
| B1.3 Heritage Conservation - General                                | Yes                          | Yes                         |
| B1.4 Aboriginal Heritage Significance                               | Yes                          | Yes                         |
| B3.2 Bushfire Hazard                                                | Yes                          | Yes                         |
| B3.6 Contaminated Land and Potentially Contaminated Land            | Yes                          | Yes                         |
| B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community | Yes                          | Yes                         |
| C1.1 Landscaping                                                    | Yes                          | Yes                         |
| C1.2 Safety and Security                                            | Yes                          | Yes                         |
| C1.3 View Sharing                                                   | Yes                          | Yes                         |
| C1.4 Solar Access                                                   | Yes                          | Yes                         |
| C1.5 Visual Privacy                                                 | Yes                          | Yes                         |
| C1.6 Acoustic Privacy                                               | Yes                          | Yes                         |
| C1.7 Private Open Space                                             | Yes                          | Yes                         |
| C1.13 Pollution Control                                             | Yes                          | Yes                         |
| C1.14 Separately Accessible Structures                              | Yes                          | Yes                         |
| D8.1 Character as viewed from a public place                        | Yes                          | Yes                         |
| D8.2 Scenic protection - General                                    | Yes                          | Yes                         |
| D8.3 Building colours and materials                                 | Yes                          | Yes                         |
| D8.5 Front building line                                            | Yes                          | Yes                         |
|                                                                     |                              |                             |

| Clause                                     | Compliance with Requirements | Consistency Aims/Objectives |
|--------------------------------------------|------------------------------|-----------------------------|
| D8.6 Side and rear building line           | No                           | Yes                         |
| D8.8 Building envelope                     | Yes                          | Yes                         |
| D8.9 Landscaped Area                       | No                           | Yes                         |
| D8.16 Scenic Protection Category One Areas | Yes                          | Yes                         |

#### Detailed Assessment

#### **D8.6 Side and rear building line**

##### Description of non-compliance

The Control requires built structures other than fences and retaining walls to be setback a minimum of 1m from one side boundary and 2.5m from the other side boundary.

The unauthorised 'utility room' is located approximately 0.68m from the southern side boundary. All other unauthorised structures exceed the minimum side setback requirements.

##### Merit consideration

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

- *To achieve the desired future character of the Locality.*

##### Comment:

The utility room is considered relatively minor in scale and is unseen from the public domain. The siting of the utility room does not result in any unreasonable view loss and does not create unreasonable visual impacts. In this regard, the desired future character of the locality is considered to be achieved.

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

##### Comment:

The bulk and scale of the utility room is not considered significant as it sits lower than the adjacent southern dwelling. Existing vegetation around the structure will assist in softening its bulk and scale.

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

##### Comment:

No views or vistas are unreasonably impacted as a result of the utility room, being located lower in elevation than that of the adjoining properties

- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

Comment:

As above, no views or vistas are unreasonably impacted.

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

Comment:

While the utility room is sited close to the southern side boundary, the non-habitable nature of the room will mean that its use is expected to be for short periods. Ongoing long term occupation of the room is unlikely. As such, any amenity or privacy impact to the neighbouring dwellings is considered to be insignificant.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*

Comment:

Existing areas of landscaping are not expected to be impacted by the ongoing use of the utility room.

- *Flexibility in the siting of buildings and access.*

Comment:

The siting of the utility room is reasonable in the context of the site.

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

Comment:

Existing landscaped area and vegetation around the utility room will serve to visually reduce the built form of the development.

- *To ensure a landscaped buffer between commercial and residential zones is established.*

Comment:

Not applicable, given the site does not adjoin a commercially zoned property.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21 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.

## **D8.9 Landscaped Area**

### Description of non-compliance

The Control requires a maximum of 28% (221.9m<sup>2</sup>) of site area not provided as landscaped area, meaning a minimum landscaped area of 72% (570.7m<sup>2</sup>) of site area is required.

The proposed development provides 57.4% (455.2m<sup>2</sup>) of the total site area as landscaped area, which represents a variation of 20.2% (115.5m<sup>2</sup>).

The variations provision of the Control allows for up to 6% of the site area to be impervious landscape treatment, provided the outcomes of the Control are achieved and such areas are used for outdoor recreational purposes only. Upon application of such provision, the landscaped area of the site increases to 63.6%. With this variation applied, the landscaped area remains numerically non-compliant.

#### Merit consideration

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

- *To achieve the desired future character of the Locality.*

#### Comment:

The unauthorised structures are not visible from the streetscape or any other public domain and are generally consistent in terms of bulk and scale with other outbuildings in the locality. As such, the desired future character of the locality is considered to be achieved.

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

#### Comment:

The unauthorised structures are limited in their height and scale. Their siting does not cause any unreasonable bulk and scale impact to adjacent dwellings. The bulk and scale of the structures considered to be consistent with other outbuildings in the locality.

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

#### Comment:

The unauthorised structures are not expected to unreasonably impact upon the amenity of adjacent properties or the public domain.

- *Vegetation is retained and enhanced within the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation including tree canopy.*

#### Comment:

No significant vegetation is impacted by the structures. Existing nearby vegetation adequately reduced the visual dominance of the structures.

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

#### Comment:

The site is considered capable of maintaining function to infiltrate and capture stormwater runoff thus preventing soil erosion and siltation of natural drainage channels.

- *To ensure the distribution of height and mass preserves, and enhances neighbourhood amenity and has regard to site characteristics and environmental constraints.*

Comment:

The height and mass of the structures are consistent with their intended use with the bushland character of the area maintained.

- *To conserve significant natural features of the site and contribute to effective management of biodiversity.*

Comment:

As above, no significant vegetation is impacted, therefore conserving the natural vegetation and biodiversity within the site.

- *The area of site disturbance is minimised.*

Comment:

No change to existing site conditions is required.

- *Soft surface is maximised.*

Comment:

The proposed development does not alter the existing provision of landscaped area. While the landscaped area is deficient, the soft surface of the site is considered to sufficiently provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.

Having regard to the above assessment, it is concluded the proposed development is consistent with the relevant objectives of P21 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**

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

## CONCLUSION

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

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

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0724 for Use of existing structures as habitable space on land at Lot 73 DP 1045610, 91 Florence Terrace, SCOTLAND ISLAND, 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                 |
| 2120 - BC 01                                        | June 2020 | Stephen Crosby & Associates |
|                                                     |           |                             |

|              |           |                             |
|--------------|-----------|-----------------------------|
| 2120 - BC 02 | June 2020 | Stephen Crosby & Associates |
| 2120 - BC 03 | June 2020 | Stephen Crosby & Associates |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |              |                             |
|-----------------------------------------------------------------------------------------|--------------|-----------------------------|
| <b>Report No. / Page No. / Section No.</b>                                              | <b>Dated</b> | <b>Prepared By</b>          |
| Bushfire Risk Assessment Report (Ref: 1402)                                             | 09/09/2020   | Ronald Coffey               |
| BCA Compliance Assessment                                                               | Undated      | Stephen Crosby & Associates |
| Geotechnical Assessment (Ref: J2795)                                                    | 17/07/2020   | White Geotechnical Group    |

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

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

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

## 2. **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) 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.

#### 4. **Use of Studio**

The studio may only be used as an ancillary habitable structure of the dwelling. The studio must not be used as a separate occupation or secondary dwelling at any time.

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

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

#### 5. **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.

**6. Fire Separation - External Walls**

The external walls of the proposed alterations and additions where less than 900mm from an allotment boundary shall have a FRL 60/60/60. Any openings within these walls are to be protected in accordance with Part 3.7 of the Building Code of Australia –‘Fire Safety’.

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

Reason: To ensure adequate provision is made for fire safety and for building occupant safety.

**7. 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 WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**8. Prior to use - Waste Water System**

Prior to the use of the laundry, utility rooms and demountable timber studio building, a s68 (Local Government Act 1993) approval to operate for the wastewater system must be activated and effectively operating to the satisfaction of the Principal Certifying Authority.

Details demonstrating compliance with the wastewater system and wastewater disposal method described in the whiteheads and associates report referenced as Letter\_2414\_002, and a copy of the current s68 approval to operate for the wastewater system are to be submitted to the Principal Certifying Authority.

Reason: To ensure wastewater generated from the use of site can be effectively managed within the site.

**9. Prescribed trees to be protected**

All trees on site are to be retained unless exempt by way of species, size or another applicable planning instrument. Evidence demonstrating compliance is to be provided to the Certifying Authority prior to any Occupation Certificate.

Reason: To protect the Pittwater Spotted Gum Forest Endangered Ecological Community.

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

**10. Dead or Injured Wildlife**

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

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

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

**Signed**



**Nick Keeler, Planner**

The application is determined on 07/10/2020, under the delegated authority of:



**Tony Collier, Acting Development Assessment Manager**