

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/0207
<b>Responsible Officer:</b>	Rebecca Englund
<b>Land to be developed (Address):</b>	Lot A DP 405897, 17 Ocean Road PALM BEACH NSW 2108
<b>Proposed Development:</b>	Demolition works and construction of a dwelling house
<b>Zoning:</b>	R2 Low Density Residential
<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>	Watson Park Pty Ltd
<b>Applicant:</b>	Richard Crookes Lynne Crookes
<b>Application lodged:</b>	04/03/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Single new detached dwelling
<b>Notified:</b>	07/03/2019 to 25/03/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 1,551,250.00

### ASSESSMENT INTRODUCTION

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

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

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

## SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - C1.3 View Sharing  
 Pittwater 21 Development Control Plan - C1.4 Solar Access  
 Pittwater 21 Development Control Plan - C1.5 Visual Privacy  
 Pittwater 21 Development Control Plan - D12.5 Front building line  
 Pittwater 21 Development Control Plan - D12.11 Fences - General

## SITE DESCRIPTION

<b>Property Description:</b>	Lot A DP 405897 , 17 Ocean Road PALM BEACH NSW 2108
<b>Detailed Site Description:</b>	<p>The site has a 25.815m primary frontage to Ocean Road to the east, a 35.13m wide secondary frontage to Palm Beach Road to the north, and a total area of 878.9m<sup>2</sup>. The site is free of any significant vegetation and is currently vacant, with the pre-existing dwelling demolished pursuant to DA2017/1216. The site experiences a slight fall of approximately 2.5m, with a slope of 5%.</p> <p>The site is subject to wave and tidal inundation, and overland flow, and is reliant upon an existing masonry boundary fence along the western side boundary. The site is surrounded by low density residential development of varied age and architectural style.</p>

Map:



## **SITE HISTORY**

On 27 April 2018, development application DA2017/1216, which sought consent for the demolition of the existing dwelling and the construction of a new dwelling, was approved by Council.

On 30 October 2018, a construction certificate was issued in relation to DA2017/1216, with respect to demolition works only.

On 6 December 2018, modification application MOD2018/0638 was approved by Council.

On 11 December 2018, a modified construction certificate was issued in relation to DA2017/1216, to include the construction of the new dwelling.

On 4 March 2019, the subject development application was lodged with Council.

On 10 April 2019, Council advised the applicant of concerns regarding the validity of the submitted flood report.

On 2 May 2019, the applicant provided an amended flood report.

On 2 May 2019, the assessing officer undertook an inspection of the site and the adjoining property to the south.

On 27 May 2019, Council advised the applicant of outstanding issues with the amended flood report.

On 28 May 2019, the applicant provided further clarification regarding the recommendations of the flood report.

On 29 May 2019, Council's flood engineer confirmed that the further clarification was satisfactory.

## **PROPOSED DEVELOPMENT IN DETAIL**

The application seeks consent for the construction of a new two bedroom, single storey dwelling house, with a roof top terrace.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 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>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> 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> 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> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is 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 1 submission/s from:

Name:	Address:
Ms Leigh Moffat Virtue Ms Jennifer Joy Virtue	18 Ocean Road PALM BEACH NSW 2108

The concerns raised in the submission received are considered as follows:

- **Impacts upon views**

Comment: The proposed new dwelling will impact upon views of Barrenjoey Headland as seen from a standing position at the far northern end of the front terrace of 18 Ocean Road. As discussed in further details with respect to clause C1.3 of P21 DCP, the impact upon these views is not considered to be unreasonable.

- **Fence height**

Comment: Concerns were raised in relation to the proposed solid masonry boundary fence along the southern side boundary, ranging from 1.2m to 1.8m in height. The 1.8m high portion extends forward of the front facade of the proposed new dwelling, impacting on ocean views currently enjoyed from the adjoining property at 18 Ocean Road. As discussed further with regard to D12.11 of P21 DCP, the proposed fence height is inconsistent with the provisions of P21 DCP. A condition of consent is recommended to limit the height of the boundary fence, where forward of the front facade of the proposed dwelling, to 1.2m above existing ground levels.

- **Wall colour**

Comment: A submission has been received in objection to the proposed use of black stained timber weatherboards on all external walls, suggesting that it is not in keeping with the character of Palm Beach. The proposed use of dark timber panelling is consistent with the provisions of

clause D12.3 of P21 DCP, and other colour palettes seen on dwellings throughout the vicinity of the site.

- **Location of water tank**

Comment: The submission received questions the proposed location of the watertank, which is located adjacent to the northern end of the front terrace of 18 Ocean Road. To reduce the visibility of the proposed tank, a condition is recommended to set the tank further back on the site.

## REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	<p><b>General Comments</b></p> <p>The site testing and the report by Douglas Partners Pty Ltd 30 October 2018 confirms no Acid Sulphate(Sulfate) soil impacted.</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p>
Landscape Officer	<p>The proposal, in terms of landscape outcome, is acceptable subject to the completion of landscaping and protection of existing vegetation.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls: C1.1 Landscaping</p> <p>A Landscape Plan is provided and this satisfies the DA Lodgement Requirements, subject to conditions.</p>
NECC (Bushland and Biodiversity)	<p>The application has been assessed against Pittwater DCP B4.5. A Landscape Plan is provided that includes 83.8% native species. Biodiversity raises no issues.</p>
NECC (Coast and Catchments)	<p><b>12 Development on land within the coastal vulnerability area</b></p> <p><i>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:</i></p> <p>(a) <i>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</i></p> <p>(b) <i>the proposed development:</i></p> <p>(i) <i>is not likely to alter coastal processes to the detriment of the natural environment or other land, and</i></p>



Internal Referral Body	Comments
	<p>(ii) <i>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</i></p> <p>(iii) <i>incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</i></p> <p>(c) <i>measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</i></p> <p><u>Comment:</u></p> <p>The subject land has not been included on the Coastal Vulnerability Area Map under State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) and in regard to CM SEPP the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land.</p> <p>But the subject land is identified under both Coastal Hazard Wave Inundation Zone and Coastline Beach Hazard Area.</p> <p>For this, a Coastline Risk Management Report by Horton Coastal Engineering Pty. Ltd, dated 14 February 2019, has been submitted with this DA application. In this report a Coastline Planning Level of 6.4m AHD has been adopted.</p> <p>In the Coastline Risk Management Policy for Development in Pittwater, it is noted that a planning period (design project life) of 100 years should be adopted unless otherwise justified. A 60-year planning period has been considered herein. The Policy allows variations between the 50 and 100 years.</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>
NECC (Development Engineering)	The submitted drainage plan has been reviewed and is acceptable subject to conditions. The proposal will require the reconstruction of the driveway crossing which has also been reviewed and is acceptable subject to conditions. No objection to approval, subject to conditions as recommended.
NECC (Riparian Lands and Creeks)	This application is recommended for approval with conditions. A sediment screen must be incorporated into the boundary pit to remove organic matter and coarse sediments from stormwater prior to discharge from the property. Erosion and sediment controls must be installed prior to any work on site and maintained until all work is complete and groundcover re-established.
NECC (Stormwater and Floodplain Engineering –	The proposed development is identified as flood affected in the Avalon to Palm Beach Floodplain Risk Management Study and Plan,

Internal Referral Body	Comments
Flood risk)	2017. There are existing solid walls protecting the subject site from the identified overland flow path. As a result, the application is recommended for approval subject to conditions to maintain this wall for the purposes of flood protection.
Parks, reserves, beaches, foreshore	N/A
Parks, reserves, beaches, foreshore	

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

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

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

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

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

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

### SEPP 55 - Remediation of Land

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

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

A BASIX certificate has been submitted with the application (see Certificate No. 992189S dated 27 February 2019).

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

Commitment	Required Target	Proposed



<b>Water</b>	40	40
<b>Thermal Comfort</b>	Pass	Pass
<b>Energy</b>	50	51

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

### SEPP (Coastal Management) 2018

The site is located within both the Coastal Use Area and Coastal Environment Area as identified by State Environmental Planning Policy (Coastal Management) 2018 ("CM SEPP"), and the provisions of this policy are applicable in relation to the proposal. Following detailed assessment of the proposed modifications, the consent authority can be satisfied of the following:

- the proposal is not likely to cause an adverse impact upon the matters listed in clause 13(1) of the CM SEPP,
- the proposal has been designed, sited and will be managed to avoid adverse impacts on the matters listed in clause 13(1) of the CM SEPP,
- the proposal is not likely to cause an adverse impact upon the matters listed in clause 14(1) of the CM SEPP,
- the proposal has been designed, sited and will be managed to avoid adverse impacts on the matters listed in clause 14(1) of the CM SEPP,
- the proposal is not likely to cause increased risk of coastal hazards on the site or other land.

As such, the proposal is considered to be consistent with the provisions of the CM SEPP, including the matters prescribed by clauses 13, 14 and 15 of this policy.

### 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	6.7m	-	Yes

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes

Clause	Compliance with Requirements
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.5 Coastal risk planning	Yes
7.10 Essential services	Yes

## Pittwater 21 Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	Variation*	Complies
Front building line	Ocean Road - 10m	9.4 - 14.5m	600mm (6%)	No
	Palm Beach Road - 5m	4.9m	100mm (2%)	No
Side building line	2.5m	2.5m	-	Yes
	1m	5.5m	-	Yes
Building envelope	3.5m	Within envelope	-	Yes
	3.5m	Within envelope	-	Yes
Landscaped area	60%	66.1%	-	Yes

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

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.12 Palm Beach Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.4 Aboriginal Heritage Significance	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
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
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
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	No	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
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	Yes	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D12.11 Fences - General	No	Yes
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

#### Detailed Assessment

#### **C1.3 View Sharing**

A submission has been received from the adjoining property owners at 18 Ocean Road, raising concern with regard to the potential view loss that may arise as a result of the proposed development. The impact upon views has been considered with respect to clause C1.3 of P21 DCP and the View Sharing Planning Principle developed by the NSW LEC in *Tenacity Consulting Pty Ltd v Warringah Council*.

The property at 18 Ocean Road enjoys views of Barrenjoey Headland to the north, and Palm Beach from the north through to the east. The views are obtained from windows on the eastern facade of the ground floor associated with the primary living area, the front ground floor terrace, north and east facing

windows associated with bedrooms on the upper level, and the front upper floor terrace.

The proposed new dwelling will impact upon views of Barrenjoey Headland currently enjoyed from the front ground floor terrace. The impact is limited to the views of the headland obtained in a standing position at the far north-western corner of the front floor terrace, with the views retained by taking a few steps to the south or east along the terrace. Noting the majority of views remain unaffected by the proposal, the impact upon views is considered to be minor.

The impact arises as a result of a full height privacy screen/blade wall at the southern end of the proposed ground floor front terrace. The proposed privacy screen restricts a direct line of sight between the proposed front terrace at the subject site and the existing front terrace at 18 Ocean Road. The submission suggests that the impact associated with this screen could be avoided if the dwelling was setback, such that the screen was located behind the alignment of the front facade of the dwelling at 18 Ocean Road. However, this would result in an undesirable outcome with regards to privacy between properties, resulting in non-compliance with respect to clause C1.5 of P21 DCP. Furthermore, this would lessen the views available from within the proposed dwelling.

The alignment of the proposed dwelling is considered to be appropriate for the site, and noting that the dwelling could be sited further forward towards the east with greater impacts upon views than that currently proposed, the impact is considered to be reasonable and view sharing is considered to be achieved.

The application also proposes a 1.8m high solid fence along the southern side boundary, extending approximately 5m forward of the proposed alignment of the dwelling. The 1.8m solid fence would impact upon ocean views when seated at the front terrace of 18 Ocean Road. The forward projection of the fence is not considered to be required for privacy, noting that the area adjacent to the fence comprises a garden bed. As such, it is considered that the fence should be reduced to maximise the retention of views currently enjoyed at 18 Ocean Road.

#### **C1.4 Solar Access**

The proposed new dwelling is located due north of a courtyard at the rear of the adjoining dwelling at 18 Ocean Road, resulting in additional overshadowing of this area, to a point where the area will be overshadowed for a considerable portion of the day. This impact differs from the pre-existing dwelling, which also featured a rear courtyard space that mirrored that at 18 Ocean Road, allowing for greater levels of sunlight to the space.

However, the additional overshadowing is associated with a single storey structure, located 2.5m from the property boundary, maintained well within the nominated building envelope plane. Furthermore, the impact will be somewhat consistent with the impact associated with existing hedging and other vegetation located along the boundary of 18 Ocean Road. The adjoining dwelling at 18 Ocean Road has a large open space at the front of the property and a large terrace on the upper floor, and whilst these areas are not as private, occupants of the dwelling will maintain large area of direct sunlight between 9am and 3pm in midwinter. With this in mind, the impact associated with the proposed development is not considered to be unreasonable, and a reasonable level of solar access will be maintained to the adjoining dwelling.

#### **C1.5 Visual Privacy**

The proposed development features a roof top terrace, above the single storey dwelling. The proposed terrace has been designed to minimise impacts upon the closest neighbouring property, with the incorporation of a screen along the southern elevation.

## D12.5 Front building line

### Ocean Road

With a minimum setback of 9.4m from Ocean Road, the north-eastern corner of the proposed covered terrace is inconsistent with the 10m front setback prescribed in relation to Ocean Road. The non-compliance is limited to a minor portion of the roof over the front terrace, with the majority of the structure setback well in excess of the 10m setback prescribed.

### Palm Beach Road

Clause D12.5 of P21 DCP specifically requires a greater than average setback in relation to Ocean Road, and as such, the Palm Beach Road frontage is reasonably considered as a secondary street frontage. P21 DCP provides variations to the setback for secondary street frontage, being half that required for the primary street frontage. With a minimum setback of 4.9m from Palm Beach Road, the north-western corner of the proposed covered terrace is inconsistent with the variable setback prescribed.

The two minor areas of non-compliance to both Ocean Road and Palm Beach Road are associated with an open structure, with views corridors remaining through and across this space. The siting of the proposed built form responds well to the alignment of other adjoining and nearby dwellings, with setbacks to Palm Beach Road that exceed those that previously existed. The proposed development is comparably modest for a new dwelling house within the Palm beach locality, and despite this area of non-compliance, the proposal will achieve consistency with the relevant outcomes of the front setback control, as follows:

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

Comment: The proposed development is consistent with the desired future character of the Palm Beach Locality.

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

Comment: The minor areas of non-compliance do not result in any unreasonable impacts upon views currently enjoyed from adjoining/nearby properties of the public domain. Compared to the previous dwelling that existing on the site, views along Palm Beach Road will be enhanced as a result of the greater setback proposed.

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

Comment: N/A

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

Comment: The proposed front setbacks will provide sufficient space for landscaping to soften the visual impact of the proposed built form.

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

Comment: The proposed development does not facilitate vehicle manoeuvring in a forward direction. However, egress in a forward direction is not required in relation to the subject site, noting that the site does not meet any of the triggers identified in clause C6.2 of P21 DCP (ie: the length of the internal driveway does not exceed 30m, the gradient of the driveway does not exceed 1:4, the driveway does not enter onto a classified road, and the site does not abut a high pedestrian use).

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

Comment: As above, despite minor setback non-compliance, the proposed development will provide sufficient space for appropriate landscaping.

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

Comment: The proposed new dwelling is of a scale and density that is in keeping with the height of the natural environment.

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

Comment: The setbacks of the proposed dwelling do not attribute to unreasonable visual impacts as seen from the public domain, and pedestrian amenity will remain unchanged, noting that the existing vehicle crossing is to remain.

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

Comment: The siting of the proposed development is considered to be an appropriate response with respect to the spatial characteristics of the existing urban environment.

## **D12.11 Fences - General**

The application seeks consent for new fencing along the Palm Beach Road frontage, the Ocean Road frontage and the southern side boundary.

The application seeks consent for fencing along both the Ocean Road and Palm Beach Road frontages. The proposal comprises a 700mm (approximately) high masonry retaining wall and associated fill on the boundary, with a 1.1m high horizontal slatted timber fence setback approximately 900mm. Hedging is proposed between the fence and the property boundary, with a potential maximum maturity height of up to 4m. Noting the recommendations of the coastal and flood reports, there appears to be no justification for area of fill proposed, and a better result would be achieved with the removal of the fill and retaining wall, to be replaced with a partially solid fence. However, concern is raised in relation to a 1.8m high fence forward /seaward of the eastern facade of the proposed dwelling. Conditions of consent are recommended to reduce the height of fencing forward/seaward of the dwelling to 1.2m above existing ground levels.

### Southern side boundary

The application proposes 1.8m solid fencing along the side boundary to a point approximately 5m forward of the proposed front (eastern) facade. The additional fence height is not considered to be required in this location, noting that the area behind the proposed fence comprises a dense garden bed, and not an area requiring screening.

Subject to conditions to limit the height of fencing forward of the eastern facade of the proposed dwelling, and to ensure that all fencing is measured from existing ground levels, the proposal will achieve consistency with the requirements and outcomes of this control.

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

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



their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Pittwater Section 94 Development Contributions Plan**

S94 Contributions are not applicable to this application.

## **CONCLUSION**

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

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

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

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

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

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

## **RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2019/0207 for Demolition works and construction of a dwelling house on land at Lot A DP 405897, 17 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>
Floor Plan DA-01	January 2019	The Design Section
Roof Plan DA-02	January 2019	The Design Section
Elevation DA-03	January 2019	The Design Section
Landscape Plan 01, revision B	1 March 2019	Dangar Barin Smith
Landscape Plan (Garden) 01, revision B	1 March 2019	Dangar Barin Smith
Landscape Plan (Roof) 01, revision B	1 March 2019	Dangar Barin Smith

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Cover Sheet & Notes, Drawing C1, issue K	1 March 2019	ACOR Consultants (CC) Pty Ltd
Stormwater Management Detail Sheet 1 of 2, Drawing C2, issue K	1 March 2019	ACOR Consultants (CC) Pty Ltd
Stormwater Management Detail Sheet 2 of 2, Drawing C3, issue K	1 March 2019	ACOR Consultants (CC) Pty Ltd
Stormwater Management Detail Plan - Roof, Drawing C4, issue K	1 March 2019	ACOR Consultants (CC) Pty Ltd
Stormwater Management Details Sheet No.1, Drawing C5, issue K	1 March 2019	ACOR Consultants (CC) Pty Ltd

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Coastline Risk Management Report	14 February 2019	Horton Coastal Engineering Pty Ltd
Flood Risk Management Report	29 April 2019	ACOR Consultants (CC) Pty Ltd
BASIX Certificate 992189S	27 February 2019	Gradwell Consulting

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

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

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

2. **Amendments to the approved plans**

The following amendments are to be made to the approved plans referenced in Condition 1 of

this consent:

- The proposed fill and retaining walls along the eastern and northern property boundaries is not permitted, and natural ground levels forward of the proposed fencing are to be retained.
- All fencing seaward(east) of the eastern facade is to be limited in height to 1.2m above existing ground levels. All other fencing is to be limited to a maximum height of 1.8m above existing ground levels.
- The lower 700mm of proposed front fencing may be solid/masonry, however all elements above 700mm shall comprise horizontal timber slats with 50% openings.
- The water tank is to be relocated at least 4m to the west along the southern facade.
- The proposed use of *Syzygium resilience* along the outer face of the fencing fronting Palm Beach Road and Ocean Road is to be replaced with mixed locally native plantings, with a maximum maturity height ranging between 0.5m and 1.5m. Linear hedging 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 development minimises unreasonable impacts upon surrounding land.

### 3. Prescribed Conditions

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

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

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

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

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

Reason: Legislative requirement.

#### 4. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.



- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

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

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## FEES / CHARGES / CONTRIBUTIONS

### 5. **Security Bond**

A bond (determined from cost of works) of \$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

### 6. **On slab landscape planting and associated works**

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate:

- i) indicating the proposed method of waterproofing to concrete slabs and planters to which soil and planting is provided,
- ii) indicating the soil type, plant species, irrigation, services connections, maintenance activity schedule and soil depth compliance with iii) below:
- iii) the following minimum soil depths are required to be provided in approved landscape areas
  - 300mm for lawn and groundcovers
  - 600mm for shrubs

Certification shall be provided by a structural engineer that the planters are designed structurally



to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: to ensure appropriate and secure waterproofing and drainage is installed to direct water flow into the drainage system, and away from habitable areas.

7. **Stormwater Disposal**

Drainage plans in accordance with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2:1998 - Stormwater Drainage – Acceptable solutions are to be submitted and certified 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.

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. **Vehicle Crossings Application**

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

Approval of the application by Council is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

9. **Acid Sulfate Soil Management**

Any new information which comes to light during excavation or construction works which has the potential to alter previous conclusions about the uncovering of Acid Sulfate Soil must be notified to the Certifier as soon as reasonably practicable. This will also require an Acid Sulfate Soil Management Plan, including disposal of affected soil to an approved facility, to be submitted to the certifier, before work continues.

Reason: To ensure potential Acid Sulfate Soil is appropriately managed

10. **Water Quality - Low Density Residential**

To comply with Pittwater 21 DCP B5.8, the applicant must install stormwater quality improvement measures as follows:

- Pre-screening of organic matter (eg. leaf litter) prior to the collection of rainwater in the rainwater tank
- filtration of stormwater to capture organic matter and coarse sediments prior to discharge from the land.

Provision must be made for maintenance access.

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.

11. **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 14 February 2019, 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

12. **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.

13. **Amendments to the approved plans**

The following amendments are to be made to the approved plans referenced in Condition 1 of this consent:

- The proposed fill and retaining walls along the eastern and northern property boundaries is not permitted, and natural ground levels forward of the proposed fencing are to be retained.
- All fencing seaward(east) of the eastern facade is to be limited in height to 1.2m above existing ground levels. All other fencing is to be limited to a maximum height of 1.8m above existing ground levels.
- The lower 700mm of proposed front fencing may be solid/masonry, however all elements above 700mm shall comprise horizontal timber slats with 50% openings.
- The water tank is to be relocated at least 4m to the west along the southern facade.
- The proposed use of *Syzygium resilience* along the outer face of the fencing fronting Palm Beach Road and Ocean Road is to be replaced with mixed locally native plantings, with a maximum maturity height ranging between 0.5m and 1.5m. Linear hedging 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 development minimises unreasonable impacts upon surrounding land.

14. **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.

15. **Colours and Finishes**

Prior to the issuance of a construction certificate, a schedule of colours and finishes is to be submitted to the certifying authority, demonstrating consistency with the following:

- The proposed vertical weatherboards are to be finished is a dark timber stain, or painted a dark colour equivalent to or darker than Colorbond 'Wallaby'.
- The masonry component of any fencing is to be finished in sandstone, or painted a dark colour equivalent to or darker than Colorbond 'Wallaby'.
- The use of red, white or light colours on any external surface is not permitted.

The development is to remain consistent with the submitted schedule of colours and finishes for the life of the development.

Reason: To ensure that the visual impact of the development is minimised.

## **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

### **16. Installation and Maintenance of Sediment and Erosion Control**

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

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

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

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

### **17. Vehicle Crossings**

The provision of one vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 NL and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

### **18. Maintenance of Road Reserve**

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

Reason: Public Safety.

### **19. Tree and vegetation protection**

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

- i) all trees and vegetation shown on the plans and not impacted by the development, excluding exempt trees under the relevant planning instruments or legislation,
- ii) all trees and vegetation located on adjoining properties,
- iv) all road reserve trees and vegetation,

B) Tree and vegetation protection shall be generally undertaken as follows:

- i) all tree and vegetation shall be protected in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4,
- ii) removal of existing tree and vegetation roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) existing ground levels shall remain under the protection zone of trees and vegetation to be

retained, unless authorised by AQF Level 5 Arborist,

iv) any tree and vegetation roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,

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 and vegetation roots greater than 25mm diameter are to be cut unless authorised by a Project Arborist on site,

vii) all structures are to bridge tree and vegetation roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,

viii) excavation for stormwater lines is not permitted within the protection zones, without consultation with a AQF Level 5 Arborist, to provide for root protection measures,

ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree and vegetation 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 protection zone of a protected tree or any other vegetation 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.

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

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

### 20. **Landscape works**

Landscaping is to be implemented in accordance with the approved Landscape Plans referenced in this consent, as amended by any condition, and inclusive of the following requirements:

i) Cupaniopsis anacardioides shall not be planted to avoid escape of the seed into bushland areas, and shall be replaced with a similar non-invasive tree species of similar size,

ii) only a sterile cultivar form of the Olea europaea is permitted to be planted, and nursery verification is required should this plant be installed,

iii) without nursery verification, the Olea europaea shall be replaced with a similar non-invasive tree species of similar size.

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 plan and inclusive of any conditions of consent.

Reason: To reduce the escape of self-seeding plants into bushland.

### 21. **Stormwater Disposal**

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

Occupation Certificate.

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

22. **Positive covenant over western boundary flood protection wall**

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on title, requiring the proprietor of the land to maintain the western boundary wall to appropriate levels of structural stability to ensure ongoing flood protection. The wall shall not be removed or lowered at any time. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the occupation certificate

Reason: To provide continuing flood protection to the property.

23. **Post Construction Coastal certificate**

Prior to the issue of the Occupation Certificate, a Post Construction Coastal Certificate shall be submitted to the Principal Certifying Authority (Form No. 3 of the Coastline Risk Management Policy for Development in Pittwater - Appendix 6 of P21 DCP) that has been prepared and signed by a specialist coastal engineer who is a registered professional engineer with chartered professional status (CP Eng) and coastal engineering as a core competency and who has an appropriate level of professional indemnity insurance.

Reason: To ensure the development has been constructed to the engineers requirements

24. **Colours and Finishes**

Prior to the issuance of the occupation certificate, the project architect is to provide written certification that the as-built development is consistent with the schedule of colours and finishes required by this consent.

Reason: To ensure that the visual impact of the development is minimised.

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

25. **Landscape maintenance**

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

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

26. **Environmental and priority weed control**

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

Reason: preservation of environmental amenity.

27. **Western Boundary Fence**

The existing solid western boundary fence relied upon in the Flood Risk Management Report referenced in this consent, is to be retained for the life of the development and maintained in an appropriate manner to ensure ongoing flood protection.

Reason: Flood protection.

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

**Signed**



**Rebecca Englund, Principal Planner**

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



**Matthew Edmonds, Manager Development Assessments**