

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/2364
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Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 17 DP 8595, 121 Pacific Road PALM BEACH NSW 2108
Proposed Development:	Demolition works and construction of a dwelling house including a swimming pool and cabana
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Kede Peter Carboni
Applicant:	Kede Peter Carboni

Application Lodged:	06/12/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	10/12/2021 to 15/01/2022
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	4.3 Height of buildings: 2%
Recommendation:	Approval

Estimated Cost of Works:	\$ 5,170,000.00
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PROPOSED DEVELOPMENT IN DETAIL

This Development Application seeks consent for the demolition of all existing structures on the site, tree removal, excavation works and the construction of a dwelling house and swimming pool.

The dwelling house is elongated across the western half of the site and has a single storey appearance from the street, before stepping down two more storeys across two pavilions. The building has a garage to the front and a secondary driveway along the southern boundary leading to a secondary garage to the rear.

The dwelling is to be finished in slim-line bricks, sandstone and timber cladding, cement render and a deco granite roof.

AMENDED PLANS

During the course of the application Council requested revised plans from the applicant with relation to referral comments from Council's Landscape, Bushland and Engineering officers. The physical changes made in the revised plans can broadly be described as:

- Increase in soft landscaping by 128m².
- Retention of tree 14 (albeit it is in poor health).
- Retention of tree 4.
- Removal of stairs on Council's road reserve.

Herein this report these revised plans are described as the 'development'.

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 - 4.6 Exceptions to development standards

Pittwater 21 Development Control Plan - C1.3 View Sharing

Pittwater 21 Development Control Plan - C1.14 Separately Accessible Structures

Pittwater 21 Development Control Plan - D12.8 Building envelope

Pittwater 21 Development Control Plan - D12.10 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 17 DP 8595 , 121 Pacific Road PALM BEACH NSW 2108
Detailed Site Description:	<p>The subject site is legally identified as Lot 17 in Deposited Plan 8595 and is known as 121 Pacific Road, Palm Beach.</p> <p>The site is trapezoidal in shape with a western street</p>

frontage of 29.565m, rear boundary of 23.47m and depths of 153.53m (north) and 135.77m (south) equating to an overall surveyed area of 3,058m². The site is uncharacteristically large for both Pacific Road and the wider Palm Beach locality.

The site presently accommodates an older one and two storey timber clad dwelling house with a large timber deck to the rear.

Topographically the site slopes from west to east (street to rear) by over 10m. There are numerous rock outcrops located towards the rear half of the site.

The site contains a number of mature and native trees throughout, as well as numerous exotic plantings throughout.

Surrounding properties consist of other detached dwelling houses of varying age, size and construction, including a heritage listed building immediate to the south.

Map:



SITE HISTORY

The site has been used for residential purposes for an extended period of time, and has one recent development consent applicable to the land:

DA2020/0133 was for demolition works and the construction of a multi-storey dwelling house and swimming pool, approved under delegated authority on 28 July 2020.

That design was from the same architect, and this current application is a refinement (albeit significant) of that existing approval.

To date, the consent has not been activated and remains current.

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 2014 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><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.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested to address the concerns raised by Council's Landscape, Bushland and Engineering officers.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development,	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the</p>

Section 4.15 Matters for Consideration	Comments
including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>natural and built environment are addressed under the Pittwater 21 Development Control Plan 2014 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Bush Fire Planning Services, dated 03 September 2021) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 10/12/2021 to 15/01/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Michael Slattery	39 Clanville Road ROSEVILLE NSW 2069

During the public exhibition period of the application one submission was received from a neighbour on the opposite side of the street.

That submission notes the overall reduction in the height of the building commensurate to an approved consent on the land (DA2020/0133) (from RL81.076 to RL79.845) and supports this reduction. Council supports the reduction in building height.

The submission raises no additional matters and therefore no further assessment on it is necessary.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Solid Fuel/Oil Heater)	<p><i>No objection if the proposed fireplace that is gas and recommendation of approval no conditions recommendation of refusal if the heater is a solid fuel heater due to lack of information There does not appears to be details provided with regards to the make and model of the heater and any installation details that will determine if the appropriate Australian Standards will be met.</i></p> <p><i>If the applicant wants to install a Solid fuel heater the following information is require with a new DA or Section 68 Local Government Act application:</i></p> <ol style="list-style-type: none"> <i>1. Provide evidence that the flue pipe will extend not less than 4.6m above the top of the floor protector.</i> <i>2. If the flue is 3m or less in horizontal distance from the highest point of the roof, is the top of the flue at least 600mm above the highest point of the roof?</i> <i>3. If the flue is over 3m metres in horizontal distance from the highest point of the roof, is the height of the flue at least 1000mm above the roof penetration?</i> <i>4. Provide council evidence that the topography of the site or likely weather patterns or configuration of nearby dwelling/s indicate a potential to cause a smoke nuisance? (Include on site plan)</i> <i>5. Provide evidence that there are not any significant trees or other environmental or structural factors in the immediate vicinity that may cause a smoke down draught? (Include on site plan)</i> <i>6. The application must contain site, floor and elevation plans drawn to a scale of 1:100 or 1:200 clearly demonstrating the location of the proposed heater and the proposed flue in relation to the roof line of the dwelling and the closest neighbouring dwelling/building.</i> <i>7. Provide detailed evidence to Council that the application contains specifications of the appliance to be installed indicating compliance with AS/NZS 2918:2001 and the Building Code of Australia?</i> <i>8. provide evidence that the proposed heater will meet the emission control requirements of AS 4013.1999/AS 4013.2014?</i> <i>9. provide evidence that the installation will meet the requirements of AS/NZS 2918.2001</i> <p><i>Recommendation</i></p> <p><i>REFUSAL</i></p> <p><u>Planner Comment</u> As noted in the above referral a solid fuel heater may be applied for under a</p>

Internal Referral Body	Comments
	<p>Section 68 LG Act application and therefore this consent does not authorise the installation of a solid fuel heater, but does not restrict the ability of one being applied for at a later date by the applicant under a separate instrument.</p>
Landscape Officer	<p><i>Updated comments:</i> Amended Master Set Plans, Landscape Plans, and an Addendum to the Arboricultural Impact Assessment are submitted and address the concerns as raised by the previous Landscape Referral comments.</p> <p>The Landscape Referral concerns regarding the previous proposal to remove existing tree 4 - Grey Ironbark is now resolved and the tree is confirmed to be able to be retained in the Arboricultural Addendum subject to the requirement that the cantilevered slab must be above the existing root systems to maintain minimal impact, and a condition shall be imposed for supervision of works by a Project Arborist.</p> <p>The removal of a road reserve verge tree (tree 14 - Spotted Gum) was recommended and is still recommend as the tree is in poor health, and a street tree replacement is proposed and thus Council raise no concerns, subject to imposed conditions.</p> <p>As recommended in the Arboricultural Impact Assessment, two existing trees are proposed for removal within the property, including tree 1 - Canary Island Palm, and tree 2 - Spotted Gum, impacted by the proposed development works.</p> <p>A written consent letter from the owner of adjoining property at 119 Pacific Road is provided agreeing to remove T3 within property number 119, identified as an Exempt Species, and Council raise no issue to the agreed removal of the Canary Island Palm. A written consent letter from the owner of adjoining property at 123 Pacific Road is provided agreeing to remove T20 and T21 within property number 123, identified as Exempt Species, and Council raise no issue to the agreed removal of the Tuckeroo and Washingtonia Palm. No Council consent is required for removal.</p> <p>No Landscape Referral concerns are raised for the proposed landscape works within the property boundaries subject to imposed conditions. Proposed landscape works indicated within the road reserve verge on the Landscape Plans are not permitted under this development application, and a Minor Encroachment within the Road Reserve application to the relevant Council department is required to gain approval or otherwise for the works.</p> <p>The response letter from the applicant noted that the landscape area has been revised to increase the soft landscaped area to 58% and as such landscaped areas shall be maintained for this purpose. The majority of the landscaped area is garden planting with a small area for turf. It is noted that this turf area within the frontage appears to be designed to assist with either a turning area for vehicles or as an area that can be used for vehicle parking. The turf area within the frontage shall be maintained as soft landscaping to ensure the landscape area under the development</p>

Internal Referral Body	Comments
	<p>application, if approved, is continued. Conditions shall be imposed for ongoing maintenance to the area to ensure the retention of the soft landscape treatment.</p> <p>Subject to conditions of consent, Landscape Referral raise no issues.</p> <p><i>Previous comments:</i></p> <p>The development application is for the demolition of existing structures and the construction of a new dwelling, garage, carport, swimming pool and cabana, and associated works within the property.</p> <p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause C4 zone Environmental Living, and the following Pittwater 21 DCP controls (but not limited to):</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D12 Palm Beach Locality <p>The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.</p> <p>A Arboricultural Impact Assessment and Landscape Plans are submitted with the application. The Arboricultural Impact Assessment includes the recommendation that should the proposed development footprint be approved, existing trees located within adjoining property (tree 3 - Canary Island Palm within property 119 Pacific Road, and trees 20 - Tuckeroo and 21 - Washingtonia Palm within the right of way for property 123 Pacific Road) are required to be removed and Landscape Referral do not support this without the following information:</p> <ul style="list-style-type: none"> • Firstly, it is noted that the three trees are all Exempt Species not requiring Council consent. However Council will require a written Owners Consent from neighbouring property owners to be submitted as part of this development application should the owners agree for removal, for Council records as removal of the existing trees is not within the development property, • Secondly, owners shall be made aware that they are not obliged to grant consent and the applicant shall not represent to the owners that Council agrees with any such removal. <p>Should Owners Consent not be granted, a non-invasive root investigation assessment by a AQF level 5 arborist around the base of the subject trees shall be undertaken as noted in the Arboricultural Impact Assessment and provided to Council with recommended tree protection measures if the encroachments are possible without undermining the integrity and health of the trees.</p> <p>Additional trees proposed for removal include: tree 1 (Canary Island Palm), tree 2 - Spotted Gum, and tree 4 - Grey Ironbark within the property, and</p>

Internal Referral Body	Comments
	<p>tree 14 within the road reserve verge. Concern is raised that the proposed removal of existing tree 4 - Grey Ironbark, located within the front setback, is not consistent with the LEP objectives of the C4 zone and the DCP landscape controls of B4.22 and C1.1, and as the tree is assessed with a long safe useful life expectancy, design alternatives through footprint re-arrangement shall be considered to retain this tree, with a building setback from the tree to be established by a AQF level 5 arborist to ensure manageable encroachment is determined. Council supports the comments in the Arboricultural Impact Assessment that this tree " is in good condition with good vigour, the tree has a form typical of its species, and the tree provides a fair contribution to the visual character of the local area."</p> <p>The Landscape Plans submitted include landscape proposals to enhance the existing landscape setting. It is unknown through the documentation to what extent the proposal contains new landscape works within the public road reserve. Existing trees and vegetation are located in the road verge however should the landscape proposal be for new landscaping, then a Minor Encroachments application is required. Any approval of the landscape works is confined to the property boundaries. The Landscape Plans are able to be approved subject to conditions.</p> <p>Landscape Referral are unable to continue the assessment until the following information is provided:</p> <ul style="list-style-type: none"> • Owners Consent for removal of existing trees within adjoining properties, or otherwise a sensitive tree root investigation to those trees if Owners Consent is not provided for preservation of the trees with recommended tree protection measures, • Design alternative layout to preserve existing tree 4 - Grey Ironbark • Adjusted and co-ordinated Landscape Plans
NECC (Bushland and Biodiversity)	<p>The application seeks approval for the demolition of the existing building and construction of a new two storey dwelling house, garage, carport, swimming pool and cabana The application also seeks to establish an Asset Protection Zone (APZ) over the entirety of the site in perpetuity.</p> <p>Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:</p> <p>Biodiversity Conservation Act 2016 (BC Act) Biodiversity Conservation Regulation 2017 State Environmental Planning Policy (Coastal Management) 2018</p> <ul style="list-style-type: none"> • s11 Proximity to Littoral Rainforest <p>Pittwater Local Environmental Plan (PLEP)</p> <ul style="list-style-type: none"> • 7.6 Biodiversity Protection <p>Pittwater Development Control Plan (PDCP)</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor <p><u>Final Recommendation - 24/04/2022</u> Additional information is provided with the application including an amended Bushfire Risk Assessment (dated 19/04/2022).</p> <p>The proposed Asset Protection Zone is amended to:</p> <ol style="list-style-type: none"> <i>At the commencement of building works and in perpetuity the area to the west of the proposed dwelling up to the property boundary shall be managed as an Asset Protection Zone in accordance with the requirements of Planning for Bushfire Protection, the RFS document Standards for Asset Protection Zones and in a manner that does not create a bushfire hazard to the property.</i> <i>In addition, the area to the north, south and east of the buildings shall be managed as an Asset Protection Area to a distance of at least 5m or to the property boundary.</i> <p>As the site currently benefits from the 10/50 clearing eligibility, and the proposed APZ does not extend beyond this area, no objection is raised by Council's Biodiversity Referral Team and the BOS is not triggered. Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.</p> <p><u>Updated Recommendation - 8/04/2022</u> Additional information is provided with the application including an Arboriculture Addendum (The Tree MD 2022).</p> <p>Of relevance to the previous Biodiversity Referral, the following information is provided is in relation to concerns raised about Tree 2, 4 and 14:</p> <ul style="list-style-type: none"> Tree 2 (<i>Corymbia maculata</i>) - approved for removal under DA2020/0133, therefore no objection is raised. Tree 4 (<i>Eucalyptus paniculata</i>) - now proposed for retention, therefore no objection is raised. Tree 14 (<i>Corymbia maculata</i>) - approved for removal under DA2020/0133, therefore no objection is raised. <p>No clarification or justification is provided to the expected impacts of APZ establishment within DPE's Biodiversity Values map, therefore the Biodiversity referral team are still unable to support the application.</p> <p>Concern is however raised over the recommended Asset Protection Zone (Bushfire Planning Services 2021): "At the commencement of building works and in perpetuity the entire property shall be managed as an Asset Protection Zone in accordance with</p>

Internal Referral Body	Comments
	<p>the requirements of Planning for Bushfire Protection, the RFS document Standards for Asset Protection Zones and in a manner that does not create a bushfire hazard to the property." that will extend into native vegetation that does not benefit from the 10/50 clearing eligibility. Both the establishment, and maintenance in perpetuity of an APZ over native vegetation is considered to constitute "clearing" as defined under s60C of the Local Land Services Act 2013, and therefore will trigger the BOS and will require assessment under the Biodiversity Assessment Methodology 2020 due to its location within DPIE's Biodiversity Values mapping. Previous applications within the same property have determined a BAL of 'LOW', therefore no (known) APZ has been approved within the property to date.</p> <p>The application must therefore either:</p> <ol style="list-style-type: none"> 1. be accompanied by a Biodiversity Development Assessment Report (BDAR) prepared by an Accredited Assessor (https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor), or 2. be accompanied by a 'Vegetation Management Plan' that includes the locations of all native vegetation, including trees within the site and a statement from the Bushfire Practitioner that all can be retained without modification and comply with Planning for Bushfire Protection 2019. <p>On receipt of the requested information, the Biodiversity referral team can reassess.</p> <p><u>Original Recommendation - 20/12/2021</u></p> <p>The site is located within the Department of Planning, Industry and Environment's (DPIE) Biodiversity Values mapping: https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap Any removal of native vegetation from within mapped areas will trigger the Biodiversity Offset Scheme (BOS).</p> <p>On review of the submitted Arboriculture Impact Assessment Report (The Tree MD 2021) It is noted that the application seeks to remove native trees (T.2, 4, 14) that are located within DPIE's Biodiversity Values mapping, and that appear to be located >10m from the existing dwelling and therefore do not benefit from the 10/50 Clearing Eligibility.</p> <p>Further, concern is however raised over the recommended Asset Protection Zone (Bushfire Planning Services 2021):</p> <ul style="list-style-type: none"> • <i>"At the commencement of building works and in perpetuity the entire property shall be managed as an Asset Protection Zone in accordance with the requirements of Planning for Bushfire Protection, the RFS document Standards for Asset Protection Zones and in a manner that does not create a bushfire hazard to the property."</i>

Internal Referral Body	Comments
	<p>that will extend into native vegetation that does not benefit from the 10/50 clearing eligibility. Both the establishment, and maintenance in perpetuity of an APZ over native vegetation is considered to constitute "clearing" as defined under s60C of the Local Land Services Act 2013, and therefore will trigger the BOS and will require assessment under the Biodiversity Assessment Methodology 2020 due to its location within DPIE's Biodiversity Values mapping.</p> <p>Previous applications within the same property have determined a BAL of 'LOW', therefore no (known) APZ has been approved within the property to date.</p> <p>The proposal must be accompanied by a Biodiversity Development Assessment Report (BDAR) prepared by an Accredited Assessor: https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor</p> <p>Alternatively, the applicant is encouraged to a more sensitive design that allows retention of Tree 2 and 4, and increases the setback of the proposed dwelling to >100m from the hazard or as recommended by the Bushfire Practitioner to remove the requirement for establishment of an APZ, if possible.</p> <p>On receipt of the required BDAR or redesign, Council's Natural Environment Unit - Biodiversity can reassess the application.</p>
NECC (Development Engineering)	<p>Applicant seeks approval to construct a new dwelling. The geotechnical Engineer has certified that an acceptable risk is achievable. The proposed access is acceptable.</p> <p>The property slopes to the rear properties. Stormwater plans provides for a detention drainage system with a dispersion drainage system (Level Spreader). Applicant's geotechnical reports recommends drainage to the road. Council's Water Management for Development Policy, in particular Stormwater Drainage from Low Level Properties clause 5.5.1.1. recommends various stages of assessment, which does not appear to have been considered. As a result the submitted stormwater management cannot be assessed.</p> <p>The applicant has addresses the issues raised with regards to the above comments. No Development Engineering objections subject to recommended conditions.</p>
NECC (Water Management)	<p>This application has been assessed against relevant legislation and policy relating to waterways, riparian areas, and groundwater.</p> <p>No objection to the application, subject to conditions.</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	The proposal has been referred to Heritage as the subject site adjoins two items

Internal Referral Body	Comments
	<p>Item 2270027 - Sydney Red Gums (<i>Angophora costata</i>) - 117 Pacific Road Item 2270071 - “Craboon” (house) - 119 Pacific Road</p> <p>Details of heritage items affected</p> <p>Details of the items as contained within the Pittwater inventory is as follows:</p> <p>Sydney Red Gums (<i>Angophora costata</i>) <u>Statement of significance:</u> It is noted that the property no longer contains any Cabbage Tree Palms (<i>Livistona australis</i>) and both of the Sydney Red Gums (<i>Angophora costata</i>) had to be removed after a storm damage in 2013. It is, however, noted that the property contains a presumably Spotted Gum Tree (<i>Corymbia maculata</i>), which could be considered to be of a significant landscape heritage item of local significance with natural, aesthetic, social and historic significance for the Pittwater local government area. Absence of the Cabbage Tree Palms and the Sydney Red Gums has been confirmed through review of Nearmap aerial photographs (dating from October 2009 to December 2014). Therefore, assessment of this heritage item has been deferred until such time that a suitably qualified Council officer inspect the site to confirm the existing tree species within the property and to see whether the remaining specimen of <i>Corymbia maculata</i> warrants retention of the property on Schedule 5 of the Pittwater LEP 2014. Depending on the outcome of the site inspection if the property is to be retained on heritage schedule then it is recommended that this inventory form be amended to reflect the identified heritage values of the remaining trees.</p> <p><u>Physical description:</u> The following information has been provided to assist in future description of the remaining specimen within the property: <i>Corymbia maculata</i> (Spotted Gum) is a tall erect indigenous member of the palm family (<i>Arecaceae</i>) very widely distributed throughout lowland forest and swamps of eastern Australia, occurring in QLD, NSW and VIC. The stems are mostly about 10 metres tall but can grow up to 30 metres. The leaves, borne at the top of the stems, are palmately divided, fan shaped and plicate (folded longitudinally). The species is mostly found in moist forests, around swamps and the margins of rainforest in coastal</p>

Internal Referral Body	Comments		
	<p>areas. It is an attractive tree very hardy, tolerant of frost, wind and salt and is very popular for landscaping, being grown from the tropics through to temperate regions. It likes plenty of water and sun.</p> <p>"Craboonn" (house) <u>Statement of significance:</u> The Craboon is architecturally significant due to the stone construction, battened gables and porch with stone piers which represents design from the 1930s.</p> <p><u>Physical description:</u> The stone cottage with tiled pitched roof is hardly visible from the public domain and contains a modern pavilion on the street level.</p>		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register		
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
	Consideration of Application		
	<p>The proposal seeks consent for a new dwelling on the subject property. Heritage notes this proposal is similar to an approved application on the site (DA2020/0133) however it extends the length of the development further to the east towards Craboon. This includes a new lower ground floor with bedrooms, carport, cabana, driveway and extensive long southern wall along the pool area.</p> <p>Immediately to the south of the site is Craboon at 119 Pacific Road. This a small sandstone and timber cottage at the rear of its site with a newer two storey element at the Pacific Road frontage. The plans with the proposal have incorrectly labelled Craboon as 117 Pacific Road when that property is located further to the east. In contrast to the previous proposal where development stopped short of Craboon, this proposal locates development within its immediate vicinity. In particular the long unrelieved southern wall, cabana and driveway with little ability for landscaping to provide a vegetated buffer. Given the impact of these</p>		

Internal Referral Body	Comments
	<p>elements, Heritage will condition the removal of the cabana (roof and walls) to remove the visual impact to the item and its curtilage. The remainder of the house and its character are considered to not impact upon Craboon.</p> <p>Given 117 Pacific Road only adjoins the rear portion of 121 Pacific Road where there is no significant work proposed, there is considered to be no impact upon the heritage item or its significance.</p> <p>Therefore Heritage recommends approval with one condition.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p>

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	<p><i>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</i></p> <p><i>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</i></p> <p><i>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should</i></p> <p><i>any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</i></p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1242697S dated 29 October 2021). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 0006727630 dated 29 October 2021).

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

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

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 raised no objections.

SEPP (Coastal Management) 2018

The site is classified as land in proximity to littoral rainforest under the State Environmental Planning Policy (Coastal Management) 2018. Accordingly, an assessment under the SEPP has been carried out as follows:

11 Development on land in proximity to 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

The subject site sits in a significantly elevated position above the identified littoral rainforest and, the portion of site identified as being within proximity to the rainforest is limited to the southeastern corner which is not affected by this proposal.

On that basis, the consent authority may be satisfied that the development will not significant impact on the biophysical, hydrological or ecological integrity of the nearby littoral rainforest, and that the quantity and quality of surface and ground water flows to and from the rainforest will not be impacted upon.

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	8.675m	2% or 16.75cm	No

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	No
4.6 Exceptions to development standards	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

4.6 Exceptions to development standards

Description of non-compliance

Development standard:	Height of buildings
Requirement:	8.5m
Proposed:	8.675m
Percentage variation to requirement:	2% (16.75cm)

Assessment of request to vary a development standard

The following assessment of the variation to Clause 4.3 - Height of Buildings development standard, has taken into consideration the recent judgement contained within *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, *Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61*, and *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*.

Clause 4.6 Exceptions to development standards

(1) *The objectives of this clause are as follows:*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

Comment

Clause 4.3 - Height of Buildings development standard is not expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

Clause 4.6 (4)(a)(i) (Justification) assessment:

Clause 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6(3) and these are addressed as follows:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Comment

The Applicant's written request (attached to this report as an Appendix) has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard.

In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment

In the matter of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The applicants written request argues, in part:

- That Council has already consented to a building with a height of 9.042m (a 6.35% variation) on the site, via a current consent.
- That the extent of non-compliance is minor and is not readily visible from the public domain or neighbouring properties.
- That the overall development maintains a low density character consistent with the expectations of the C4 Environmental Living zone.
- That a compliant design commensurate to that of the proposed would not result in an improved planning outcome.
- That the area of non-compliance does not contribute to any adverse amenity impacts to neighbouring properties.

It is concurred that the building height as proposed is lesser than that of the already approved building on site, and that there are no discernible impacts (amenity or visual) that would warrant a modification to this design to achieve compliance with the control.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, therefore satisfying cls 1.3 (c) and (g) of the EPA Act.

Therefore, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

Clause 4.6 (4)(a)(ii) (Public Interest) assessment:

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Comment

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of Buildings development standard and the objectives of the C4 Environmental Living zone. An assessment against these objectives is provided below.

Objectives of development standard

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the PLEP 2014 are:

(1) The objectives of this clause are as follows:

a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,

Comment

The proposed area of encroachment is not visible from the public domain, nor is readily visible from neighbouring properties. The overall height and scale of the proposed building appropriated responds to the desired character of the Palm Beach locality.

b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment

The development achieves a building height compatible with neighbouring properties and maintains a single storey appearance from the public domain.

c) to minimise any overshadowing of neighbouring properties,

Comment

The development does not unreasonably overshadow neighbouring properties.

d) to allow for the reasonable sharing of views,

Comment

Given the height and positioning of the building commensurate to neighbouring properties, the development is considered to allow for the reasonable sharing of views.

e) to encourage buildings that are designed to respond sensitively to the natural topography,

Comment

The proposed building steps down in height following the contours of the land and is therefore considered to appropriately respond to the topography of the land.

f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items,

Comment

Refer to comments from Council's Heritage Officer elsewhere in this report.

Zone objectives

The underlying objectives of the C4 Environmental Living zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

Comment

The proposal maintains significant areas of undisturbed landscaping on the site which is, by virtue of the size, a rarity within the locality. That, combined with the sensitive design of the house, is considered to be a low-impact residential development.

- *To ensure that residential development does not have an adverse effect on those values.*

Comment

The development is not considered to have an adverse impact on the unique values of the land.

- *To provide for the continuance of a limited range of existing small-scale water-related business and leisure uses.*

Comment

N/A

- *To ensure that development, by way of its character, design, location and materials of construction, is integrated into the site and natural surroundings, complements and enhances the natural environment and has minimal visual impact.*

Comment

The proposed building, by way of its character, design, scale, materials and location is appropriately integrated into the site and natural surrounds and is, on balance, considered to be appropriate for the site.

- *To protect and enhance the natural landscape by conserving remnant bushland and rock outcrops and by encouraging the spread of an indigenous tree canopy.*

Comment

Achieved. Refer to Landscape Officer and Bushland and Biodiversity comments elsewhere in this report.

Conclusion

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the C4 Environmental Living zone.

Clause 4.6 (4)(b) (Concurrence of the Secretary) assessment:

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS20-002 dated 5 May 2020, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Height of Buildings Development Standard is assumed by the delegate of Council as the development contravenes a numerical standard by less than or equal to 10%.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m (west)	11.9m to 23.9m	-	Yes
Rear building line	6.5m (east)	60m	-	Yes
Side building line	2.5m (south)	4.0m	-	Yes
	1m (north)	min. 1.2m	-	Yes
Building envelope	3.5m (south)	Within envelope	-	Yes
	3.5m (north)	Outside envelope	-	No
Landscaped area	60% (1,834.8sqm)	54.9% (1,680sqm) (+128m ² under revised plans therefore 1,808m ² or 59.12%)	8.5% (154.8sqm) (revised plans: 1.5% or 26.8m ²)	No

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
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 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
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
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.19 Incline Passenger Lifts and Stairways	Yes	Yes
C1.23 Eaves	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	Yes	Yes
D12.6 Side and rear building line	Yes	Yes
D12.8 Building envelope	No	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	No	Yes
D12.12 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

C1.3 View Sharing

The development is not anticipated to cause view loss from any surrounding properties.

The dwelling house to the south at no. 117 Pacific Road sits much higher than the proposed roof height and will maintain views atop of the proposal and generally uninterrupted views to the east.

The roof height of the development (RL80.84) is almost in alignment with the height of the adjacent roadway which sits at RL79.01 / RL79.52. The difference between the level of the road and the topmost level of the proposed roof result in there being a negligible impact on the provision of views from the properties located westwards of the subject site.

Similarly to the above, the height of the building retains an appropriate outlook to the ocean from the public domain.

C1.14 Separately Accessible Structures

The proposal includes a small area that is detached from the primary dwelling but does not exist in isolation. That area (identified on the plans as the Basement Level) includes two bedrooms and a bathroom. The space does not contain any cooking facilities and is generally connected to the primary residence.

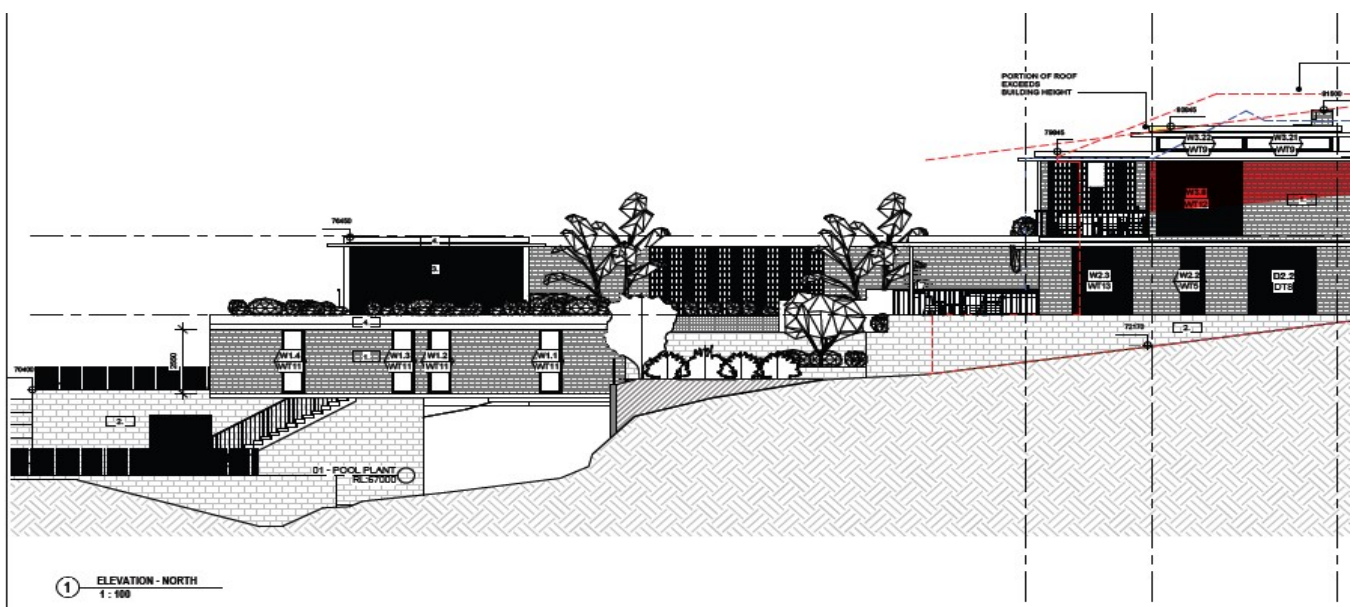
On this basis it is considered that the subject area is not capable of separate or independent habitation and is therefore acceptable.

D12.8 Building envelope

Description of Non-Compliance

The site is subject to a building envelope control measured to a height of 3.5m at both outer side edges of the site (north and south) and then inwards (at a height of 3.5m) by 45 degrees.

The northern elevation of the proposal encroaches the prescribed envelope as depicted on the below working drawing (by author) in red highlight:



Merit Consideration

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

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

Comment

The extent of breach is non-discernible from the public domain and, given the topography of the land and prevalence of vegetation, is not readily visible from neighbouring properties. The development maintains a single storey appearance from the street edge. On balance the proposal achieves the desired future character of the Palm Beach locality.

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

Comment

The building sits well below the height of existing canopy trees, and future trees within the locale.

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

Comment

The building steps down the slope of the land and is bound by mature and substantial landscaping.

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

Comment

Whilst the proposal is for a large home, the overall bulk and scale of the building is minimised through appropriate material selection, steps in the massing and fenestration details along all facades.

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

Comment

Views are discussed elsewhere in this report.

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

Comment

The development is not considered to prejudice the level of privacy, amenity and solar access currently available to surrounding properties.

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

Comment

Refer to comments from Council's Bushland Officer.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of the P 21 DCP 2014 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.

D12.10 Landscaped Area - Environmentally Sensitive Land

Description of Non-Compliance

The site is subject to a 60% landscaped ratio control equivalent to 1,834.8m² in this instance. The site also benefits from an exception provision under this control which permits up to 6% of the landscaped ratio to be hard-surfaced areas that are for outdoor recreational purposes.

As submitted the proposal achieved a landscaped area of 1,680m² or 54.9% inclusive of the variation.

The revised plans received increased the landscaped area by 128m² to a total of 1,808m² equivalent to 59.12% inclusive of the variation.

Therefore, the proposal maintains a breach of this control by 1.5% or 26.8m².

Merit Consideration

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

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

Comment

The development as a whole achieves the desired future character of the Locality notwithstanding the 1.5% variation to the landscaped area control.

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

Comment

The development is designed in a manner which maintains a landscaped curtilage and the majority of trees on the land which, upon completion and more so maturity of vegetation, will minimise the bulk and scale of the built form.

- *A reasonable level of amenity and solar access is provided and maintained.*

Comment

The development does not unreasonably prejudice the level of amenity and solar access enjoyed by neighbouring properties.

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

Comment

Refer to comments from Council's Bushland Officer with regards to tree retention. The extent of trees to be retained, combined with proposed landscaping, is sufficient to visually reduce the built form.

- *Conservation of natural vegetation and biodiversity.*

Comment

As above.

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

Comment

Council's Development Engineer has reviewed the proposed methodology of stormwater disposal and raises no concern, subject to conditions as recommended. A soil and erosion plan is required to be prepared prior to the issuance of any Construction Certificate.

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

Comment

Achieved.

- *Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.*

Comment

The site retains a significant area of soft surface to provide for the infiltration of water to the water table, to minimise run-off and to assist with stormwater management.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P 21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$51,700 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$5,170,000.

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

Council is satisfied that:

1) The Applicant's written request under Clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify a contravention of Clause 4.3 Height of Buildings has adequately addressed and demonstrated that:

- a) Compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
- b) There are sufficient environmental planning grounds to justify the contravention.

2) The proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

RECOMMENDATION

That Northern Beaches Council as the consent authority vary clause 4.3 Height of Building development standard pursuant to clause 4.6 of the PLEP 2014 as the applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) and the proposed development will be in the public interest and is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

Accordingly Council as the consent authority grant Development Consent to DA2021/2364 for Demolition works and construction of a dwelling house including a swimming pool and cabana on land at Lot 17 DP 8595, 121 Pacific 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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA100 Rev. 7 - Site Plan	24 February 2022	Daniel Boddam Architecture & Interior Design
DA101 Rev. 6 - Roof Plan	27 October 2021	Daniel Boddam Architecture & Interior Design
DA102 Rev. 7 - Ground Floor Plan	24 February 2022	Daniel Boddam Architecture & Interior Design
DA103 Rev. 5 - Lower Ground	24 February 2022	Daniel Boddam Architecture & Interior Design
DA104 Rev. 4 - Basement Plan	27 October 2021	Daniel Boddam Architecture & Interior Design
DA02105 Rev. 2 - Demolition Plans	27 October 2021	Daniel Boddam Architecture & Interior Design
DA200 Rev. 6 - Elevations	27 October 2021	Daniel Boddam Architecture & Interior Design
DA201 Rev. 6 - Elevations	27 October 2021	Daniel Boddam Architecture & Interior Design
DA300 Rev. 6 - Sections	27 October 2021	Daniel Boddam Architecture & Interior

		Design
DA301 Rev. 5 - Sections	22 November 2021	Daniel Boddam Architecture & Interior Design
DA403 Rev. 4 - Materials and Finishes	27 October 2021	Daniel Boddam Architecture & Interior Design

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Arboriculture Impact Assessment Report	November 2021	The Tree MD Pty Ltd
Arboriculture Addendum	09 March 2022	The Tree MD Pty Ltd
BASIX Certificate No. 1242697S	29 October 2021	BASIX Certificate Centre
Bushfire Risk Assessment	07 October 2021 / 19 April 2022	Bushfire Planning Services
Geotechnical Assessment (ref: 34390YTrpt)	28 October 2021	JK Geotechnics Pty Ltd
Assessment of Proposed Spreader Pipe (ref: J3034a)	02 March 2022	White Geotechnical Group
NatHERS Certificate No. 0006727630	29 October 2021	BASIX Certificate Centre

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape DA Documentation Rev. 3	25 February 2022	Wyer & Co
DA01 Rev. 3 - Site Plan	25 February 2022	Wyer & Co
DAP03 Rev. 3 - Front Garden	25 February 2022	Wyer & Co
DA03 Rev. 3 - Pool Garden	25 February 2022	Wyer & Co
DA04 Rev. 3 - Rear Garden	25 February 2022	Wyer & Co

Waste Management Plan		
Report Title	Dated	Prepared By
Waste Management Plan	08 November 2021	Kede Carboni

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. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house.

A dwelling house is defined as *a building containing only one dwelling*.
(development is defined by the Pittwater Local Environment Plan 2014 Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

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

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 2018
 - (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 2021

A monetary contribution of \$51,700.00 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 2021. The monetary contribution is based on a development cost of \$5,170,000.00.

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 2021 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

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 are required 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, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

7. On Slab Landscape Works

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The following soil depths are required to support landscaping as proposed:

i) 300mm for lawn and groundcovers.

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

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 JK Geotechnics Pty Ltd dated 28 October 2021 and White geotechnical group dated 2 March 2022 are to be incorporated into the construction 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 Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

9. **No Clearing of Vegetation**

Unless otherwise exempt, or previously approved for removal (i.e. Tree 2 and Tree 14), no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

10. **Delineation of Asset Protection Zones**

Prior to the commencement of any vegetation clearance/modification, the boundaries of the bushfire Asset Protection Zone (APZ) are to be surveyed and clearly marked by way of temporary fencing, flagging tape or markers. Clearing of vegetation for APZ establishment must only occur within the marked APZ boundaries.

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

Reason: To protect native vegetation and wildlife.

11. **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 that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- 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: Protection of the receiving environment.

12. **On-site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's "WATER MANAGEMENT for DEVELOPMENT POLICY", and generally in accordance with the concept drainage plans prepared by Demlakian Intelligent Thinking, drawing number (221154) SW01 to SW06 Revision P1, dated Oct2021]. Detailed drainage plans are to be prepared by a suitably qualified Civil

Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

13. Vehicle Driveway Gradients

The Applicant is to ensure driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent.

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

Reason: To ensure suitable vehicular access to private property.

14. 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.

15. Vehicle Crossings Application

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council'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.

16. Removal of Cabana

The cabana roof and southern wall are to be removed from the plans. The wall can be replaced by low level balustrades to a maximum of 1.5m in height.

Amended plans demonstrating compliance with this condition are to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To preserve the significance of the heritage item Craboon and provide visual relief

17. **Solid Fuel Heater**

No approval is granted under this consent for the installation of a solid fuel heater.

Reason: Protection of environmental amenity.

18. **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.

19. **Surrender of Consent**

The applicant shall surrender to Council Development Consent No: DA2020/0133 in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

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

Reason: To prevent inconsistencies between consent applying the site (ref s80A (5) EPAA & cl97 EPA Reg).

20. **Sydney Water "Tap In"**

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

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

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

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

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

21. **Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to the Certifying Authority prior to the issue of a Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of loading and unloading excavation and construction machinery,

- excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

22. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

23. **Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Assessment and the Arboricultural Addendum.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment and the Arboricultural Addendum, and in particular:

- i) tree protection measures under Appendix F - Tree Protection Plan,
- ii) any arboricultural works required to protect all trees and vegetation within adjoining properties,
- iii) any arboricultural works required to protect existing tree 4 - Grey Ironbark, within the property, including supervision of the works to the cantilevered slab construction to ensure that the existing root systems are not impacted.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

24. Tree Removal Within the Property

This consent approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment and updated Arboricultural Addendum):

- i) tree 1 - Canary Island Palm,
- ii) tree 2 - Spotted Gum, subject to tree replacement,
- iii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised development works.

25. Tree Removal Within the Road Reserve

This consent approves the removal of the following tree(s) within the road reserve (as recommended in the Arboricultural Impact Assessment):

- i) tree 14 - Spotted Gum, subject to tree replacement,
- ii) a qualified AQF level 5 Arborist shall identify this tree and tag or mark prior to removal.

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services business unit prior to removal.

Reason: Public liability.

26. Clearing for Asset Protection Zones

Clearing of vegetation during works for APZ establishment must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Written certification of compliance is to be submitted to the Principal Certifying Authority.

Reason: To protect native vegetation and wildlife.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

27. Protection of Rock and Sites of Significance

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

28. Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site shall be protected in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

All street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited.

No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Street tree protection.

29. Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site not approved for removal, as shown on the Landscape Plans, the Arboricultural Impact Assessment and the updated Arboricultural Addendum (that includes the retention of tree number 4 - Grey Ironbark),
- ii) all trees and vegetation located on adjoining properties, excluding existing trees identified as tree numbers 3, 20 and 21 the subject of an owners agreement,
- iii) all road reserve trees and vegetation not approved for removal.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees

within 5 metres of development,

- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) 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 Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment and the Arboricultural Addendum.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Reason: Tree and vegetation protection.

30. **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.

31. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls 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 vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

32. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

33. **Geotechnical Requirements**

All recommendations identified in the Geotechnical Report referenced in Condition 1 of this consent, that are required to occur during works must be done.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

34. **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.

35. 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.

36. Property Boundary Levels

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

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

Reason: To maintain the existing profile of the nature strip/road reserve.

37. Vehicle Crossings

The Applicant is to construct one vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 and the driveway levels application approval. 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.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

38. Aboriginal Heritage

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection.

39. Waste Management During Development

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

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

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

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

40. **Street Tree Planting**

One (1) *Corymbia maculata* (Spotted Gum) shall be planted within the road reserve verge, planted at a minimum container size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees.

All street trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained including a four post and top and mid rail timber tree guard and watered until established, and shall be located at least 3 metres from other trees where possible and generally centralised within the road verge.

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

Reason: To maintain environmental amenity.

41. **Landscape Completion**

Landscape works are to be implemented in accordance with the approved Landscape Plans, and inclusive of the following conditions:

- i) approved landscape works are limited to the property boundaries,
- ii) retention of all existing trees as shown on the Landscape Plans, the Arboricultural Impact Assessment and the updated Arboricultural Addendum,
- iii) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,
- iv) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- v) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
- vi) the turf area within the frontage shall be maintained as soft landscaping, and ongoing maintenance including irrigation shall be provided,
- vii) all new landscaping should be implemented in accordance with the Asset Protection Zone (APZ) requirements as specified within Appendix 4 of Planning for Bushfire Protection 2019, where applicable.

Note:

Proposed landscape works indicated within the road reserve verge on the Landscape Plans are not permitted under this development application, and a Minor Encroachment within the Road Reserve application to the relevant Council department is required to proceed, to gain approval or otherwise for the works.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have

been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

42. Condition of Retained Vegetation - Project Arborist

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree protection.

43. Clearing for Asset Protection Zones

Clearing of vegetation for APZ establishment must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Written certification of compliance is to be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native vegetation and wildlife.

44. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

45. Waste Management Confirmation

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

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

46. Reinstatement of Kerb

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces.

47. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

48. **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.

49. **Swimming Pool Requirements**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the 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

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating **'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING**

THIS POOL has been installed.

- (e) Signage showing resuscitation methods and emergency contact
- (f) All signage shall be located in a prominent position within the pool area.
- (g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life.

50. **Removal of All Temporary Structures, Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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 bushland management.

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

51. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

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

Reason: To maintain local environmental amenity.

52. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

53. **Maintenance of Asset Protection Zones**

Vegetation clearing for ongoing APZ maintenance must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Reason: To protect native vegetation and wildlife.

54. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards

identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

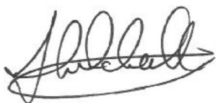
55. **Swimming Pool/Spa Motor Noise**

The swimming pool / spa motor shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

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

Signed



Adam Mitchell, Principal Planner

The application is determined on 29/04/2022, under the delegated authority of:



Anne-Marie Young, Acting Development Assessment Manager