

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0009
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Responsible Officer:	Catriona Shirley
Land to be developed (Address):	Lot 5 DP 825997, 82 A George Street AVALON BEACH NSW 2107
Proposed Development:	Alterations and Additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	John Lawless Duigan Nammi Le
Applicant:	John Lawless Duigan Nammi Le

Application lodged:	09/01/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	25/01/2019 to 12/02/2019
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval

Estimated Cost of Works:	\$ 402,260.00
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ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest

- groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone E4 Environmental Living
 Pittwater Local Environmental Plan 2014 - 5.7 Development below mean high water mark
 Pittwater Local Environmental Plan 2014 - 5.9 Preservation of trees or vegetation
 Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils
 Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
 Pittwater Local Environmental Plan 2014 - 7.3 Flood planning
 Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection
 Pittwater Local Environmental Plan 2014 - 7.8 Limited development on foreshore area
 Pittwater 21 Development Control Plan - A4.1 Avalon Beach Locality
 Pittwater 21 Development Control Plan - B1.3 Heritage Conservation - General
 Pittwater 21 Development Control Plan - B1.4 Aboriginal Heritage Significance
 Pittwater 21 Development Control Plan - B3.11 Flood Prone Land
 Pittwater 21 Development Control Plan - B4.19 Estuarine Habitat
 Pittwater 21 Development Control Plan - B4.21 Bush-Stone Curlew Habitat
 Pittwater 21 Development Control Plan - B8.1 Construction and Demolition - Excavation and Landfill
 Pittwater 21 Development Control Plan - C1.3 View Sharing
 Pittwater 21 Development Control Plan - C1.4 Solar Access
 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 - D1.5 Building colours and materials
 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 - D1.20 Scenic Protection Category One Areas

SITE DESCRIPTION

Property Description:	Lot 5 DP 825997 , 82 A George Street AVALON BEACH NSW 2107
Detailed Site Description:	The site is known as 82A George Street, Avalon Beach, and legally identified as Lot 5 in Deposited Plan 825997. The site is located within the E4 Environmental Living zone of the Pittwater Local Environment Plan 2014, and is within the Avalon Beach locality of Pittwater Development Control Plan 2014. The property is irregular in shape and is 1108sqm in size. The properties front boundary to George Street is 18.5m in length, with a south eastern side boundary of 62.5m, a north west side boundary of 54.02m and a north east rear boundary of approximately 21m (high water mark). The rear boundary of the property adjoins Careel Creek.

The site has a fall of approximately 1.44m from the front boundary to the rear Careel Creek boundary. The site is also located within a medium risk flood zone, and is classified as class 2 and 3 for acid sulfate soils.

The property currently contains a residential dwelling house with a in-ground swimming pool.

Surrounding properties are a mix of single residential dwelling houses and dual occupancies, of varying ages, within landscaped settings.

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent development applications for this site.

The land has been used for residential purposes for an extended period of time.

PROPOSED DEVELOPMENT IN DETAIL

The proposal is for the alterations and additions to the existing dwelling house.

The proposal includes the following works:

Ground Floor

- Extension of the family room
- Addition of new laundry
- New access stairs to the first floor

First Floor

- New master bedroom
- Two new study areas
- New Library/gallery
- Wetbar
- New Rumpus
- Storage areas
- Rear terrace
- Three (3) new bathrooms
- Access stairs to the ground floor

External

- Removal of paved areas
- Associated landscaping

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, 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 matter has been addressed via a condition of consent.

Section 4.15 Matters for Consideration'	Comments
	<u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent. <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 matter may be addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah/Manly/Pittwater 21 Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

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 process council is in receipt of 1 submission/s from:

Name:	Address:
Kay Francis Mr Frans Willem Hoogerwerf	2 / 84 George Street AVALON BEACH NSW 2107

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

- Uncertainty of proposal
- Internal plans
- Privacy
- Completion of works
- Colour of materials
- Notification

The matters raised within the submissions are addressed as follows:

- ***Concern was raised in regards to the amount of time between when the notification letter was received and the closing date for submissions.***

Comment:

There was concern raised in regards to the length of time the objector had to write their submission due to the notification letter being received by the objector on the 21 January 2019, and the closing date being the 4th of February 2019.

The application was notified in accordance with Clause A5.1 Exhibition Advertisement and Notification of Applications of Pittwater Development Control Plan 2014. The objector was granted an extension for her submission. The assessment of the proposal was not undertaken until the submission was received by Council.

Therefore, it is considered this application was notified in accordance with legislative requirements, and does not warrant refusal of the application.

- ***Concern was raised that the proposal was for a first floor addition that included a secondary dwelling creating a dual occupancy.***

Comment:

The proposal is for a first floor addition and ground floor reconfiguration. The plans submitted with the development application do not demonstrate a secondary dwelling, or dual occupancy. Therefore, it is considered this matter has been addressed and does not warrant further amendment or refusal of the application.

- ***Concern was raised that the internal plans were not provided.***

Comment:

An email was sent to the objector on the 18 February 2019 explaining that internal floor plans are not provided on the Council's website due to privacy reasons. The email also explained if the

objector would like to see the internal plans for the proposal they could come into any of Councils offices and ask to see the duty planner. The duty planner can provide the internal floor plans for them to view.

It is considered this matter has been addressed and does not warrant further amendment or refusal of the application.

- ***There is concern that the additional windows and terrace area of the proposed first floor will have privacy impacts to the adjoining property 2/84 George Street.***

Comment:

Submissions have been received in objection to the proposed development and potential impacts upon privacy of the adjoining dwellings to both sides. As discussed with regard to Clause C1.5 Visual Privacy of P21 DCP, the proposal is not considered to result in any unreasonable visual privacy impacts, subject to conditions of consent.

Therefore, it is considered this matter has been addressed and does not warrant further amendment or refusal of the application.

- ***There is concern that the construction could take many years and the time frame for construction completion should be conditioned.***

Comment:

Once a development application is approved the applicant has five (5) years in which to activate the development application consent. There is no legislation to limit the length of time that a construction has to be completed by. A condition is included within the application that would dictate the hours that construction could take place to ensure amenity to the neighbours is maintained.

Therefore, it is considered this matter has been addressed and does not warrant further amendment or refusal of the application.

- ***There is concern that the first floors walls should be of a lighter colour to reflect natural light.***

Comment:

The proposal seeks the use of a dark colour for the exterior timber cladding of the first floor addition (Charred timber), and a white painted brick for the ground floor. The use of the white colour is inconsistent with the requirement for dark and earthy tones under Clause D9.3 Building Colours and Materials of P21 DCP.

Therefore, the first floor is of an acceptable colour under Clause D9.3, and a condition will be imposed to require the ground floor external colour to be of a dark and/or earthy tone to ensure compliance with the clause.

A condition is also included to ensure the external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties.

Therefore, it is considered this matter has been addressed and does not warrant further amendment or refusal of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The proposal, in terms of landscape outcome, is acceptable subject to the protection of existing trees and vegetation nominated for retention, and completion of landscaping. Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls: B4.22 Preservation of Trees or Bushland Vegetation C1.1 Landscaping
NECC (Bushland and Biodiversity)	This application was assessed under Pittwater LEP Clause 7.6 Biodiversity, and Pittwater 21 DCP Clauses B4.15 Saltmarsh EEC, B4.16 Seagrass conservation, B4.19 Estuarine habitat, and B4.21 Bush-stone Curlew Habitat. The property is immediately adjacent to Careel Bay Wetlands which includes protected mangroves, Endangered Ecological Communities, and habitat for northern Sydney's only known population of threatened Bush-stone Curlews. The proposal is not anticipated to impact on aquatic values, hence the aquatic controls do not apply. Sediment and erosion control must be installed during construction works. B4.21 Bush-stone Curlew Habitat Controls <i>Development shall retain and enhance the habitat of the Bush-stone Curlew.</i> <i>Caretakers of domestic animals shall prevent them from entering the seaward side of approved built form which include Bush-Stone Curlew habitat areas. Cats are not permitted to be kept in known Bush-Stone Curlew habitat areas.</i> The proposal is for the alterations and additions to the existing dwelling, including demolition of the rear part of the existing building and erection of a new two-storey component and an outdoor covered terrace area, and landscaping. The vegetation on the Careel Bay (northern) side of the current built form consists of mown lawn and planted garden/edible/exotic species, including a Chinese Elm (<i>Ulmus parvifolia</i>), Avocado and Fig trees. There is one native tree, a large <i>Casuarina glauca</i> in the north-eastern corner, which will not be impacted by the proposal. The plans indicate that the existing metal fencing will be retained. There is a gap in the fencing in the northeastern corner. Once this gap is filled with similar fencing material, this fencing satisfies the B4.21 control. Council's Natural Environment - Biodiversity section supports the

Internal Referral Body	Comments
	application, subject to conditions.
NECC (Development Engineering)	The existing access is satisfactory. No Development Engineering objection to the first floor addition subject to conditions.
NECC (Riparian Lands and Creeks)	This application is recommended for approval. The application proposes very little change in impervious surface area on the lot, as the building will use the existing footprint, therefore water quality controls do not apply. The existing stormwater outlet to Pittwater is being used. Sediment and erosion controls must be installed prior to any work on site and maintained until work is complete and groundcover re-established.

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 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A332906_02 and 07

November 2018). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. A332906_02 and 07 November 2018).

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

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

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	7.2m	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
1.9A Suspension of covenants, agreements and instruments	Yes
Part 4 Principal development standards	Yes
4.3 Height of buildings	Yes
5.7 Development below mean high water mark	Yes
5.9 Preservation of trees or vegetation	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
Part 7 Additional local provisions	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

Zone E4 Environmental Living

The development proposed is found to be consistent with the following Outcomes of the E4 Environmental Living zone:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

The proposed development is to have a acceptable impact on the significant vegetation existing on the site, as detailed in the Landscape Officer and Biodiversity comments.

The documentation accompanying the proposed structure contains sufficient information for Council to be satisfied that the development will be integrated with the landform and landscape and is consistent with surrounding developments.

5.7 Development below mean high water mark

The application does not include any works below the mean high water mark.

5.9 Preservation of trees or vegetation

A landscaping plan has been submitted with the application (Landscape Plan L-01 dated 20/11/2018). Councils Landscaping and Biodiversity officers have assessed the proposal and consider the impact of the development on the existing trees and vegetation to be reasonable, subject to the imposed

conditions.

7.1 Acid sulfate soils

The site is located in an area identified as Acid Sulfate Soil Class 2 and 3, as indicated on Council's Acid Sulfate Soils Planning Map.

Clause 7.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Works at depths beyond 1.0m below the natural ground surface and/or works by which the watertable is likely to be lowered more than 1.0 metre below the natural ground surface within a Class 3 acid sulfate soil area are required to be assessed to determine if any impact will occur.

Works below the natural ground surface, or works that are likely to lower the watertable within a Class 2 acid sulfate soil area are required to be assessed to determine if any impact will occur.

A Geotechnical Site Investigation Report has been prepared by Crozier Geotechnical Consultants, dated 11 December 2018, details that the proposed development does not disturb, expose or drain acid sulfate soils that would cause environmental damage. The submitted geotechnical report also recommends that any change to the excavation requirements of the proposal may need further reporting or investigation. These recommendations form part of the conditions of consent.

7.2 Earthworks

The proposed works have been assessed by a qualified Engineering Geologist and the application is accompanied by a Geotechnical Site Investigation (Crozier Geotechnical Consultants, dated 11 December 2018). The report has indicated that the proposed works will not result in any geo-instability. However, the recommendations in regards to any change in the earthworks for the footings in the rear north-west corner of the dwelling house, within the Geotechnical Site Investigation, are included as conditions of the consent.

7.3 Flood planning

The proposed additions will not adversely affect the land's flood hazard, and is comparable with the flood hazard of the property. All works are above the foreshore building line, and there will be minimal change in the impervious surface area on the site, therefore water quality controls do not apply.

7.6 Biodiversity protection

A landscaping plan has been submitted with the application (Landscape Plan L-01 dated 20/11/2018). Councils Landscaping and Biodiversity officers have assessed the proposal and consider the impact of the development on the existing biodiversity to be reasonable, subject to the imposed conditions.

7.8 Limited development on foreshore area

The proposed works are not within the foreshore area, as they are setback from the foreshore building line.

There is currently no continuous public access path along the foreshore area to the waterway. Therefore, there is no change to the existing foreshore access situation.

As a result, the works will not impact on natural foreshore processes or affect the significance and amenity of the area.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	8.2m - 8.8m First floor	-	Yes
Rear building line - mean high water mark	6.5m	18m - 31m First Floor Terrace 23.9m - 33m First Floor Dwelling	- -	Yes Yes
Side building line	2.5m North West	2.52m First Floor Terrace 3.0m - 5.0m First Floor Dwelling	- -	Yes Yes
	1m South East	2.9m First Floor Terrace 2.9m - 3.4m First Floor	- -	Yes Yes
Building envelope	3.5m North West	0.4m for length of 6.2m and 2.7m	11%	Yes
	3.5m South East	0.7m for a length of 5.8m, and 0.7m for a length of 8.8m	20%	Yes
Landscaped area	50%	60% (663sqm)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Section A Shaping Development in Pittwater	Yes	Yes
A1 Introduction	Yes	Yes
A1.7 Considerations before consent is granted	Yes	Yes
A4 Localities	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
A5 Exhibition, Advertisement and Notification of Applications	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
Section B General Controls	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3 Hazard Controls	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4 Controls Relating to the Natural Environment	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B4.20 Protection of Estuarine Water Quality	Yes	Yes
B4.21 Bush-Stone Curlew Habitat	Yes	Yes
B5 Water Management	Yes	Yes
B5.11 Stormwater Discharge into Waterways and Coastal Areas	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B6 Access and Parking	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8 Site Works Management	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
Section C Development Type Controls	Yes	Yes
C1 Design Criteria for Residential Development	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
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	No	Yes
Section D Locality Specific Development Controls	Yes	Yes
D1 Avalon Beach Locality	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.5 Building colours and materials	Yes	Yes
D1.8 Front building line	Yes	Yes
D1.9 Side and rear building line	Yes	Yes
D1.11 Building envelope	Yes	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D1.16 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D1.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D1.20 Scenic Protection Category One Areas	Yes	Yes
D1.21 Masterplan - Careel Bay	Yes	Yes
D15 Waterways Locality	Yes	Yes
D15.12 Development seaward of mean high water mark	Yes	Yes
D15.22 Masterplan - Careel Bay	Yes	Yes

Detailed Assessment

A4.1 Avalon Beach Locality

The development is consistent with the Desired Character statement of the Avalon Beach Locality.

The built form will continue to sit comfortably with adjoining and surrounding residential development. The proposed landscaping will assist to visually screen the bulk and scale of the built form and integrate the built form into the landscape.

Based on the above, the development is consistent with the Avalon Beach desired character statement.

B1.3 Heritage Conservation - General

The site is not a heritage item, located in a heritage conservation area, or immediately adjacent to any heritage items.

B1.4 Aboriginal Heritage Significance

The site is not known or anticipated to be home to any aboriginal relics.

B3.11 Flood Prone Land

The submitted plans of the proposal indicate that the existing floor levels are 2.635m AH, which is above the FPL and PMF level. Therefore, the proposal is outside the 1 in 100 year flooding event and a flood risk management report is not required.

B4.19 Estuarine Habitat

There is no works proposed below the mean high water mark, or within the foreshore building line. Therefore, the proposed works do not adversely impact the mangroves, mudflats and other adjoining foreshore habitats.

B4.21 Bush-Stone Curlew Habitat

The development retains landscaping and environmental features and is therefore compatible with the Bush-Stone Curlew habitat.

B8.1 Construction and Demolition - Excavation and Landfill

The proposed works have been assessed by a qualified Engineering Geologist and the application is accompanied by a Geotechnical Site Investigation (Crozier Geotechnical Consultants, dated 11 December 2018). The report has indicated that the proposed works will not result in any geo-instability. However, the recommendations in regards to any changes to the earthworks for the footings in the rear north-west corner of the dwelling house, within the Geotechnical Site Investigation, are included as conditions of the consent.

C1.3 View Sharing

A reasonable view sharing from the subject dwelling and surrounding properties is maintained.

C1.4 Solar Access

Overall, the proposal is considered to be designed and sited to maximise solar access to adjoining dwellings during mid-winter, with a reasonable level of solar access maintained by adjoining properties. Furthermore, the proposed development, with the living area to the north, has been sited to maintain

solar access in midwinter, reducing the need and dependence on artificial lighting. As such, despite the additional overshadowing resulting from the proposal, the development is consistent with the outcomes of this control.

C1.5 Visual Privacy

Having regard to this localised situation, the assessment of privacy is to be based on the principle of not creating additional impacts on the existing level of privacy between neighbours.

As a result of proposal being a first floor addition, the proposed dwelling is elevated above ground such that overlooking from the first floor windows and the rear terrace will occur. A submission has been received from the owners of the adjoining dwelling 2/84 George Street raising concerns with regard to potential overlooking associated with windows and terrace area on the first floor.

To prevent overlooking within 9m of neighbouring properties, and to achieve consistency with this development control, conditions of consent are recommended to require:

- Windows W14, W15, and W16 on the northern western elevation are to have a minimum sill height of 1.5m above the finished floor level;
- W17 on the north western elevation of the proposed first floor is to comprise of translucent (frosted) glazing; and
- A privacy screen on the north-western elevation of the first floor proposed terrace is to extend along the full width of the terrace.

The proposed south-east elevation has appropriate design measures to limit overlooking, and mitigate potential privacy impacts. These include the use of high-sil windows, slimline windows and a privacy screen on the south east terrace elevation. The direct line of site from the upper floor south-east elevation is across to the front entrance of the adjoining property, the impact is not considered to be unreasonable, as both areas are transient spaces with a spatial separation of approximately 8m. The line of site from these areas also adjoins the neighbouring proposed parking and potential secondary dwelling, not the properties private open space area.

Subject to conditions of consent, the proposal is considered to optimise privacy through good design and provide a sense of territory and safety for residents, consistent with the outcomes of this development control.

C1.23 Eaves

The proposal is a modern design and does not incorporate eaves on all elevations.

The proposed eave width is acceptable on merit as the proposed roof form will be a modern design consistent with the surrounding dwelling houses and the character of George Street, as well as the indication in the submitted BASIX information that the appropriate solar access and shading would be achieved.

Based on the above, the proposed eaves are considered to satisfy the outcomes of the control and is supported on merit.

D1.1 Character as viewed from a public place

The proposals built form will continue to sit comfortably with the adjoining and surrounding one and two storey residential development.

The built form responds to the topography of the site, and in conjunction with the existing and proposed landscaping will assist to visually screen the bulk and scale of the built form and integrate the built form into the landscape.

Based on the above, the proposal will modernise and improve the built form when viewed from George Street and is considered to be consistent with the desired character of the Avalon Locality.

D1.5 Building colours and materials

The proposal seeks the use of a dark colour for the exterior timber cladding of the first floor addition (Charred timber), and a white painted brick for the ground floor. The use of the white colour is inconsistent with the requirement for dark and earthy tones under this clause.

Therefore, a condition will be imposed to require the ground floor external colour to be of dark and earthy tones to ensure compliance with the clause.

A condition is also included to ensure the external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties.

D1.11 Building envelope

The parapet roofline on the north-west and south-east elevations of the building have a minor building envelope encroachment.

The variations are as follows;

- North-west has two variations of a height of 0.4m, one for a length of 6.2m and the other for a length of 2.7m
- South-east has two variations of a height of 0.7m one for a length of 5.8m and the other for a length of 8.8m

There are no applicable variations to support this non-compliance and the proposal could be conditioned to comply, without compromising the associated spaces. However, the protruding elements provides symmetry to the design, and does not result in and unreasonable impacts upon the amenity of the adjoining property.

Therefore, the proposal achieves consistency with the outcomes of the building envelope control, as follows:

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

Comment:

The proposed development is consistent with the desired character of the Avalon Locality.

- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

Comment:

The proposal is well articulated, and is of a scale that is consistent with surrounding environment. Overall, the proposal will result in an improved aesthetic as seen from the street.

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

Comment:

The development has been designed to respond sensitively to the flood hazard that constrains the subject site, whilst maintaining compatibility with surrounding development.

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

Comment:

The proposal has been designed to effectively minimise the apparent size of the resultant development, with modulation and articulation acting to break down the scale of the development.

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

Comment:

The proposal does not result in any unreasonable views to and from public/private places.

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

Comment:

The proposal does not result in any unreasonable impacts upon privacy, amenity or solar access of adjoining properties.

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

Comment:

The application was supported by a landscape plan, which demonstrates an enhancement of native vegetation to screen and soften the resultant built form.

As such, it is recommended that the proposal be supported on merit, despite the technical noncompliance with the building envelope control.

D1.14 Landscaped Area - Environmentally Sensitive Land

The proposed works result in a landscaped area of 663m² or 60% of the total site.

The application seeks to increase the amount of soft landscaping onsite by the removal of paved areas adjoining the swimming pool area. As such, the proposal does not result in an additional decrease to the existing landscaped area calculation.

The proposal also seeks to retain existing trees on the site, and proposes additional planting along the northern boundary to assist in mitigating any potential privacy impacts. Therefore, the landscaped area proposed achieves the desired bushland character of the Avalon Beach locality.

D1.20 Scenic Protection Category One Areas

The proposed development, with the imposed conditions for the external ground floor colour, will ensure that the colours blend into the natural environment.

Therefore, it is considered that the proposed development achieves the desired future character of the Avalon Beach Locality of low density houses in a landscaped setting. The proposed development

maintains a reasonable level of amenity and solar access to both neighbouring properties and the occupants of the subject site. All existing trees are to be preserved. The retention of and additional vegetation planting will reduce the visual impact of the built form as well as conserve the biodiversity on site.

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/0009 for Alterations and Additions to a dwelling house on land at Lot 5 DP 825997, 82 A George Street, AVALON BEACH, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan 015	9/11/2018	Katris Architects Pty Ltd
Demolition Plan 004	9/11/2019	Katris Architects Pty Ltd
Ground Floor Plan 005	9/11/2019	Katris Architects Pty Ltd
First Floor Plan 006	9/11/2019	Katris Architects Pty Ltd
Roof Plan 007	9/11/2019	Katris Architects Pty Ltd
Elevations 008	9/11/2019	Katris Architects Pty Ltd
Sections 009	9/11/2019	Katris Architects Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Site Investigation	11/12/2018	Crozier

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Proposed Landscape Plan L-01	20/11/2018	Site Design and Studio

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. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- The sill height of windows W14, W15, and W16 are to be a minimum height of 1.5m above the finished floor level.
- Window W17 is to be translucent (frosted) glazing

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

3. **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

4. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. Security Bond

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

development site.

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

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

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

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

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

6. 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.

7. External Finishes to Roof

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

8. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

9. Privacy Screen

A 1.65 metre privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost north-western edge of the first floor terrace located off the rumpus/billiard area as shown on the approved plans. The privacy screen shall be of either timber, fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

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

Reason: In order to maintain privacy to the adjoining / nearby property. (DACPLC06)

10. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

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

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

11. External Finish Colour

The external finish to the ground floor shall have a dark or earthy tone range in order to minimise adverse visual impact. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

Reason: To ensure that external colours minimise adverse visual impact.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

14. **Tree and vegetation protection**

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

- i) all trees and vegetation within the site identified for retention as shown on the landscape plan L-01,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

B) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone 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,
- iv) 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,
- v) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a Project Arborist on site,
- vi) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
- vii) excavation for stormwater lines is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist,
- viii) should either or all of v), vi) and vii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- ix) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009,
- x) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

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

15. **No Material Storage within 5m of a native tree to be retained, and must be contained**

No storage of building materials or building waste, excavated fill or topsoil storage is to occur within 5m of trees shown on the approved landscape working drawing(s) as being retained.

Drainage is to be arranged such that fill, building materials or contaminants are not washed into into immediately adjacent Careel Bay.

Building materials and waste stockpiles must be located south of the existing built form.

Reason: To protect and retain trees proposed for retention and ensure building materials and waste do not enter the adjacent protected mangroves.

16. **Fencing for Wildlife Passage**

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

Reason: Management of wildlife corridors

17. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

18. Landscape works

Landscaping is to be implemented in accordance with the landscape plan 1154.L-01 prepared by Site Design Studios.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the amended landscape plan and the conditions of consent.

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

19. Stormwater Disposal

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

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

20. Gap in the fence to be repaired

The gap in the northeastern corner of the site is to be repaired with similar fencing materials to ensure the rear yard can safely contain domestic animals and is passable for native fauna.

Details of compliance, including photographic evidence, must be submitted to the Principal Certifying Authority prior to issue of Occupation Certificate.

Reason: To ensure compliance with fencing requirements of Pittwater 21 DCP Clause B4.21 Bush-stone Curlew Habitat (DACNEFPOC1)

21. Waste Management Confirmation

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

22. **Landscape maintenance**

All landscape components are to be maintained for the life of the development.

A maintenance program is to be established. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components and species to maintain the landscape theme of the landscape plan.

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

23. **Environmental and priority weed control**

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

Reason: preservation of environmental amenity.

24. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

25. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

26. **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.

27. **Domestic Animals Exclusion**

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

Reason: Wildlife protection

28. **Fencing for Wildlife Passage**

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

Reason: Management of wildlife corridors

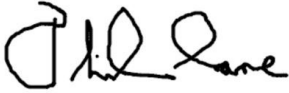
In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Catriona Shirley, Planner

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



Phil Lane, Acting Development Assessment Manager