

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| <b>Application Number:</b> | DA2020/0028 |
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|---|---|
| <b>Responsible Officer:</b>               | Phil Lane   |
| <b>Land to be developed (Address):</b>    | Lot 22 DP 11552, 9 Ocean Road PALM BEACH NSW 2108           |
| <b>Proposed Development:</b>              | Construction of a dwelling house                            |
| <b>Zoning:</b>                            | E4 Environmental Living                                     |
| <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>                             | John Charles Bubb<br>Christina Veronika Ingrid Neumann-Bubb |
| <b>Applicant:</b>                         | John Charles Bubb<br>Christina Veronika Ingrid Neumann-Bubb |

|                                  |  |
|----------------------------------|--|
| <b>Application Lodged:</b>       | 17/01/2020                                 |
| <b>Integrated Development:</b>   | No   |
| <b>Designated Development:</b>   | No   |
| <b>State Reporting Category:</b> | Residential - Single new detached dwelling |
| <b>Notified:</b>                 | 30/01/2020 to 13/02/2020                   |
| <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> | \$ 3,595,015.00 |
|---------------------------------|-----------------|

### PROPOSED DEVELOPMENT IN DETAIL

The construction of a new dwelling house and attached garage.

#### Ground Floor

Entry, wet room, sauna, bin storage, battery room, water tanks, internal access stairs and lift shaft with a new double garage and store/cellar

#### First Floor

Two (2) bedrooms with bedroom 2 consisting of a walk-in robe and ensuite, bedroom 3 with ensuite, media room, sitting room, water closest and front balcony

## **Second Floor**

Dining and kitchen with butlers pantry, laundry, water closet, sewing room, front balcony, rear terrace, master bedroom with ensuite and walk-in robe.

All levels of the dwelling are connected by the proposed internal stairs and lift.

## **Retaining walls**

The development as proposed retains walls along portions of the northern and southern side boundaries with a retaining wall with large planters boxes in the rear yard.

A small front fence and retaining walls are also proposed within the front setback.

**Note:** The original application also requested the demolition of existing dwelling, however on 1 April 2020 the applicant advised Council that the demolition was to be removed as the owners of the property now had received approval via Complying Development Certificate for a Demolition of the existing dwelling and associated structures.

## **Amended Plans**

27 April 2020 - Amended plans received from the applicant to address landscaping within the front setback and issues raised by Council's Senior Landscape Architect

8 May 2020 - Amended plans received from the applicant to address the overall building height (10m control) - Revision E

2 June 2020 - Amended plans received from the applicant to address the reduction of the retaining walls and terracing in the rear yard - Revision F

Re-notification of the amended plans was considered not to be necessary as the amendments related to the reduction of the overall height of the dwelling and reduced terracing in the rear yard (considered a lesser environmental impact than the original proposal). This is consistent with the Community Participation Plan.

## **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 - 4.3 Height of buildings  
 Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards  
 Pittwater 21 Development Control Plan - B3.1 Landslip Hazard  
 Pittwater 21 Development Control Plan - B3.3 Coastline (Beach) Hazard  
 Pittwater 21 Development Control Plan - B8.1 Construction and Demolition - Excavation and Landfill  
 Pittwater 21 Development Control Plan - D12.5 Front building line  
 Pittwater 21 Development Control Plan - D12.8 Building envelope  
 Pittwater 21 Development Control Plan - D12.13 Construction, Retaining walls, terracing and undercroft areas  
 Pittwater 21 Development Control Plan - D12.14 Scenic Protection Category One Areas

## SITE DESCRIPTION

|                                   |   |
|-----------------------------------|---|
| <b>Property Description:</b>      | Lot 22 DP 11552 , 9 Ocean Road PALM BEACH NSW 2108  |
| <b>Detailed Site Description:</b> | <p>The subject site consists of one (1) allotment located on the western side of Ocean Road.</p> <p>The site is irregular in shape with a frontage of 21.391m along Ocean Road and a depth of 64.445m along the northern side boundary and 48.095m along the southern side boundary. The site has a surveyed area of 1189m<sup>2</sup>.</p> <p>The site is located within the E4 Environmental Living zone and accommodates a three (3) storey dwelling.</p> <p>The site has a fall of over 30m from the top (rear boundary) to the bottom (front boundary) or approximately 47% sloping grade.</p> <p>The site has a mix of native and exotic species of plants, shrubs and trees with a large rock floater approximately two thirds of the way up in the rear yard which needs to be demolished and removed for safety issues.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development are characterised by two (2) and three (3) storey dwellings with landscaped settings. It is noted that the dwellings within this section of Ocean Road are located close to the front boundary due to the significant slope of the land leaving a limited area available for development.</p> |

Map:



## SITE HISTORY

CDC2020/0235 (CDC2020-544) - Demolition of existing structures - Approved 14 April 2020

## 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)(iiiia) – 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.  |

| Section 4.15 Matters for Consideration'   | Comments  |
|---|---|
|   | <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 building height and landscaping within the front setback and the proposed landscaping by the applicant within the road reserve. Amended plans in relation to the building height was received on</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>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 of consent.</p> |
| <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> | <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>   |
| <p>Section 4.15 (1) (c) – the suitability of the site for the development</p>   | <p>The site is considered suitable for the proposed development.</p>  |
| <p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>   | <p>See discussion on “Notification &amp; Submissions Received” in this report.</p>  |
| <p>Section 4.15 (1) (e) – the public interest</p>   | <p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>  |

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

**NOTIFICATION & SUBMISSIONS RECEIVED**

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

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

| Name:                         | Address:                         |
|-------------------------------|----------------------------------|
| Withheld                      | BELROSE NSW 2085                 |
| Mr Graham Magnay<br>Wilkinson | 8 Ocean Road PALM BEACH NSW 2108 |

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

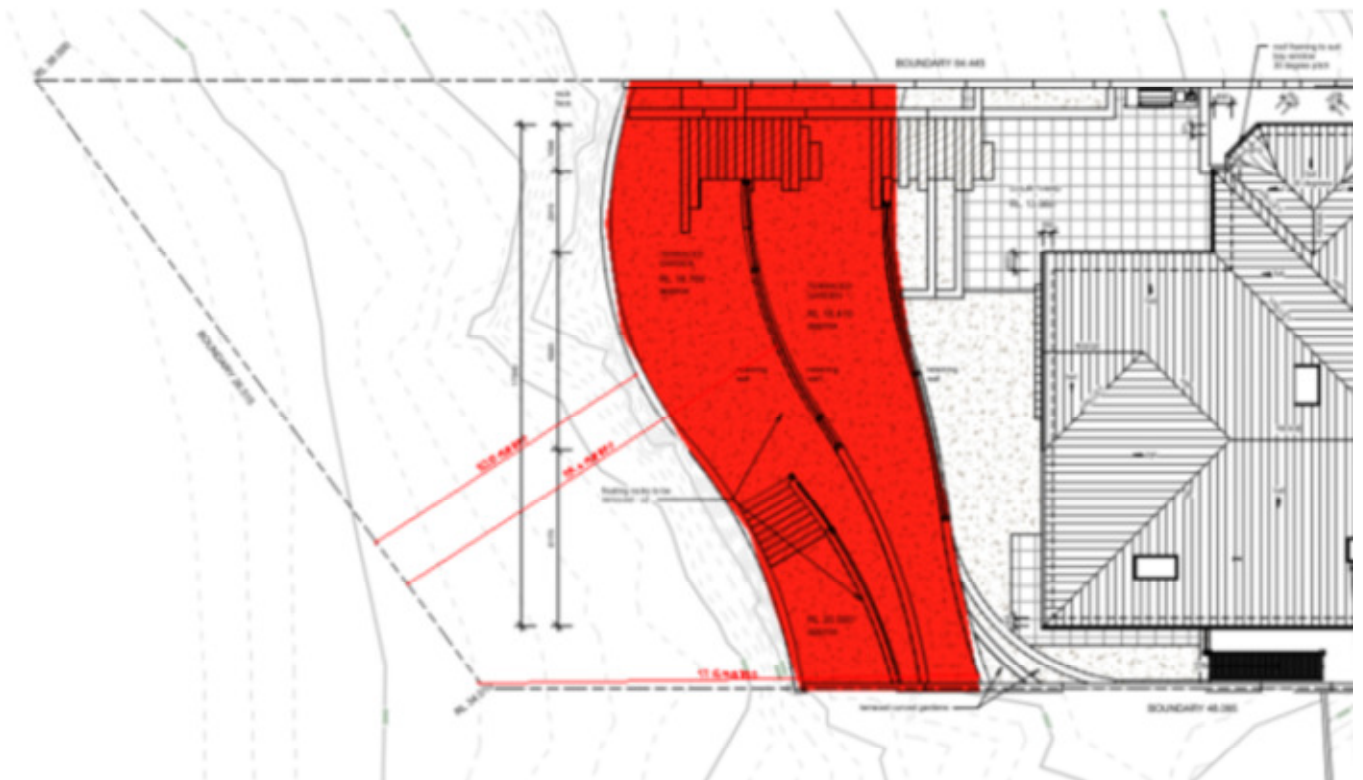
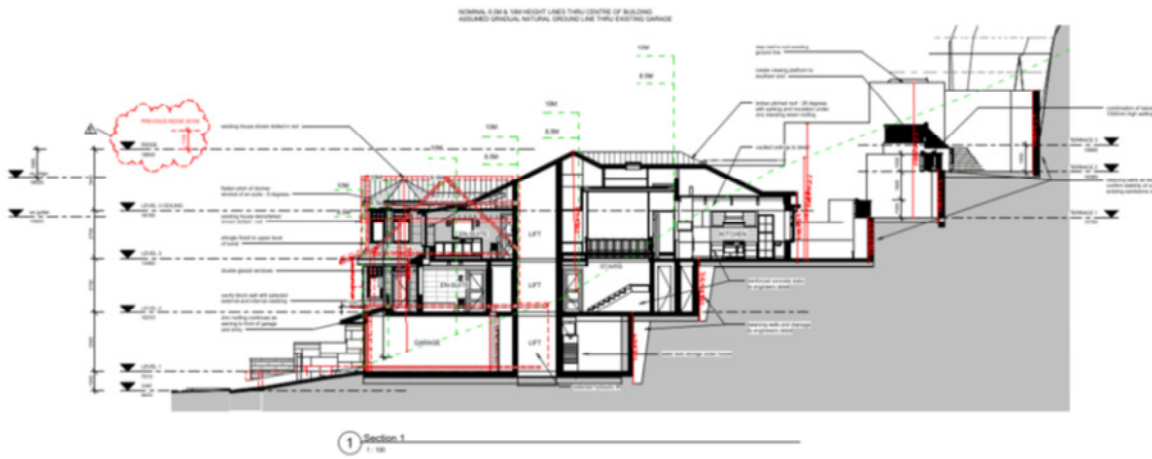
- Proposed excavation and visual impact of the required retaining structures
- Proposed drainage works;
- Pre and post construction dilapidation reporting and vibration monitoring;
- Setbacks of the building from the northern side boundary;
- Views from the proposed development been obstructed by future development at No, 8 Ocean Road

The matters raised within the submissions are addressed as follows:

- Proposed excavation

The objectors submission states:

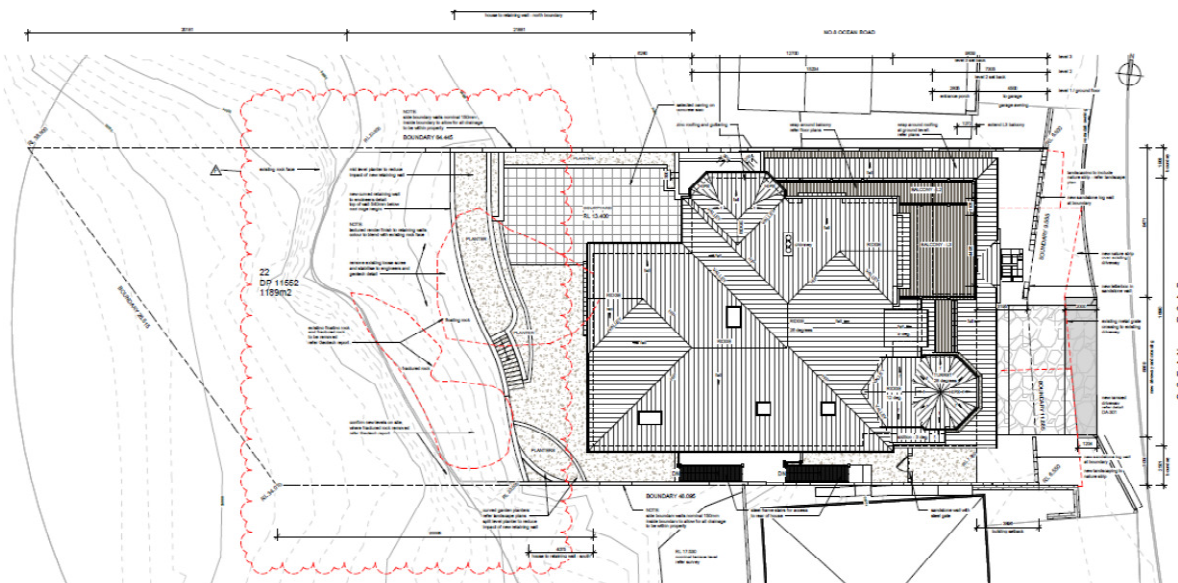
*"Whilst we appreciate that the level of excavation required to accommodate the actual dwelling*



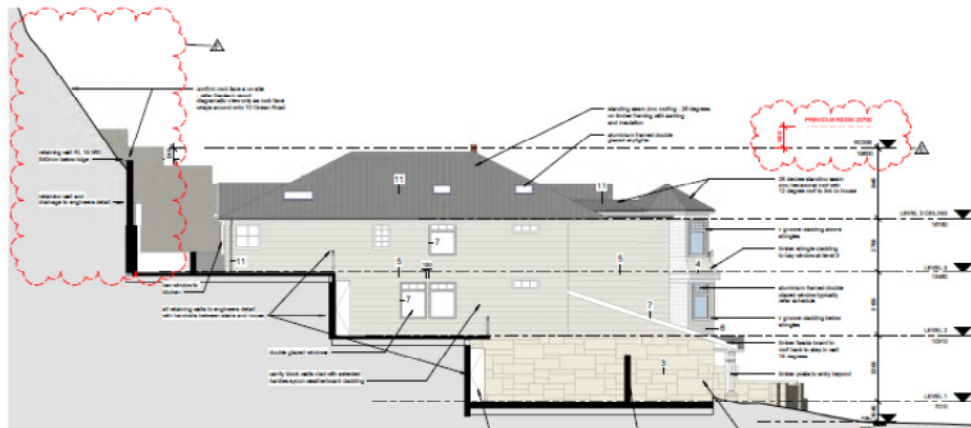
Original terracing and retaining walls

Comment: Council acknowledges the issues raised within the submission. A formal request to the applicant was made by Council for substantial reductions of the terracing and retaining wall structures in the rear yard via the deletion of the upper two terraces which would reduce the visual dominance of the retaining walls structures to the street, public domain and address the relevant sections of the PLEP, PDCP, and the Coastal SEPP.

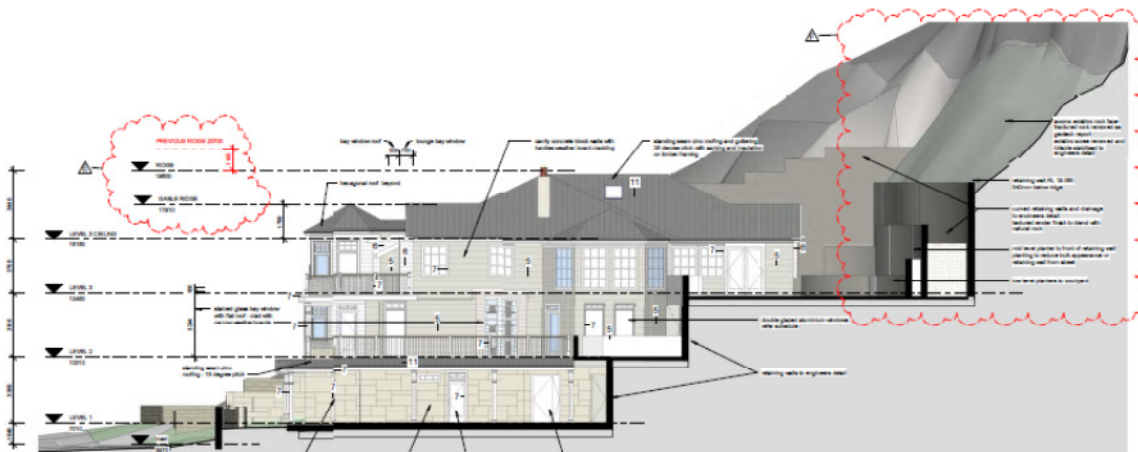
Amended plans were received. The amended plans (DA-001 through to DA-501 - Rev F dated 31 May 2020) have significantly reduced the area of the rear yard being excavated and retained and provided a resolution to the concerns raised within the submission. It is noted that the top of the rear retaining wall is now 540mm below the ridge height of the dwelling house. Comparative details below.







2 Elevation - SOUTH  
1 : 100



1 Elevation - NORTH  
1 : 100

### Amended plans with reduced terracing and retaining walls

Given the above it is considered that issue has been addressed and does not warrant refusal or further amendment by condition(s).

- Proposed drainage

Issues were raised as follows: -

*"Section 5.11 of the geotechnical report indicates that drainage measures are also required immediately upslope of the proposed residence with such drainage measures potentially involving the discharge of stormwater through pipes down the face of the retaining structures. The stormwater plans prepared by NB Consulting do not detail these required drainage measures with a note on the plans indicating that drainage measures upslope and behind the proposed retaining walls are to be detailed during construction. We don't consider the post determination detailing of such measures to be appropriate given potential visual impacts should the drainage pipes be fixed to the face of the proposed retaining walls."*

Comment: A review of the Geotechnical Report prepared by Douglas Partners stated:-

*"Drainage measures will also be required immediately upslope of the proposed residence."*

*These could comprise a concrete lined dish drain above the crest discharging to the sides of the excavation or through pipes down the face. Drainage should also be provided behind and through contiguous pile walls and any shotcrete applied to the excavation face, and along the base of the excavation face."*

*"It is expected that positive drainage measures will be incorporated in the construction of retaining walls to prevent water pressure build up behind the walls. Drainage is normally provided behind shotcrete walls in the form of strip drains."*

It is considered running pipes down the face of the retaining wall(s) would be not visually appealing, a condition will be added for drainage works to direct behind the retaining wall(s) ensuring a better visual look/outcome.

Given the above it is considered that issue has been addressed and does not warrant refusal subject to amendment by condition.

- Pre and post construction dilapidation reporting and vibration monitoring;

The following has been raised:

*"Should Council be of a mind to approve the application we request that any condition requiring pre*

\_\_\_\_\_ Comment: It is noted within the Geotechnical Report prepared by Douglas Partners stated:-

*"Dilapidation surveys should be carried out on adjacent buildings, pavements and infrastructure that may be affected by the excavation works. The dilapidation surveys should be undertaken before the commencement of any excavation work in order to document any existing defects so that claims for damage due to construction related activities can be accurately assessed."*

Conditions will be added for pre and post dilapidation surveys of adjoining properties will be included within the conditions.

Additionally within the Geotechnical Report prepared by Douglas Partners stated:-

*"Ground vibration can be strongly perceptible to humans at levels above 2.5 mm/s peak particle velocity (PPVi). This is generally much lower than the vibration levels required to cause structural damage to buildings. The Australian Standard AS2670.2-1990 "Evaluation of human exposure to whole-body vibrations – continuous and shock induced vibrations in buildings (1-80 Hz)" indicates an acceptable day time limit of 8 mm/s PPVi for human comfort.*

*Based on the experience of DP and with reference to AS2670, it is suggested that a maximum PPVi of 8 mm/s (applicable at the foundation level of existing buildings/structures) be employed at this site for both architectural and human comfort considerations, although this vibration limit may need to be reduced if there are sensitive buildings, structures or equipment in the area.*

*As the magnitude of vibration transmission is site specific, it is recommended that a vibration trial be undertaken at the commencement of rock excavation. The trial may indicate that smaller or different types of excavation equipment should be used for bulk (or detailed) excavation purposes.*

*To minimise the effects of hydraulic rock hammer equipment, the work method should allow for:*

- *excavation of loose or rippable sandstone blocks by bucket or single tyne attachments prior to commencement of rock hammering. Care should be taken to ensure that existing, loosened blocks do not extend into adjacent sites.*
- *rock sawing around the perimeter of the excavation.*
- *progressive breakage from open excavated faces.*
- *selective breakage along open joints where these are present.*
- *use of rock hammers in short bursts to prevent generation of resonant frequencies.*
- *the movement of large blocks away from existing structures prior to breaking up for transport from site."*

This report "*Report on Geotechnical Investigation*" (Project 86970.00 dated January 2020) prepared by Douglas Partners will be included within the conditions of consent to ensure that the recommendations of this report are adhered to.

Given the above it is considered that issue has been addressed and does not warrant refusal subject to condition.

- Setbacks of the building from the northern side boundary

Issues was raised about the setbacks: -

- "1. The verandah that wraps the north-east corner on level 1, appears to extend all the way to their north side boundary.*
- 2. Again, the verandah that wraps the north-east corner on level 1, appears to extend within approximately 1500mm of the east front boundary at the centre of the lot.*
- 3. The balcony on the north-west corner outside bedroom 3 on level 2, appears to extend all the way to their north side boundary.*
- 4. The terrace on the north-west corner outside dining room and kitchen on level 3, appears to extend all the way to their north side boundary."*

Comment: The verandah on level 1 is located 0.7m from northern side boundary and 2m from the front eastern front boundary at the closest point and this increases up to 3.1m at the northern end. Given the verandah is an open structure and spatial separation from the adjoining dwelling to the north at No. 8 Ocean Road it is considered that variations to D12.5 Front building line can be supported, however the proposed variation to D12.6 Side and rear building line of the PDCP can not be supported and condition has been incorporated for a 1m side setback to the northern side setback ensuring compliance with this built form control and addressing this issue.

The balcony on level 2 is located 1.899m from the northern side boundary and therefore is compliant with the D12.6 Side and rear building line of PDCP.

The terrace on level 3 was originally on the northern side boundary, however with the amendments required to the retaining walls and the terraces at the rear of the dwelling this terrace is now located 1.3m from the side boundary. Given the terrace is open and located behind the retaining wall is considered a variation to D12.6 Side and rear building line of the

PDCP can be supported.

Given the above it is considered that these issues have been addressed and do not warrant refusal subject to amendment via condition.

- Views from the proposed development been obstructed by future development at No, 8 Ocean Road

*"Of concern are the north facing windows of bedroom 3 on level 2 and the dining room on level 3. These windows overlook my property. I am seeking assurance from council and the development applicants, that if I were to apply to construct a residence of similar height, obstructing the outlook of these windows would not be a reason for objecting to such an application."*

Graham Wilkinson - 8 Ocean Road, Palm Beach

Comment: It is noted that the views obtained from these windows (bedroom 3 on level 2 and the dining room on level 3) are obtained over the northern side boundary and as stated within LEC Planning Principle Views - Tenacity Consulting v Waringah [2004] NSWLEC 140 the second step states: -

*"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic."*

*Dr John Roseth - Senior Commissioner (LEC)*

Any future development at 8 Ocean Road would be notified in accordance with the PDCP and Council would assess any submissions raised during that assessment of that Development Application (DA) and use the Views Planning Principles as part of that assessment process.

## REFERRALS

| Internal Referral Body | Comments  |
|------------------------|---|
| Landscape Officer      | <p>The development application is for the demolition of existing structures and the construction of a new dwelling with attached garage and associated landscape works.</p> <p>Council's Landscape Referral is assessed against Pittwater Local Environmental Plan 2014 - Zone E4 Environmental Living and the following Pittwater 21 DCP 2014 Controls:<br/>           B4.22 Preservation of Trees and Bushland Vegetation<br/>           C1.1 Landscaping<br/>           D12 Palm Beach Locality, and in particular D12.1 Character as viewed from a public place, and D12.10 Landscaped Area -</p> |

| Internal Referral Body           | Comments   |
|----------------------------------|--|
|                                  | <p>Environmentally Sensitive Land</p> <p>Landscape Plans are provided with the application, in accordance with DA Lodgement Requirements, subject to conditions that shall be imposed.</p> <p>The proposed landscape planting scheme within the front setback is in keeping with the landscape outcomes of the adjoining properties along this segment of Ocean Road, but does not comply with C1.1 Landscaping.</p> <p>To soften the built form, two small evergreen trees shall be provided in place of the proposed Frangipani trees within the front setback capable of attaining 5 metres in height, and located in consideration of adjoining properties solar amenity and ocean views. Amended Landscape Plans shall be provided for approval by the Certifying Authority prior to the issue of the Construction Certificate. No landscaping is permitted within the road reserve verge except for the driveway and grass.</p> <p>The landscape treatment to the rear raises no issues of concern.</p> <p>An Arboricultural Impact Assessment is provided with the application, in accordance with DA Lodgement Requirements. The recommendations of the report including removal of one existing tree and one exempt species raise no issues. At the rear of the site, numerous existing trees are proposed for retention.</p> |
| NECC (Bushland and Biodiversity) | <p><u>Revised Comments</u></p> <p>I note the removal of terraced areas from the upper rear portion of the property. As per the original comments, this area is mapped as part of the Littoral Rainforest Endangered Ecological Community, and B4.17 Littoral Rainforest - Endangered Ecological Community of P21 DCP 2014 applies. The amended design will allow for additional weed control and native landscaping that is sympathetic to the presence of a degraded remnant of the EEC. The original conditions have been amended with respect to the design changes, the presence of the endangered ecological community and the applicable planning controls. The proposed mitigation measures will ensure that the proposed development shall retain, enhance and regenerate areas of Littoral Rainforest and its habitat.</p> <p><u>Original Comments</u></p> <p>The rear of the property contains a modified landscape on a steeply sloping site with a high proportion of exotic and weedy shrubs. The proposed works involve demolition of the existing dwelling and construction of a new dwelling in an extended footprint with substantial excavation and terracing of the site. An arborist report</p>  |

| Internal Referral Body      | Comments   |
|-----------------------------|--|
|                             | <p>(Growing My Way Sept 2019) assesses five (5) trees on the site and adjoining property, of which two (2) are exotic and/or exempt species. One native tree Coastal Banksia is within the footprint and will be removed. Some larger native and exotic species are located further up slope and will be retained, with weed removal also proposed.</p> <p>The site is mapped within the Pittwater LEP Biodiversity area, and also the P21 DCP Littoral Rainforest area. As stated above, the site is highly disturbed and impacted by vegetation clearance and weed growth. Additional weed removal and native landscaping will be conditioned to improve the local environment of the upper rear portion of the yard. In summary, the development is designed, sited and will be managed to minimise that impact</p> <p>The landscape plan (Melissa Wilson Landscape Architects Drawing No. LS-01 Rev D 20th Sept 2019) is to be amended so that the plant schedules for the top two terrace levels (above the vegetable garden) are 80% locally native and characteristic species of the of Littoral Rainforest vegetation community,</p>   |
| NECC (Coast and Catchments) | <p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p><b>Coastal Management Act 2016</b><br/>The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p><b>State Environmental Planning Policy (Coastal Management) 2018</b><br/>As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13, 14 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>As assessed in both the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Milligan Development</p> |

| Internal Referral Body | Comments  |
|------------------------|---|
|                        | <p>Consulting Pty. Ltd. dated January 2020 and Coastline Risk Management Report by Horton Coastal Engineering Pty. Ltd. dated 4 January 2020, Council accepts the assessments, the DA satisfies requirements under clauses 13, 14 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p><b>Pittwater LEP 2014 and Pittwater 21 DCP</b></p> <p>The property is located within a “Wave inundation” hazard area designated on the Coastal Risk Planning Map that is referenced in Pittwater Local Environmental Plan 2014. The subject property is also mapped as being land identified under Coastline Beach Hazard Area on the Pittwater 21 Development Control Plan (DCP) Map MDCP016. As such, the Coastal Risk Management Policy for Development in Pittwater (Appendix 6, Pittwater 21 DCP) and the relevant B3.3 Coastline (Beach) Hazard controls in P21 DCP will apply to new development of the site.</p> <p><b>Coastline (Beach) Hazard Management</b></p> <p>A Coastline Risk Management Report by Horton Coastal Engineering Pty. Ltd. dated 4 January 2020 has been submitted with this DA application.</p> <p>The report assessed that wave runup levels at Palm Beach in a severe storm may exceed 8m AHD, particularly taking sea level rise into account over the next 60 years, and assuming an infinite height foreshore. In reality, any waves that overtopped the foreshore seaward of the subject property (at a level of about 6m AHD) would ‘fold over’ the crest and travel as a sheet flow at shallow depth, spreading out and infiltrating over landward areas. There is the expectation of a significant reduction in the velocity and depth of the runup within the order of 10m from the foreshore crest. For the purpose of the report herein, a Coastline Planning Level of 7.8m AHD has been adopted, which is 0.5m above the Ground Floor level. To reduce the risk of wave runup impacting the proposed development, number of recommendations have been made..</p> <p>Further, it has been noted that elevated bedrock at the subject property means that traditional sandy beach coastal hazards do not apply at the property.</p> <p>Hence, the proposed development does comply with the requirements of Clause 7.5 of Pittwater Local Environmental Plan 2014, Section B3.3 of the Pittwater 21 DCP and the Coastline Risk Management</p> |

| Internal Referral Body              | Comments  |
|-------------------------------------|---|
|                                     | Policy for Development in Pittwater for the matters considered herein.  |
| NECC (Development Engineering)      | <p>The subject site is located on a road that the Roads Authority is Transport for NSW. The current road alignment for the site has a portion of kerb and gutter and a portion of unformed road. The proposal includes a new driveway crossing and garage which is located adjacent to the unformed section of the road verge. Prior to providing a detailed assessment of the application it is necessary for the application to be referred to the above authority for their comments with respect to the kerb alignment. As the property is located at a slight bend in the road the position of the kerb could vary with respect to the property boundary. As a result the invert levels cannot be determined for the proposed driveway crossing and the grade of the driveway and level for the garage cannot be determined for the proposal. As Council's Road Asset Team maintain the area of the verge between the kerb alignment and the property boundary it is considered that the application be referred to their department for their consideration with respect to this issue. Once comments from both are received there may need to be amendments in the design to suit.</p> <p>The submitted stormwater design has been assessed and is considered satisfactory. The Geotechnical report addresses the relevant DCP controls.</p> <p>Development Engineers cannot support the application due to insufficient information to address clause B6.1 of Pittwater 21 DCP 2014.</p> <p><b>Referral Comments from TfNSW received 16/03/20.</b></p> <p>The above comments have been reviewed and conditions to suit these requirements have been included. No objection to approval, subject to conditions as recommended.</p> |
| NECC (Riparian Lands and Creeks)    | <p>This application has been assessed under<br/>Pittwater 21 DCP B5.8 Water Quality<br/>Pittwater 21 DCP B8.2 Sediment and Erosion<br/>SEPP Coastal Management 2018: Coastal Environment Area</p> <p>The Stormwater Plans provided include pit screens to remove coarse sediments and organic matter, and therefore they meet the controls. Sediment and erosion controls must be installed prior to any demolition and maintained until all work is complete and groundcover re-established.</p> <p>The work is not expected to significantly impact the surface or ground hydrology of the coastal area. Efforts should be made to disconnect impervious areas, for example allowing paths to drain to landscaped areas rather than the driveway, gutters and the stormwater system.</p>  |
| Parks, reserves, beaches, foreshore | <p>The subject property is in close proximity to Palm Beach Reserve. Taking into consideration the steep topography of the site falls towards the reserve, sedimentation control has been conditioned.</p> <p>No other issues with the proposal.</p>  |



| Internal Referral Body | Comments   |
|------------------------|--|
| Road Reserve           | There is no impact on existing road assets.<br><br>No landscaping of the verge shall be permitted. The verge shall be constructed to a grass verge in accordance with Council's standards. The removal of existing retaining walls encroaching on the road reserve is supported. |

| External Referral Body  | Comments   |
|---|--|
| Ausgrid: (SEPP Infra.)  | The proposal was referred to Ausgrid who provided a response in an email stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent. |
| Concurrence – NSW Roads and Maritime Services (s100 – Dev. on proposed classified road) | Transport for NSW has reviewed the development application and would provide concurrence to the proposed vehicular crossing on Ocean Road under Section 138 of the Roads Act 1993.   |

### 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

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.

#### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1038854S\_02 dated 10 January 2020). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 0004148060-02 dated 8 January 2020).

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

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

| Commitment      | Required Target | Proposed |
|-----------------|-----------------|----------|
| Water           | 40              | 40       |
| Thermal Comfort | Pass            | Pass     |
| Energy          | 50              | 51       |

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 who provided a response in an email stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

### Transport for NSW (formerly Roads and Maritime Service (RMS))

#### **Clause 101 - Development with frontage to classified road** states:

*The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

*(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*

*(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*

*(i) the design of the vehicular access to the land, or*

*(ii) the emission of smoke or dust from the development, or*

*(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

*(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

### Comment:

Transport for NSW has reviewed the development application and would provide concurrence to the proposed vehicular crossing on Ocean Road under Section 138 of the Roads Act 1993.

### **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:

#### **10 Development on certain land within coastal wetlands and littoral rainforests area**

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- (a) *the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
  - (b) *the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
  - (c) *the carrying out of any of the following:*
    - (i) *earthworks (including the depositing of material on land),*
    - (ii) *constructing a levee,*
    - (iii) *draining the land,*
    - (iv) *environmental protection works,*
  - (d) *any other development.*

#### Comment:

The site is mapped within the Pittwater LEP Biodiversity area, and also the P21 DCP Littoral Rainforest area. The site is highly disturbed and impacted by vegetation clearance and weed growth. Additional weed removal and native landscaping will be conditioned to improve the local environment of the upper rear portion of the yard. In summary, the development is designed, sited and will be managed to minimise that impact.

#### **11 Development on land in proximity to coastal wetlands or littoral rainforest**

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
  - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

#### Comment:

Referral comments received from Council's Biodiversity Department supported the proposal subject to amendments (via condition(s)).

#### **12 Development on land within the coastal vulnerability area**

*Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is*

satisfied that:

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) *the proposed development:*
  - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
  - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
  - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.*

Comment:

At the commencement of this Policy, no Coastal Vulnerability Area Map was adopted and therefore no coastal vulnerability area has been identified. Not applicable.

**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 works are unlikely to cause an adverse impact upon the matters identified in this clause. The proposal is located wholly within the subject site and does not discourage public access or amenity along the foreshore area nor impact on natural foreshore processes.

- (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 proposal has been designed in such a way that it satisfies the relevant matters identified in this clause.

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

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

Comment:

The proposal is setback from the foreshore and will not impact upon the existing and safe access to and along the foreshore. The visual amenity from private and public space is not adversely effected. In addition, the surrounding area consists of examples of similar developments.

No aboriginal heritage sites have been identified within the vicinity of the proposed development. The proposed works are not likely to cause an adverse impact upon the matters identified in this clause.

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

### **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 proposal is unlikely to cause increased risk of coastal hazards on that land or other land, due to its design, location and relevant reports indicating no unreasonable impacts.

### **16 Development in coastal zone generally—coastal management programs to be considered**

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

No coastal management programs have been identified.

### **17 Other development controls not affected**

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

(a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or

(b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.

Comment: Noted

### **18 Hierarchy of development controls if overlapping**

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,
- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area.

Comment: Noted

## Coastal Management Act 2016

The subject site identified as Coastal use area under the Coastal Management Act 2016. The management objectives for the coastal use area are as follows:

- "(a) to protect and enhance the scenic, social and cultural values of the coast by ensuring that:*
- (i) the type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast, and*
  - (ii) adverse impacts of development on cultural and built environment heritage are avoided or mitigated, and*
  - (iii) urban design, including water sensitive urban design, is supported and incorporated into development activities, and*
  - (iv) adequate public open space is provided, including for recreational activities and associated infrastructure, and*
  - (v) the use of the surf zone is considered,*
- (b) to accommodate both urbanised and natural stretches of coastline."*

Comment: The proposal is setback from the foreshore and will not impact upon the existing and safe access to and along the foreshore. The visual amenity from private and public space is not adversely effected. In addition, the surrounding area consists of examples of similar developments.

## 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 - 10m* | 4m - 10m* | N/A         | Yes      |

Note: Refer Part 4.3 Height of buildings

### Compliance Assessment

| Clause   | Compliance with Requirements |
|--|------------------------------|
| Part 1 Preliminary                                       | Yes                          |
| 1.9A Suspension of covenants, agreements and instruments | Yes                          |
| Part 2 Permitted or prohibited development               | Yes                          |
| 2.7 Demolition requires development consent              | Yes                          |
| Part 4 Principal development standards                   | Yes                          |
| 4.3 Height of buildings                                  | Yes                          |
| 4.6 Exceptions to development standards                  | Yes                          |
| Part 5 Miscellaneous provisions                          | Yes                          |
|  |                              |

| Clause   | Compliance with Requirements |
|--|------------------------------|
| 5.9 Preservation of trees or vegetation                              | Yes                          |
| 5.9AA Trees or vegetation not prescribed by development control plan | Yes                          |
| 5.10 Heritage conservation   | Yes                          |
| Part 7 Additional local provisions                                   | Yes                          |
| 7.1 Acid sulfate soils   | Yes                          |
| 7.2 Earthworks   | Yes                          |
| 7.3 Flood planning   | Yes                          |
| 7.5 Coastal risk planning  | Yes                          |
| 7.6 Biodiversity protection  | Yes                          |
| 7.7 Geotechnical hazards   | Yes                          |
| 7.10 Essential services  | Yes                          |

### Detailed Assessment

#### **4.3 Height of buildings**

Clause 4.3(2D) of the PLEP 2014 provides that:

*"(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if:*

- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*
- (b) the objectives of this clause are achieved, and*
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope."*

Clause 4.3(2D) is addressed as follows:

The portion of the development above the 8.5m maximum building height is minor, being only small portions of the development. The objectives of Clause 4.3 are achieved. The portion of the site being developed has a slope of 26.1 degrees or 49%, being greater than 16.7 degrees or 30%. The proposal relies on reasonable excavation given the context of the site. As such, the requirements of Clause 4.3 (2D) are met and the 10m maximum building height applies.

#### **7.7 Geotechnical hazards**

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is consistent with the provisions of Clause 7.7 Geotechnical hazards of the Pittwater Local Environmental Plan 2014.

In addition comments from Council's Development Engineers stated the following:-

*"The Geotechnical report addresses the relevant DCP controls. No objection to approval, subject to conditions as recommended."*

#### **Pittwater 21 Development Control Plan**



Built Form Controls

| Built Form Control  | Requirement   | Proposed  | % Variation*                         | Complies          |
|---------------------|---|---|--------------------------------------|-------------------|
| Front building line | 6.5m or established building line which is the greater* | 3.195m - 4.5m (Dwelling)<br>2m - 3.1m (Verandah)                | 30.8% -<br>50.8%<br>52.3% -<br>69.2% | No<br>No          |
| Rear building line  | 6.5m  | 20.005m (Dwelling)<br>15.8m - 25.3m (Retaining Walls)           | N/A<br>N/A                           | Yes<br>Yes        |
| Side building line  | 1m (north)  | 1.9m (Dwelling)<br>0.7m (Verandah)**<br>1.3m Terrace/Courtyard  | N/A<br>NA<br>N/A                     | Yes<br>Yes<br>Yes |
|                     | 2.5m (south)  | 2.5m (Dwelling)   | N/A                                  | Yes               |
| Building envelope   | 3.5m (north)  | Outside envelope  | 100%                                 | No                |
|                     | 3.5m (south)  | Outside envelope  | 66.67%                               | No                |
| Landscaped area     | 60%   | 61.5% (730.9sqm) - (55.5% (659.6sqm) landscaping + 6% (71.3sqm) | N/A                                  | Yes               |

\* Note the established building line is only 4.1m (average of Nos. 8 & 10 Ocean Road)

\*\* Verandah conditioned 1m side building line

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                         |
| A4.12 Palm Beach Locality                                   | Yes                          | Yes                         |
| Section B General Controls                                  | Yes                          | Yes                         |
| B1 Heritage Controls  | Yes                          | Yes                         |
| B1.3 Heritage Conservation - General                        | Yes                          | Yes                         |
| B1.4 Aboriginal Heritage Significance                       | Yes                          | Yes                         |
| B3 Hazard Controls  | Yes                          | Yes                         |
| B3.1 Landslip Hazard  | Yes                          | Yes                         |
| B3.3 Coastline (Beach) Hazard                               | Yes                          | Yes                         |
| B3.6 Contaminated Land and Potentially Contaminated Land    | Yes                          | Yes                         |
| B3.11 Flood Prone Land                                      | Yes                          | Yes                         |
| B4 Controls Relating to the Natural Environment             | Yes                          | Yes                         |
| B4.17 Littoral Rainforest - Endangered Ecological Community | Yes                          | Yes                         |
| B4.22 Preservation of Trees and Bushland Vegetation         | Yes                          | Yes                         |
| B5 Water Management   | Yes                          | Yes                         |

| Clause   | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| B5.4 Stormwater Harvesting   | Yes                          | Yes                         |
| B5.8 Stormwater Management - Water Quality - Low Density Residential | Yes                          | Yes                         |
| B5.10 Stormwater Discharge into Public Drainage System               | Yes                          | Yes                         |
| B5.12 Stormwater Drainage Systems and Natural Watercourses           | Yes                          | Yes                         |
| B5.13 Development on Waterfront Land                                 | Yes                          | Yes                         |
| B6 Access and Parking  | Yes                          | Yes                         |
| B6.1 Access driveways and Works on the Public Road Reserve           | Yes                          | Yes                         |
| B6.2 Internal Driveways  | Yes                          | Yes                         |
| B6.3 Off-Street Vehicle Parking Requirements                         | Yes                          | Yes                         |
| B8 Site Works Management   | Yes                          | Yes                         |
| B8.1 Construction and Demolition - Excavation and Landfill           | No                           | Yes                         |
| B8.2 Construction and Demolition - Erosion and Sediment Management   | Yes                          | Yes                         |
| B8.3 Construction and Demolition - Waste Minimisation                | Yes                          | Yes                         |
| B8.4 Construction and Demolition - Site Fencing and Security         | Yes                          | Yes                         |
| B8.5 Construction and Demolition - Works in the Public Domain        | Yes                          | Yes                         |
| B8.6 Construction and Demolition - Traffic Management Plan           | 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  | Yes                          | Yes                         |
| C1.6 Acoustic Privacy  | Yes                          | Yes                         |
| C1.7 Private Open Space  | Yes                          | Yes                         |
| C1.12 Waste and Recycling Facilities                                 | Yes                          | Yes                         |
| C1.13 Pollution Control  | Yes                          | Yes                         |
| C1.23 Eaves  | Yes                          | Yes                         |
| C1.24 Public Road Reserve - Landscaping and Infrastructure           | Yes                          | Yes                         |
| Section D Locality Specific Development Controls                     | Yes                          | Yes                         |
| D12 Palm Beach Locality  | Yes                          | Yes                         |
| D12.1 Character as viewed from a public place                        | Yes                          | Yes                         |
| D12.3 Building colours and materials                                 | Yes                          | Yes                         |
| D12.5 Front building line  | No                           | Yes                         |
| D12.6 Side and rear building line                                    | Yes                          | Yes                         |
| D12.8 Building envelope  | No                           | Yes                         |
| D12.10 Landscaped Area - Environmentally Sensitive Land              | Yes                          | Yes                         |

| Clause   | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| D12.12 Fences - Flora and Fauna Conservation Areas                   | Yes                          | Yes                         |
| D12.13 Construction, Retaining walls, terracing and undercroft areas | No                           | Yes                         |
| D12.14 Scenic Protection Category One Areas                          | Yes                          | Yes                         |

### Detailed Assessment

#### **B3.1 Landslip Hazard**

See Development Engineer's comments and Clause B8.1 for further detail.

#### **B3.3 Coastline (Beach) Hazard**

The site is identified within Coastline Hazard Map as being subject to Wave Inundation. A Coastline Risk Management Report prepared by Horton Coastal Engineering, dated 4 January 2020 has been prepared and submitted with the application.

Within the report the conclusion reads as follows:

*"The proposed development would be at an acceptably low risk of damage (over a reasonable 60 year design life) from erosion/recession as it is to be founded on bedrock, and from coastal inundation and wave runup..."*

Works will be carried out in accordance with the recommendations contained within the report, together with the advice of the Structural and Geotechnical Engineers.

A review was completed by Council's Natural Environment Unit (Coastal) of this information (reports and SEE) and was supported subjected to conditions.

Given the above it is considered that the the proposal will satisfies the objective of this clause.

#### **B8.1 Construction and Demolition - Excavation and Landfill**

As highlighted by Council's Development Engineer earlier in this report, the proposal include excavation exceeding 5.5 metres in depth. In order to address the requirements of this clause, the Applicant submitted a Geotechnical Report and certified forms 1 and 1A. Council's Development Engineer reviewed these documents, and raised no objections, subject to conditions as recommended. In addition to this a Coastline Risk Management Report was also lodged with the application and reviewed by Council's Natural Environment Unit (Coastal) and supported subject to conditions.

A review was also completed by Council's Landscape Department and the comments were as follows: -

*"The landscape treatment to the rear raises no issues of concern.*

*An Arboricultural Impact Assessment is provided with the application, in accordance with DA Lodgement Requirements. The recommendations of the report including removal of one existing tree and one exempt species raise no issues. At the rear of the site, numerous existing trees are proposed for retention.*

*The proposal is therefore supported."*

Further assessment of the retaining walls and terracing in the rear yard lead for a request to the applicant for substantial amendments to these structures in the rear yard. The applicant submitted amended plans (Rev F) on 2 June 2020 which substantially reduced the terracing and visual aspects of the retaining walls to be sited behind the proposed dwelling, therefore addressing the relevant sections of PLEP, PDCP and Coastal SEPP.

It is therefore considered that supporting information submitted addresses concerns relating to potential impact of excavation on land stability.

Based on the above, the proposal is considered to therefore meet the outcomes of the control and is supported on merit in this particular instance.

### **D12.5 Front building line**

#### Description of Non-Compliance

The minimum front building line is 6.5m for the site. The proposal located the garage is located 3.197m from the front boundary line.

Additionally, the open verandah is located 2m - 3.1m from the front boundary line.

It is important to note that the requirement states 6.5m or the established building line (which is the greater) the established building line is 4.1m (average of Nos. 8 & 10 Ocean Road).

#### Merit Consideration

With regard to the consideration of the variation, the development is considered under the objectives of the control below:

- *Achieve the desired future character of the Locality.*

Comment: The subject site is heavily constrained by the significant slope of the site. This is a common constraint for the nearby properties and has resulted in a prevalence of parking structures, dwellings and associated structures within the front building line. The proposed garage and dwelling is consistent with the nearby development and will maintain the streetscape character of the locality.

The natural environment in proximity to the site is dominated by trees, rock outcrops and remnant vegetation to the rear of properties fronting Ocean Road. The houses and garages are closer to the road due to the steep terrain where the land is more suitable for development.

The proposal also maintains existing landscaping within the site at the rear, with substantial landscaping proposed within the rear terraced portions and conditioned landscaping in the front yard to soften the built form. This is adequate to ensure the landscape character is maintained and the built form does not impose on the public spaces. The proposal is of a suitable design when considering the site constraints and the nearby development.

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

Comment: Equitable preservation of views and vistas to and/or from public/private places has been maintained to ensure no unreasonable impact on adjacent land. The steepness of the

surrounding terrain affords broad views across various properties. The proposal will not create unreasonable view impacts on adjacent land.

- *The amenity of residential development adjoining a main road is maintained.*

Comment:The amenity of residential development adjoining Ocean Road is maintained by the use of natural colours and materials and retaining canopy trees on site where practicable as well as conditioned landscaping within the front setback area to minimise the building appearance. The building footprint located at the front of the site is consistent with development on adjacent land and does not create an unreasonable amenity impact.

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

Comment: Vegetation is retained and enhanced to visually reduce the built form by including retaining trees where practicable to maintain a landscape setting. The proposal will ensure landscaping is the predominant feature of the site.

- *Vehicle manoeuvring in a forward direction is facilitated.*

Comment: Due to the significant slope of the site achieving this is not considered to be reasonable. The development is located on a main road however the extra wide road reserve allows for vehicles to entry Ocean Road safely and will not directly result in traffic hazards. Ocean Road is an arterial road and the garage entry is consistent with other garages on this section of the road.

- *To preserve and enhance the rural and bushland character of the locality.*

Comment: The bushland character of the locality is maintained by concentrating landscape elements in the rear setback, including canopy trees and natural ground surfaces for the native landscaping understorey. The front setback will be conditioned with two (2) evergreen tree species to ensure consistency with this merit consideration.

- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

Comment:The scale and density is of the built form is consistent with surrounding development and the building is in keeping with the height of adjacent trees and existing buildings surrounding the site.

- *To encourage attractive street frontages and improve pedestrian amenity.*

Comment: To encourage attractive street frontages and pedestrian amenity is satisfactory for the site by reinstating landscaping works in the front setback to soften the built form.

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

Comment: The works respond to the spatial characteristics of the existing urban environment which is a very steep site. Therefore, the dwelling location is consistent with considerations to develop the site in an appropriate manner for the zone and meet the urban living needs of the occupants.

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

### **D12.8 Building envelope**

The proposed development is non-compliant with the building envelope control on both the northern and southern elevations. Where the building footprint is situated on a slope over 16.7 degrees (30%), variation to this control will be considered on a merits basis. The proposed development is situated on land with a slope of approximately 25.2 degrees (47%). As such, the non-compliance arises due to the steep topography of the land. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

*To achieve the desired future character of the Locality. (S)*

The proposed development is consistent with the desired future character of the locality for the reasons detailed in the section of this report relating to Clause A4.12 Palm Beach Locality of the P21 DCP.

*"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 proposed development steps the slope of the land, away from the street level. The proposal has been conditioned with include two (2) evergreen trees within the front setback to screen the built form of the proposed development. The proposed development is generally set below the height of the trees on site and in the locality.

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

Comment: The proposed development requires significant earthworks due to the steep topography of the land. To require the development to employ pier and beam construction is unreasonable, as it would result in additional unacceptable non-compliances, relating to building height, privacy, overshadowing and view loss. Additionally, the proposal is acceptable in relation to Clause 4.3 Height of Buildings of the Pittwater LEP 2014. Finally, the proposal includes comparable setbacks, and bulk and scale to existing developments in the locality. As such, the proposal provides an adequate response and relationship to the spatial characteristics of the existing natural environment.

*"The bulk and scale of the built form is minimised." (En, S)*

Comment: The proposed resultant dwelling is of comparable building bulk and scale to existing developments in the locality. The proposed development provides generally compliant side setbacks. The proposal is compliant with the required landscaped area, indicating that the proposed dwelling does not include too large a building footprint for the site. The proposed development steps with the topography of the land, and the proposed height is acceptable for the reasons detailed throughout this report. The proposal includes generous modulation and articulation to reduce the visual impact of the built form. As such, the proposal demonstrates acceptable bulk and scale.

*"Equitable preservation of views and vistas to and/or from public/private places." (S)*

Comment: The proposed development adequately preserves views and vistas to and from public and private places.

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

Comment: The proposed development is appropriately designed so as to provide a reasonable level of privacy, amenity and solar access for the subject site and adjacent sites.

*"Vegetation is retained and enhanced to visually reduce the built form." (En)*

Comment: The submitted and amended plans demonstrate adequate retention and provision of vegetation and the addition of conditioned planting within the front setback will ensure visual reduction of the built form.

### **D12.13 Construction, Retaining walls, terracing and undercroft areas**

The proposed development involves significant earthworks, rather than using lightweight construction with pier and beam footings. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

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

Comment: The proposed development is consistent with the desired future character of the locality for the reasons detailed in the section of this report relating to Clause A4.12 Palm Beach Locality of the P21 DCP. The level of excavation included in this proposal is consistent with developments in the Whale and Palm Beach areas, due to the land's steep topography and valuable views, where higher pier and beam construction may cause greater impact than earthworks.

*"To protect and minimise disturbance to natural landforms."*

Comment: The subject site currently includes moderate earthworks. The proposed development increases the amount of excavation on site. It is considered that the resultant proposal does not unreasonably impact on natural landforms as the earthworks will maintain existing rock outcrops and the retention of trees.

*"To encourage building design to respond sensitively to natural topography."*

Comment: The proposed development, while including significant earthworks, steps down with the topography of the land, thereby minimising the impacts the proposal has in relation to bulk and scale, view loss, overshadowing and privacy.

Further assessment of the retaining walls and terracing in the rear yard lead for a request to the applicant for substantial amendments to these structures in the rear yard. The applicant submitted amended plans (Rev F) on 2 June 2020 which substantially reduced the terracing and visual aspects of the retaining walls to be sited behind the proposed dwelling, therefore addressing the relevant sections of PLEP, PDCP and Coastal SEPP.

It is therefore considered that supporting information submitted addresses concerns relating to potential impact of excavation on land stability.

Given the above it is considered that the proposed development satisfies the merit considerations of this clause and is supported.

### **D12.14 Scenic Protection Category One Areas**

The proposed development is technically non-compliant with the control that requires screen planting to be located between structures and boundaries facing waterways. As discussed previously in this report under D12.13 Construction, Retaining walls, terracing and undercroft areas, a condition has been recommended for the proposed Landscape Plan to be amended to include locally native plantings of a height to allow sufficient screening to the front facade of the dwelling along the eastern elevation.

A condition has also been placed for an Amended Landscape Plan(s) for the inclusion of two (2) evergreen trees within the front setback capable of attaining 5 metres in height in addition the approved landscaping within the rear terraced yard. The schedule of finishes submitted has been considered to be compliant with control requiring the use of stone wall cladding, earthy and light tones that blend into the natural environment.

Based on the above, the non-compliance is supported on merit and, subject to compliance with recommended conditions, considered to satisfy the outcomes of the control in this particular instance.

### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

### **POLICY CONTROLS**

#### **Northern Beaches Section 7.12 Contributions Plan 2019**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$35,950 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$3,595,015.

### **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 DA2020/0028 for Construction of a dwelling house on land at Lot 22 DP 11552, 9 Ocean Road, PALM 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

| <b>Architectural Plans - Endorsed with Council's stamp</b> |              |                              |
|--|--------------|------------------------------|
| <b>Drawing No.</b>   | <b>Dated</b> | <b>Prepared By</b>           |
| DA-001 (Rev F)   | 31 May 2020  | Map Architecture & Interiors |
| DA-002 (Rev F)   | 31 May 2020  | Map Architecture & Interiors |
| DA-003 (Rev F)   | 31 May 2020  | Map Architecture & Interiors |
| DA-004 (Rev F)   | 31 May 2020  | Map Architecture & Interiors |
| DA-101 (Rev F)   | 31 May 2020  | Map Architecture & Interiors |
| DA-102 (Rev F)   | 31 May 2020  | Map Architecture & Interiors |
| DA-103 (Rev F)   | 31 May 2020  | Map Architecture & Interiors |
| DA-104 (Rev F)   | 31 May 2020  | Map Architecture & Interiors |
| DA-201 (Rev F)   | 31 May 2020  | Map Architecture & Interiors |
| DA-202 (Rev F)   | 31 May 2020  | Map Architecture &           |

|                |             |                              |
|----------------|-------------|------------------------------|
|                |             | Interiors                    |
| DA-301 (Rev F) | 31 May 2020 | Map Architecture & Interiors |
| DA-302 (Rev F) | 31 May 2020 | Map Architecture & Interiors |
| DA-303 (Rev F) | 31 May 2020 | Map Architecture & Interiors |
| DA-401 (Rev F) | 31 May 2020 | Map Architecture & Interiors |

**Reports / Documentation – All recommendations and requirements contained within:**

| Report No. / Page No. / Section No.  | Dated          | Prepared By                |
|--------------------------------------|----------------|----------------------------|
| Report on Geotechnical Investigation | January 2020   | Douglas Partners           |
| Coastline Risk Management Report     | 4 January 2020 | Horton Coastal Engineering |
| Arboriculture Impact Statement       | September 2019 | Growing My Way             |

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:

| <b>Landscape Plans</b> |                   |  |
|------------------------|-------------------|--|
| Drawing No.            | Dated             | Prepared By                            |
| LS01 (Issue D)         | 20 September 2019 | Melissa Wilson<br>Landscape Architects |
| LS02 (Issue D)         | 20 September 2019 | Melissa Wilson<br>Landscape Architects |
| LS03 (Issue D)         | 20 September 2019 | Melissa Wilson<br>Landscape Architects |
| LS04 (Issue D)         | 20 September 2019 | Melissa Wilson<br>Landscape Architects |

| <b>Waste Management Plan</b> |                 |                  |
|------------------------------|-----------------|------------------|
| Drawing No/Title.            | Dated           | Prepared By      |
| Waste Management Plan        | 13 January 2020 | Vaughan Milligan |

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

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

**2. Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

| Other Department, Authority or Service | EDMS Reference             | Dated            |
|--|----------------------------|------------------|
| Ausgrid                                | Response Ausgrid Referral  | 12 February 2020 |
| Transport for NSW                      | Response Transport for NSW | 12 March 2020    |

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

### 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) 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.

## FEES / CHARGES / CONTRIBUTIONS

### 5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$35,950.15 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$3,595,015.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

### 6. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with

Council's Fees and Charges paid as security 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](http://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

### 7. **Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the kerb in Ocean Road. The detailed design is to be submitted for approval to Transport for NSW (TfNSW) in accordance with the requirements of their letter dated 12 March 2020 reference SYD20/00216/01 (A31414208).

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

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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Douglas Partners Project No. 86970.00 Revision 1 dated 8 January 2020 are to be incorporated into the construction plans and reflect the amendments as detailed in the approved plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

### 9. **Traffic Management and Control**

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

10. **Amendments to the approved plans**

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

- a) The verandah roof and supports are to be located no closer than 1m from the northern side boundary.
- b) Front fences and side fences (within the front building setback) shall not exceed a maximum height of 1 metre above existing ground level.

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.

11. **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.

12. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

13. **Vehicle Crossings Application**

The Applicant is to submit an application for the design and construction of the kerb and gutter along the frontage of the property and vehicular crossing with Transport for NSW (TfNSW) in accordance with Section 138 of the Roads Act 1993 and their letter dated 12 March 2020 Reference SYD20/00216/01 (A31414208). The fee associated with the assessment and



approval of the application is to be in accordance with TfNSW's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

14. **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.

15. **Amended Landscape Plans**

Amended Landscape Plans shall be submitted to the certifying Authority for approval prior to the issue of a Construction Certificate, specifically to address the landscape outcome to the front yard.

The landscape design to the rear yard as well as the side boundaries as documented on Plans LS02, LS03, and LS04 (all issue D), prepared by Melissa Wilson Landscape Architects are acceptable.

The Plan LS03 for the front yard shall be amended to achieve the following landscape outcome:

- two small evergreen trees planted at a minimum 75 litre container size shall be provided in place of the proposed Frangipani trees within the front setback capable of attaining 5 metres in height, and located in consideration of adjoining properties solar amenity and ocean views,
- understorey planting as shown on Plan LS03 within the front setback is accepted,
- all planting and the path is to be removed from the public road verge, and the verge shall consist only of driveway and grass.

Reason: to soften the built form and improve streetscape amenity, whilst maintaining access over public land.

16. **Water Quality Management**

The applicant must install a filtration device (such as a sediment control pit or absorption trench) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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

Reason: Protection of the receiving environment.

17. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities);
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls;
- North point and scale.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

18. **Compliance with Coastal Risk Management Report**

The development is to comply with all recommendations of the approved Coastal Risk Management Report prepared by Horton Coastal Engineering Pty Ltd. dated 4 January 2020, and these recommendations are to be incorporated into construction plans and maintained over the life of the development.

Reason: To ensure coastal risk is addressed appropriately

19. **Amend Landscape Drawings – Littoral Rainforest Vegetation Community**

The landscape plan (Melissa Wilson Landscape Architects Drawing No. LS-01 Rev D 20th Sept 2019) is to be amended so that the plant schedules for the rear portion of the site (above the retaining walls) are 80% locally native and characteristic species of the of Littoral Rainforest vegetation community. The Landscape Plan is also to list the weed species located on the site, and note that the weed species will be continuously controlled and managed using best practice weed management techniques.

Plans are to be amended and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To improve potential flora and fauna habitat at the site and/or to offset reductions in potential fauna habitat as a result of the development.

20. **Low Level Coastal Inundation Risk Design**

All development must be designed and constructed to achieve a low risk of damage and instability due to coastal inundation, wave impact and foreshore erosion hazards.

21. **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.

22. **External Finishes to Roof**

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. Any roof with a metallic steel finish is 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)

23. **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](http://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.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

24. **Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property / Properties:

- 8 Ocean Road, Palm Beach
- 10 Ocean Road, Palm Beach
- 12 Northview Road, Palm Beach
- 13 Northview Road, Palm Beach
- 30 Sunrise Road, Palm Beach
- 32 Sunrise Road, Palm Beach

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain

access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage arising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

25. **Tree removal within the property**

Approval is granted for the removal of the existing trees identified in the Arboriculture Impact Assessment prepared by Growing My Way as T5 - Coast Banksia, subject to replacement as identified in the landscape plans.

Additionally exempt species are proposed for removal consisting of T1 Frangipani, T2 Mango, T4 Cordyline, and T6 Canary Island Date Palm. Council consent is not required for removal of exempt species.

Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by a AQF level 5 Arborist that determines that the tree presents an imminent risk to life or property.

26. **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.

27. **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

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

28. **Road Reserve**

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

Reason: Public safety.

29. **Survey Certificate**

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

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

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

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

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

30. **Installation and Maintenance of Sediment Control**

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

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

31. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety.

32. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing and reinstate the existing driveway in accordance with Transport for NSW requirements in their letter dated 12 March 2020 Reference SYD20/00216/01 (A31414208) and the Section 138 application approval issued by TfNSW.

A copy of the inspection approval from TfNSW is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

33. **Tree and vegetation protection**

a) Existing trees and vegetation shall be retained and protected as identified on the Existing Tree Plan LS01 prepared by Melissa Wilson Landscape Architects, including:

- i) all trees and vegetation within the site not approved for removal, excluding exempt vegetation under the relevant planning instruments of legislation,
- 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, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF minimum Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF minimum Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF minimum Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) 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,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF minimum Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF minimum Level 5 Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF minimum Level 5 Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF minimum 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,
- x) 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,
- xi) 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.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

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

34. **Drainage pipes - retaining walls**

No drainage pipes are to be visible/exposed or placed on front of any of the retaining walls.

Reason: Maintaining visual amenity.

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

35. **Landscape works completion**

Landscape works shall be completed in accordance with the approved Amended Landscape Plans.

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 approved amended landscape plan and inclusive of any conditions of consent.

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

36. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with the approval by Transport for NSW and 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 the Occupation Certificate.

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

37. **Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

38. **Geotechnical Certification Prior to Occupation Certificate**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

39. **Weed Removal and Management**

No weeds are to be imported on to the site.

All invasive and priority weeds on the site are to be removed and managed continuously, in accordance with the Biosecurity Act 2015. This includes the rear portion of the site (above the retaining walls) where weed management and native landscaping is to focus on the retention, enhancement and regeneration of areas of Littoral Rainforest and its habitat.

Details demonstrating the removal and management of weeds are to be prepared by the Landscape Architect in writing and submitted to the Principal Certifying Authority prior to occupation certificate.

**Reason:** Weed management and biosecurity

40. **Works as Executed Drawings - Stormwater Treatment Measures**

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

**Reason:** Protection of the receiving environment

41. **Tree Planting**

At least two locally native canopy trees are to be planted onsite to replace trees approved for removal. Canopy tree species are to be as per the approved Landscape Plan, consistent with locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and native gardening booklet available on the Northern Beaches Council website. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree. Tree replacement plantings are to be certified by the project arborist.

**Reason:** Tree replacement.

42. **House / Building Number**

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

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

**Reason:** Proper identification of buildings.

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

43. **Landscape maintenance**

Any existing landscaping including trees required to be retained together with any additional landscaping required by this consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

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

44. **Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and



controlled. Refer to Council website  
[http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds)

**Reason:** Weed management.

45. **Maintenance of Stormwater Treatment Measures**

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

**Reason:** Protection of the receiving environment.

46. **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.

47. **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.

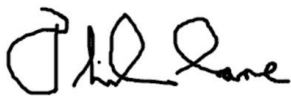
48. **Dead or Injured Wildlife**

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**



**Phil Lane, Principal Planner**

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



A handwritten signature in blue ink, appearing to read "R. Piggott".

**Rodney Piggott, Manager Development Assessments**