

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/0200
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<b>Responsible Officer:</b>	Jordan Davies
<b>Land to be developed (Address):</b>	Lot 103 DP 1256016, 1110 Barrenjoey Road PALM BEACH NSW 2108
<b>Proposed Development:</b>	Construction of a dwelling house, including a secondary dwelling and swimming pool
<b>Zoning:</b>	E4 Environmental Living
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Antony Mattox
<b>Applicant:</b>	Adam Rytenschild

<b>Application Lodged:</b>	25/03/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Single new detached dwelling
<b>Notified:</b>	01/04/2021 to 15/04/2021
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	18
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 2,368,527.70
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### **Executive Summary**

The subject development application is for the construction of a dwelling house, secondary dwelling and swimming pool on a recently created vacant residential parcel of land. The application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to the application receiving more than ten (10) unique submissions.

The application was notified for a period of 14 days and two (2) submissions were received during the notification period. However, following conclusion of the notification period but prior to determination of the application, additional submissions were received, resulting in excess of 10 submissions (total of 18 at the time of writing this assessment report). Council's policy is that all submissions are considered up until the determination of the application, therefore, the submissions received outside the formal

notification period have been considered in the assessment of the application.

The principle issues that were raised in the submissions included visual impact of the development as viewed from the west, impact to locally native canopy trees, privacy impact and geotechnical hazards associated with the development. The issue of visual privacy has been addressed by way of amended plans which included an increased setback to the pool and associated deck and the inclusion of privacy screening on the northern elevation balcony. The application is accompanied by a geotechnical report, biodiversity report and arboricultural impact report which has been reviewed by the relevant experts in Council who are satisfied each of the issues can be managed in an appropriate way, subject to their recommended conditions and compliance with the relevant expert reports.

The site is an irregular shaped battle axe lot, has a very steep gradient, a high number of locally native canopy trees scattered throughout the site and large sandstone boulders prominent in the landscape. The proposed design has broken the building into pavilions across the site, presenting as a highly articulated form with landscape treatment and existing canopy trees retained between and around the building form to soften the development as viewed from the west. The design has respected the sandstone rock outcrops and been designed to retain the most significant of the canopy trees within the site. The proposal is a well considered response to the site constraints and responds to the desired future character of Palm Beach in an appropriate way.

It is considered all relevant issues raised in the public submissions have been addressed in a satisfactory way and the proposal is generally consistent with the applicable planning controls and therefore, the proposal is recommended for approval to the NBLPP subject to conditions of consent.

## **PROPOSED DEVELOPMENT IN DETAIL**

The proposed development is for the construction of a split level residential dwelling and secondary dwelling across the site. Specifically, the proposed development consists of:

### Ground Floor

- Double garage, entry and lift (cellar space above)
- One bedroom secondary dwelling with green roof
- Driveway, visitor parking and associated turning area.

### First Floor

- Open plan kitchen, dining and living room.
- Associated deck area and swimming pool and spa
- Bathroom, lift lobby area and laundry

### Second Floor

- Three bedrooms, en suite and a bathroom
- Deck and landscaped roof terrace

### Third Floor

- Studio/Study area

### External

- Associated earthworks and removal of trees to facilitate the development.
- Associated replacement landscaping works

## **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 - 7.2 Earthworks
- Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards
- Pittwater 21 Development Control Plan - C1.5 Visual Privacy
- Pittwater 21 Development Control Plan - D12.5 Front building line
- Pittwater 21 Development Control Plan - D12.6 Side and rear building line
- Pittwater 21 Development Control Plan - D12.8 Building envelope
- Pittwater 21 Development Control Plan - D12.10 Landscaped Area - Environmentally Sensitive Land

**SITE DESCRIPTION**

<b>Property Description:</b>	Lot 103 DP 1256016 , 1110 Barrenjoey Road PALM BEACH NSW 2108
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the eastern side of Barrenjoey Road.</p> <p>The site is irregular in shape with a frontage of 28.5m along the western boundary and a depth of 36.86mm. The site has a surveyed area of 1149m<sup>2</sup>. The site is accessed via a battle-axe handle shared with two (2) other lots off Barrenjoey Road. The battle-axe hand consists of a concrete driveway and associated retaining walls.</p> <p>The site is located within the E4 Environmental Living zone and is a vacant residential site which has been recently subdivided. The western boundary of the site is shared with the B1 Neighbourhood Centre Zone and the site directly to the west has consent for construction of a three storey shop top housing development under N0119/14.</p> <p>The site has a very steep slope rising from the western boundary to the eastern boundary, with an overall elevation</p>

gain of 18m across the building footprint of the site. There is an existing level area adjacent to the driveway which forms a natural vehicular access point to the site.

The site has a number of large sandstone 'floaters' across the site, which are prominent features of the site. There is an existing rock retaining wall at the western portion of the site which creates an existing flat area adjacent to the driveway entrance. Throughout the site are a variety of canopy trees, with a high number of gum trees which are in varied degrees of health and height, some up to 25m in height and are the most significant features of the site. There are also a number of palm trees and low lying shrubs and vegetation scattered throughout the site.

#### **Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is characterised by commercial development to the west and residential development to the north, south and east. Immediately to the west is zoned B1 Neighbourhood Centre and currently has a fish and chip shop. This site has development consent for a 3 storey shop top housing development (not yet constructed). To the north-west of the site is the local heritage item 'Barrenjoey House'. To the north of the site is a single level dwelling currently under construction. To the south of the site is an established two storey residential dwelling with landscaped rear gardens. To the east of the site are two and three storey residential dwellings on top of the escarpment.

Map:



## SITE HISTORY

The land has been used for residential purposes for an extended period of time and was subject to a subdivision application. A search of Council’s records has revealed the following relevant history:

On 21 April 1999, Development Application N0482/98 was approved by Council for the subdivision of 6 lots into 5 lots at the subject site in two stages:

Stage 1 - the subdivision of 6 lots into 3 lots (as currently reflected on site).

Stage 2 - the subdivision of the rear lot (currently 1110 Barrenjoey Road) into 3 lots.

N0482/98 was approved with a condition requiring building footprints to be restricted on title on the 3 lots resulting from the Stage 2 subdivision.

On 2 April 2013, Modification Application N0482/98/S96/1 was approved by Council, to alter the subdivision of the resultant lots.

On 3 September 2019, Modification Application MOD2019/0355 was approved by Council, to modify conditions within N0482/98. This modification included the deletion of the building footprint restrictions for the land.

On 14 January 2021, a prelodgement meeting PLM2020/0292 for the construction of a dwelling and secondary dwelling was held.

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

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(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&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building</p>

Section 4.15 Matters for Consideration'	Comments
	<p>designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to amended plans increasing southern side setback to the pool.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification &amp; Submissions Received” in this report.</p>

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

## **EXISTING USE RIGHTS**

Existing Use Rights are not applicable to this application.

## **BUSHFIRE PRONE LAND**

The site is not classified as bush fire prone land.

## **NOTIFICATION & SUBMISSIONS RECEIVED**

The subject development application has been publicly exhibited from 01/04/2021 to 15/04/2021 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 18 submission/s from:

<b>Name:</b>	<b>Address:</b>
Darren Yip	Address Unknown
Mr Gerald Edward Brown Mrs Lea Culverson Brown Outlook Planning & Development Ms Prudence Abby Rydstrand Mr Joshua Taylor	1100 Barrenjoey Road PALM BEACH NSW 2108
Mr Raymond John Sproats	316 Jersey Road WOOLLAHRA NSW 2025
Rosemary Edgell Bush	19 Thyra Road PALM BEACH NSW 2108
Mr Robert Donald Mackinnon	16 Norma Road PALM BEACH NSW 2108
Mr Andrew James Leppinus	41 Riviera Avenue AVALON BEACH NSW 2107
Mr Nicholas Dolf Schmidt	58 Park Street AVALON BEACH NSW 2107
Nicholas Sproats	Address Unknown
Ms Bethany Rose Hanrahan	1 / 700 Barrenjoey Road AVALON BEACH NSW 2107
The Palm Beach & Whale Beach Association Inc	PO Box 2 PALM BEACH NSW 2108
Mr Peter Leslie Gorrie	6 Wandearah Avenue AVALON BEACH NSW 2107
Philippa Warner	1137 Barrenjoey Road PALM BEACH NSW 2108
Mr Paul Geoffrey Spon-Smith	1139 Barrenjoey Road PALM BEACH NSW 2108
Ms Dale Anne-Maree Spon-Smith	1139 Barrenjoey Road PALM BEACH NSW 2108
Susan Kennedy	889 Barrenjoey Road PALM BEACH NSW 2108
Steve Jacobs	Address Unknown
Mr Douglas Michael Maher	60 Bynya Road PALM BEACH NSW 2108

Name:	Address:
Ms Anna Maria Monticelli	11 Ebor Road PALM BEACH NSW 2108

The application was notified for a period of 14 days and two (2) submissions were received during the notification period. However, following the conclusion of the notification period and prior to determination of the application, additional submissions were received, resulting in excess of 10 submissions (total of 18 at the time of writing this assessment report). Council's policy is that all submissions are considered up until the determination of the application, therefore, the submissions received outside the formal notification period have been considered in this assessment.

Multiple written submissions were received from the owner and planning consultant on behalf of 1100 Barrenjoey Road, this being counted as 1 submission only, all on behalf of the same property.

Amended plans were received which amended the pool design to increase the setback to 2.5m and provide privacy screening to the northern extent of the balcony. These plans were provided to the properties directly adjoining the property who made a submission during the notification period. No formal re-notification was required as this did not increase the impact of the development.

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

- Privacy Impact from development
- Pool and deck setback non-compliant and resulting privacy impact
- Bulk and scale of the development, particularly visual impact of the building form as viewed from the public domain and dominance of the building form in the landscape.
- The design could be designed to respond better to retain more Pittwater Spotted Gum Trees. Potential impact to the trees to be retained.
- Non-compliance with southern side setback.
- Excessive excavation and geotechnical hazards, including impact on 'timber hut' on adjoining property.

The matters raised within the submissions are addressed as follows:

- *Privacy Impact from development and acoustic impact from the development.*  
Comment:  
This is discussed in detail later in the report, with additional privacy measures implemented to address visual privacy and overlooking. In regards to acoustic impact, the deck and associated pool have been setback a compliant amount at 2.5m. The development is not considered to give rise to acoustic impacts beyond the use as a residential premises and therefore, no unreasonable impacts will arise.
- *Pool and deck setback non-compliant and resulting privacy impact*  
Comment:  
The proposal has been amended to provide a compliant 2.5m setback to the pool and deck. This provides sufficient spatial separation to provide privacy, along with the proposed landscape planting to the south of the pool which is capable of reaching 5m as shown upon the landscape plan.
- *Bulk and scale of the development, particularly visual impact of the building form as viewed from the public domain and dominance of the building form in the landscape.*



Comment:

The development has been broken up into pavilion forms, with landscaping throughout the site and retaining the most significant canopy trees on the site. The proposal is within the building height and is highly articulated throughout, using a recessive material palette and incorporating landscaping at both ground level and on the upper levels. There are four native canopy trees retained between the pool area and master bedroom in the southern half of the site, with new landscape planting in addition to this. The Pittwater Spotted Gums to be retained include T8, T9, T16 and T18 which are each 20m-26m in height, plus one 'exempt' phoenix palm tree up to 6m.

The retention of existing canopy trees between and around the building will assist in breaking down the bulk and scale of the development as visible from the public domain, along with the highly articulated building form the proposed development is considered to have an acceptable visual impact from the public domain and is an appropriate response to the site constraints.

- *The design could be designed to respond better to retain more Pittwater Spotted Gum Trees. Potential impact to the trees to be retained.*

Comment:

The application is accompanied by an aboricultural impact assessment and flora and fauna assessment report to address the proposed tree removal and impact on biodiversity. Each report has been reviewed by Council's Landscape officer and Biodiversity Team, with each referral team satisfied the proposal will not have an unacceptable impact, subject to conditions and adherence to each report as required by the recommended conditions of consent.

It is noted that the site has a number of Pittwater Spotted Gums, along with other 'exempt species' throughout the site. The site is a vacant parcel of land and any development for a new dwelling would require some level of tree removal, even with careful and skillful design. The applicant has designed the proposal to retain the highest retention value spotted gums on the site, notably T8, T9, T16 and T18 which are each 20m-26m in height. The spotted gums to be removed are T3, T4 and T12 which are 14m-17m in height and are assessed as having either a moderate to low retention value, with T11 identified for removal having a high retention value is in the middle of the building footprint and difficult to be retained.

Whilst the removal of the four identified spotted gums is regrettable, the proposed development has been designed to retain the most significant trees on the site and considered a reasonable response to the site constraints. Council's landscape officer and biodiversity officer support the proposal subject to conditions including replanting and adherence to the submitted aboricultural impact assessment which requires tree protection measures to be implemented for the trees to be retained.

- *Non-compliance with southern side setback.*

Comment:

This has been discussed in detail later in the assessment report. Amended plans have been received to provide a compliant setback to the pool and deck.

- *Excessive excavation and geotechnical hazards, including impact on 'timber hut' on adjoining property.*

Comment:

The application is accompanied by a geotechnical report prepared by a suitably qualified person. The report concludes that the development can occur without unacceptable risk upon life and property providing the recommendation of the report are followed, including stabilising

of all excavations where necessary to mitigate risk to life and property. Measures have been included in the report to address impact on the adjoining property including recommendations that excavation be stabilised and supported, this would include any excavation adjacent to the timber hut on the southern property. Council's development engineers have included conditions requiring compliance with the report to ensure there is no unacceptable risk with regards to landslip.

The excavation proposed, although deep, is only for a localised section relating to the garage and lift shaft, with the remainder of the development having lesser excavation stepping up the hill. The excavation for the lift and garage is a reasonable proposition given the slope of the land (over 40% slope) and the requirement to provide a suitable garage level for the dwelling.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Landscape Officer	<p>This application is for the construction of a new residential dwelling, access drive, garage, secondary dwelling, lift, pool, outdoor areas, tree removal and new landscape works.</p> <p>Councils Landscape Referral section has considered the application against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP controls:            B4.22 Preservation of Trees and Bushland Vegetation            C1.1 Landscaping            D12.10 Landscaped Area - Environmentally Sensitive Land</p> <p>The Arborist's Report, Landscape Plans and Flora and Fauna Assessment submitted with the application are noted.</p> <p>The Arborist's Report indicates that 7 non-exempt species are to be removed to accommodate the proposed works. The trees to be removed comprise 3 x <i>Glochidion ferdinandii</i> and 4 x <i>Corymbia maculata</i>. A number of exempt species (not requiring Council approval for removal) are also indicated for removal.</p> <p>The Flora and Fauna report concludes that the proposal is unlikely to have an adverse effect on threatened species and communities and that no hollow bearing trees are to be removed.</p>

Internal Referral Body	Comments
	<p>The site contains a significant number of rock outcrops which are considered a Unique Environmental Feature of the site. The proposed design of the works enable retention of the rock features with the components sited around the rock. Retention of the rock features is strongly supported. As such, the design is considered to be appropriate for the site, notwithstanding the required tree removal. Sufficient area exists on the site to accommodate replacement canopy tree planting to provide for improved native canopy cover over time.</p> <p>It is noted that comments from Council's Bushland and Biodiversity section on the Pre-Lodgement notes indicated that Landscape Plans should provide a minimum of 80% local native species. The plans provided indicate a number of exotic species and native hybrids. I would defer to the requirements of Bushland and Biodiversity regarding the adequacy of species proposed and amendments that may be required.</p> <p>However, it is recommended that replacement trees are included in any approval. Conditions have been provided requiring replanting of 11 native canopy species over the site to compensate for the proposed removals.</p> <p>In consideration of the above, no objections are raised to approval, subject to conditions as recommended.</p>
NECC (Bushland and Biodiversity)	<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><b>Biodiversity Conservation Act 2016 (BC Act)</b>  <b>State Environmental Planning Policy (Coastal Management)</b></p> <ul style="list-style-type: none"> <li>• Coastal Environment Area</li> </ul> <p><b>Pittwater Local Environmental Plan (PLEP)</b></p> <ul style="list-style-type: none"> <li>• 7.6 Biodiversity Protection</li> </ul> <p><b>Pittwater Development Control Plan (PDCCP)</b></p> <ul style="list-style-type: none"> <li>• B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor</li> <li>• B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community</li> </ul> <p>It is noted that the site has since been included within the Department of Planning, Industry and Environment (DPIE) Biodiversity Values (BV) mapping. As the DA was submitted prior to 90-days after publication, the BV mapping does not apply to this DA. For any future DA within DPIE's BV mapping that requires the removal of native vegetation, the Biodiversity Offsets Scheme (BOS) will apply.</p>

Internal Referral Body	Comments
	<p>The application seeks to remove seven (7) non-exempt trees, including four Spotted Gum (<i>Corymbia maculata</i>) and three Cheese Tree (<i>Glochidion ferdinandi</i>). Additional exempt trees are also required for removal, however these do not require Council consent.</p> <p>Documents requested by Natural Environment Unit - Biodiversity during pre-lodgement discussions are noted:</p> <ul style="list-style-type: none"> <li>• Flora and Fauna Assessment</li> <li>• Arboricultural Impact Assessment</li> <li>• Landscape Plan</li> </ul> <p>The Flora and Fauna Assessment and 5-Part Test of Significance (GIS Consultants 2021) concludes that the proposal will not have a significant impact on Pittwater Spotted Gum Forest - Endangered Ecological Community. Given the local occurrence will not be significantly diminished, and all trees can be replaced elsewhere within the property, Council's Biodiversity referral body agree with this conclusion.</p> <p><u>Concerns raised by Natural Environment Unit - Biodiversity</u></p> <p>The submitted Landscape Plan (Pangkarra 2021) is non-compliant with B4.4 and B4.7 of the PDCP, and as discussed in the Pre-lodgement Meeting Minutes. Specifically:</p> <ul style="list-style-type: none"> <li>• Clause B4.7 of the Pittwater DCP, any Landscape Plan submitted must demonstrate that at least 80% of any new plantings incorporates native vegetation (as per species found on the site or listed in the Pittwater Spotted Gum Endangered Ecological Community). Found here:  <a href="https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/1996-1999/pittwater-spotted-gum-forest-endangered-ecological-community-listing#:~:text=The%20Scientific%20Committee%2C%20established%20by,Schedule%201%20of%20the%20Act">https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/1996-1999/pittwater-spotted-gum-forest-endangered-ecological-community-listing#:~:text=The%20Scientific%20Committee%2C%20established%20by,Schedule%201%20of%20the%20Act</a></li> <li>• The Landscape Plan would also need to demonstrate no significant onsite loss of canopy cover or a net loss of canopy trees in accordance with Clause B4.4 and Clause B4.7 of the DCP.</li> </ul> <p>Subject to amendment of the Landscape Plan, and other conditions provided the Natural Environment Unit - Biodiversity referral body find the application to be consistent against relevant environmental</p>

Internal Referral Body	Comments
	controls.
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p><b>Coastal Management Act 2016</b> The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p><b>State Environmental Planning Policy (Coastal Management) 2018</b> A small area of the subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13, 14 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Ingham Planning Pty. Ltd. dated February 2021, the DA satisfies requirements under clauses 13, 14 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p><b>Pittwater LEP 2014 and Pittwater 21 DCP</b></p> <p><b>Estuarine Risk Management</b></p> <p>The subject property has also been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.</p>

Internal Referral Body	Comments					
	<p>On internal assessment, the ground floor level for the proposed additions and alterations is above the applicable EPL for the site.</p> <p>The proposed development is therefore not required to satisfy the relevant estuarine risk management requirements of P21 DCP.</p>					
NECC (Development Engineering)	<p>The site is connected to the piped drainage system in Barrenjoey Rd and the applicant's Hydraulic Engineer has provided sufficient evidence that OSD is not warranted for this development. The existing driveway crossing and internal driveway grades are acceptable. The submitted Geotechnical report meets the objectives of the DCP.</p> <p>No objection to approval, subject to conditions as recommended.</p>					
Strategic and Place Planning (Heritage Officer)	<table border="1"> <thead> <tr> <th data-bbox="520 824 1441 869">HERITAGE COMMENTS</th> </tr> </thead> <tbody> <tr> <td data-bbox="520 869 1441 902">Discussion of reason for referral</td> </tr> <tr> <td data-bbox="520 902 1441 1149"> <p>The proposal has been referred to Heritage as the subject property is within proximity to two heritage items</p> <p><b>Barrenjoey House</b> - 1108 Barrenjoey Road</p> <p><b>Winten (house)</b> - 21 Palm Beach Road</p> </td> </tr> <tr> <th data-bbox="520 1149 1441 1193">Details of heritage items affected</th> </tr> <tr> <td data-bbox="520 1193 1441 2139"> <p>Details of the items as contained within the Pittwater inventory as follows:</p> <p><b>Barrenjoey House</b>  <u>Statement of significance:</u>  Barrenjoey House is historically significant as it has been in nearly continuous use as a restaurant and guest house since it was built in 1923 by Albert Verrills. It was also the first place in Palm Beach to have a telephone and as such it holds social significance for the Palm Beach community.</p> <p><u>Physical description:</u>  This plastered two-storey plastered brick building with pitched roof was built as a guest house in 1923. It features a sunny dining room with windows the length of one wall overlooking the water and a large terrace with canvas canopy for outdoor dining. The interior retains traditional character including wallpaper and emu chandeliers.</p> <p><b>Winten</b>  <u>Statement of significance:</u>  Winten was built in the 1920s as a holiday house. As such it has historical significance as one of the earliest developments in Palm Beach.</p> <p><u>Physical description:</u>  Winten is located on a steep site, with the view from the street</p> </td> </tr> </tbody> </table>	HERITAGE COMMENTS	Discussion of reason for referral	<p>The proposal has been referred to Heritage as the subject property is within proximity to two heritage items</p> <p><b>Barrenjoey House</b> - 1108 Barrenjoey Road</p> <p><b>Winten (house)</b> - 21 Palm Beach Road</p>	Details of heritage items affected	<p>Details of the items as contained within the Pittwater inventory as follows:</p> <p><b>Barrenjoey House</b>  <u>Statement of significance:</u>  Barrenjoey House is historically significant as it has been in nearly continuous use as a restaurant and guest house since it was built in 1923 by Albert Verrills. It was also the first place in Palm Beach to have a telephone and as such it holds social significance for the Palm Beach community.</p> <p><u>Physical description:</u>  This plastered two-storey plastered brick building with pitched roof was built as a guest house in 1923. It features a sunny dining room with windows the length of one wall overlooking the water and a large terrace with canvas canopy for outdoor dining. The interior retains traditional character including wallpaper and emu chandeliers.</p> <p><b>Winten</b>  <u>Statement of significance:</u>  Winten was built in the 1920s as a holiday house. As such it has historical significance as one of the earliest developments in Palm Beach.</p> <p><u>Physical description:</u>  Winten is located on a steep site, with the view from the street</p>
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Internal Referral Body	Comments	
	<p>screened by luxuriant vegetation creating a natural bush setting. Winten is a single storey cottage weatherboard to sill and asbestos sheet and battens with shingle gabled roof and casement windows.</p>	
	<p><b>Other relevant heritage listings</b></p>	
	<p>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</p>	<p>No</p>
	<p>Australian Heritage Register</p>	<p>No</p>
	<p>NSW State Heritage Register</p>	<p>No</p>
	<p>National Trust of Aust (NSW) Register</p>	
	<p>RAIA Register of 20th Century Buildings of Significance</p>	<p>No</p>
	<p>Other</p>	<p>N/A</p>
	<p><b>Consideration of Application</b></p>	
	<p>The proposal seeks consent for a new multi-level dwelling on the subject site. Barrenjoey House is located to the North-West of the site, while Winten is located to the North East. Winten is located at a sufficient distance from the subject site and will not be impacted by the proposal.</p>	
	<p>Heritage considers the proposed dwelling to be well designed in relation to Barrenjoey House. It has minimised the impacts of bulk and scale on the item through generous upper level setbacks and landscaping. Heritage can broadly agree with the conclusions of the heritage impact statement that the proposal will not impact upon Barrenjoey House or its significance. The proposed secondary dwelling at the south west corner of the property will be screened via the existing hedging and Heritage raises no objections to it either.</p>	
	<p>Therefore Heritage raises no objections and requires no conditions.</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? Yes          Has a Heritage Impact Statement been provided? Yes</p>	
	<p><b>Further Comments</b></p>	
	<p>COMPLETED BY: Brendan Gavin, Principal Planner</p>	
	<p>DATE: 26 March 2021</p>	

External Referral Body	Comments
Aboriginal Heritage Office	<p>The application was referred to the aboriginal heritage office for comment due to the site being identified as having high potential for aboriginal heritage.</p> <p>The AHO advised 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.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p>
NSW Roads and Maritime Services (Traffic Generating Development)	<p>The application was referred to Transport for NSW as the site is accessed off Barrenjoey Road.</p> <p>The site has an existing vehicular crossover which was constructed as part of the subdivision approval. The proposed development does not alter this arrangement. TfNSW provided comments and conditions to be placed on any development consent issued.</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. 1166191S dated 17



February 2021).

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

<b>Commitment</b>	<b>Required Target</b>	<b>Proposed</b>
<b>Water</b>	40	40
<b>Thermal Comfort</b>	Pass	Pass
<b>Energy</b>	50	51

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

### **SEPP (Infrastructure) 2007**

#### Ausgrid

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

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

#### Comment:

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

### **SEPP (Coastal Management) 2018**

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

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

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

- (iii) *draining the land,*
  - (iv) *environmental protection works,*
- (d) *any other development.*

Comment:

The land is not on land containing coastal wetlands or littoral rainforest.

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

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

Comment:

The land is not on land in proximity to coastal wetlands or littoral rainforest.

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

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

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

*processes  
and  
current  
and  
future  
coastal  
hazards.*

Comment:

The land is not within the coastal vulnerability area.

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

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) *coastal environmental values and natural coastal processes,*
  - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) *Aboriginal cultural heritage, practices and places,*
  - (g) *the use of the surf zone.*

Comment:

Council has considered the likely impacts of the development on the matters described in (a)-(g), including an assessment by Council's Coast and Catchments team. The proposed development is a form that is integrated into the landform and landscape and respects the natural site features including rock outcrops and significant vegetation. Council is satisfied the development will not have an adverse impact on the matters listed in (a)-(g).

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

Comment:

Council is satisfied the development has been designed to avoid and minimise impacts.

## 14 Development on land within the coastal use area

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

### Comment:

The proposed development does not inhibit foreshore access or overshadow public land. Council's aboriginal heritage officer has reviewed the proposal and is satisfied there will be no impact on known aboriginal heritage and has recommended conditions to cover unexpected finds. The proposed development is integrated and respects the significant natural site features and is considered to not have an adverse impact on the visual quality of the area. The proposal represents a highly articulated scheme that responds to the site constraints.

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

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

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

### Comment:

The proposed development does not increase risk of coastal hazards.

## 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	8.4m	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
5.10 Heritage conservation	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

#### **7.2 Earthworks**

The objective of Clause 6.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

*(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

*(b) the effect of the proposed development on the likely future use or redevelopment of the land*

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

*(c) the quality of the fill or the soil to be excavated, or both*

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

*(d) the effect of the proposed development on the existing and likely amenity of adjoining properties*

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during

excavation/construction.

*(e) the source of any fill material and the destination of any excavated material*

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

*(f) the likelihood of disturbing relics*

Comment: The development was referred to the Aboriginal Heritage Office who provided comments and conditions that have been included in the consent.

*(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area*

Comment: The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

*(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: Conditions are included in the recommendation of this report that will minimise the impacts of the development.

*(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.*

Comment: The proposed earth works will not result in an adverse impact on Barrenjoey House.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of PLEP 2014, Pittwater 21 DCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **7.7 Geotechnical hazards**

Under Clause 7.7 Geotechnical Hazards, before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:

*(a) site layout, including access,*

*(b) the development's design and construction methods,*

*(c) the amount of cut and fill that will be required for the development,*

*(d) waste water management, stormwater and drainage across the land,*

*(e) the geotechnical constraints of the site,*

*(f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

The proposed development is supported by a geotechnical risk assessment, architectural plans, an excavation plan, and stormwater management plans that demonstrate all geotechnical risks have been taken into account. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

Development consent must not be granted to development on land to which this clause applies unless:  
 (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and

Comment:

The proposed development is supported by a geotechnical risk assessment and stormwater management plans that demonstrate waste water, stormwater and drainage are suitable managed on site. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

(b) the consent authority is satisfied that:

(i) the development is designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development, or

(ii) if that risk or impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that risk or impact, or

(iii) if that risk or impact cannot be minimised - the development will be managed to mitigate that risk or impact.

Comment:

The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent. As such, Council can be satisfied that the proposed development has been designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development.

**Pittwater 21 Development Control Plan**

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	1m (*Note - Western boundary noted as 'front', however no street frontage)	84%	No
Rear building line	6.5m	3.3m - 9.7m	0%-53%	No
Side building line	1m - North	1m	N/A	Yes
	2.5m - South	1.2m - 2.5m	50%	No
Building envelope	3.5m - North	Outside envelope	N/A	No
	3.5m - South	Within	N/A	Yes
Landscaped area	60%	45% (516.4sqm) - Ground level landscaping 50% (579.5sqm) - Including roof planting soil depth 1m 56% (648.4sqm) - Including roof planting + 6% permissible variation	6%	No

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

Compliance Assessment

<b>Clause</b>	<b>Compliance with Requirements</b>	<b>Consistency Aims/Objectives</b>
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
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
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	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
B6.7 Transport and Traffic Management	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
B8.6 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
C1.11 Secondary Dwellings and Rural Worker's Dwellings	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
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D12.1 Character as viewed from a public place	Yes	Yes
D12.3 Building colours and materials	Yes	Yes



Clause	Compliance with Requirements	Consistency Aims/Objectives
D12.5 Front building line	No	Yes
D12.6 Side and rear building line	No	Yes
D12.8 Building envelope	No	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	No	Yes
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

### Detailed Assessment

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

The proposed development has been designed to enable the reasonable retention of visual privacy for surrounding properties by implementing the following measures to the development:

- The swimming pool and associated deck setback a compliant 2.5m from the southern boundary.
- Inclusion of landscape planting boxes around the full extent of the second floor roof terrace, to ensure direct downward views are not offered from this area. Furthermore, this area is in excess of 10m away from the adjoining dwelling to the north.
- Privacy screens have been included around the northern and eastern return of the first floor deck to retain reasonable privacy to the front yard area of the adjoining property to the north. It is noted the balcony on the site to the north is elevated well above the proposed deck off the first floor, offsetting the levels of each deck to mitigate direct visual privacy impacts.
- Extensive external privacy screening is used along the northern elevation to mitigate visual overlooking.

The proposal results in the reasonable retention of privacy for adjoining properties.

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

##### DCP Control

The DCP states that a 6.5m front setback applies to the land. The site is a battle-axe allotment and does not have a direct street frontage or adjoin a public road. Therefore, the site is not considered to have a normal 'front setback' and the proposed development is considered on merit given the size, configuration and site constraints of the land.

The proposed secondary dwelling has a 1m setback to the western boundary. The proposed garage and main dwelling provides a 11m setback to the western boundary, compliant with the control.

The secondary dwelling is a low scale structure (up to 3.1m above the ground level), nestled into the south-western corner of the site and is proposed to have a green roof to assist in blending the building form into the landscape. There is an existing established hedge on the adjoining land which would mean the secondary dwelling will not be visible at all from Barrenjoey Road. However, should this hedge be removed as part of redevelopment of the adjoining site a condition of consent is recommended to establish planting capable of achieving a 3m height along the western edge of the secondary dwelling to soften and hide the secondary dwelling as viewed from the west.

Although the secondary dwelling does not technically comply with the 6.5m front setback, given the site is a battle axe lot and the design of the secondary dwelling is low scale and integrated into the landform, it is considered a reasonable proposal and will not have a visual impact from Barrenjoey Road or adjoining properties.

### Merit Consideration

The proposal is considered against the objectives of the control as follows:

*Achieve the desired future character of the Locality.*

Comment: The proposal responds to the character of the area by presenting a highly articulated, pavilion style building within a landscaped setting which is integrated and designed to respect the natural site features including the most significant canopy trees on the site and sandstone rock formations. The proposal presents as a two storey building within a landscaped setting, with broken down pavilions across the site and is considered an appropriate response to the highly sensitive site.

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

Comment: The proposal does not result in any view impacts.

*The amenity of residential development adjoining a main road is maintained. (S)*

Comment: The site does not have a direct frontage to Barrenjoey Road and therefore, there is limited amenity impact of the development caused by the road.

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

Comment: Whilst there is some tree removal required as part of the development, the significant canopy trees are retained and the building has been designed to retain the highest value trees on the site, along with replacement planting as proposed on the landscape plan and required as development consent conditions. Vegetation is retained and proposed between the broken pavillions to break up the building massing and reduce the visual impact of the proposal.

*Vehicle manoeuvring in a forward direction is facilitated. (S)*

Comment: This is achieved for the development.

*To preserve and enhance the rural and bushland character of the locality. (En, S)*

Comment: The proposed development retains an appropriate amount of significant canopy trees and proposes new landscape planting to preserve the bushland character of the locality and site. The broken down pavilions further allow canopy trees to be maintained between the building forms.

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

Comment: The building is within the maximum 8.5m building height and is below the predominant canopy tree level.

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

Comment: The building does not have a direct street frontage, however, presents from Barrenjoey Road in an appropriate way by retaining landscaping between and around the buildings.

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

Comment: The proposed setbacks are an appropriate response to the irregular geometry of the site, with no direct street frontage, and the proposal to have the secondary dwelling in the south-western corner is appropriate notwithstanding the numerical non-compliance. As the site is irregular, there is no existing pattern of development to adhere to. The secondary dwelling is low scale, landscape planting can be established along the boundary and a landscape roof to integrate the building into the site. The secondary dwelling does not sit directly next to any buildings on the adjoining site to the south.

The variation to the control is supported merit and the outcomes of the control are achieved. The variation is supported in this particular circumstance.

## **D12.6 Side and rear building line**

### DCP Control

The DCP requires a side setback of 1m to one side, 2.5m to the other side and a 6.5m rear setback.

The proposal provides 1m setback to the northern boundary (compliant), varied setback between 1.2m - 2.5m to the southern side boundary and a varied rear setback between 3.3m-10m.

The site is highly irregular in shape and has a number of site constraints to design around including significant rock outcrops, trees and the steep gradient of the land. The rear boundary is especially varied and irregular. The variation to the setbacks is considered on merit below.

### Merit Consideration

The proposal is considered against the outcomes of the control as follows:

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

Comment: The proposal responds to the character of the area by presenting a highly articulated, pavilion style building within a landscaped setting which is integrated and designed to respect the natural site features including the most significant canopy trees on the site and sandstone rock formations. The proposal presents as a two storey building within a landscaped setting, with broken down pavilions across the site and is considered an appropriate response to the highly sensitive site.

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

Comment: The buildings are broken up into pavillions, separated by landscape planting and articulated at each elevation to break up the bulk and scale of the buildings. The proposal is therefore an appropriate response to bulk and scale for the site.

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

Comment: The proposed development does not have an impact of public or private views.

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

Comment: The proposed development does not have an impact of public or private views.

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

Comment: The proposed development retains a reasonable level of privacy for adjoining properties. The portion of non-compliant buildings do not contain any windows on the southern elevation. The adjoining properties retain solar access in accordance with the DCP controls.

*Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*

Comment: The proposal retains the most significant canopy trees on the site and provides adequate area between the buildings to provide landscape planting to provide a building that is attractive for the streetscape and present and pavilions within a landscape setting.

*Flexibility in the siting of buildings and access. (En, S)*

Comment: Access is provided around the dwellings and the buildings are designed to retain significant site features.

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

Comment: Whilst there is some tree removal required as part of the development, the significant canopy trees are retained and the building has been designed to retain the highest value trees on the site, along with replacement planting as proposed on the landscape plan and required as development consent conditions. Vegetation is retained and proposed between the broken pavilions to break up the building massing and reduce the visual impact of the proposal.

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

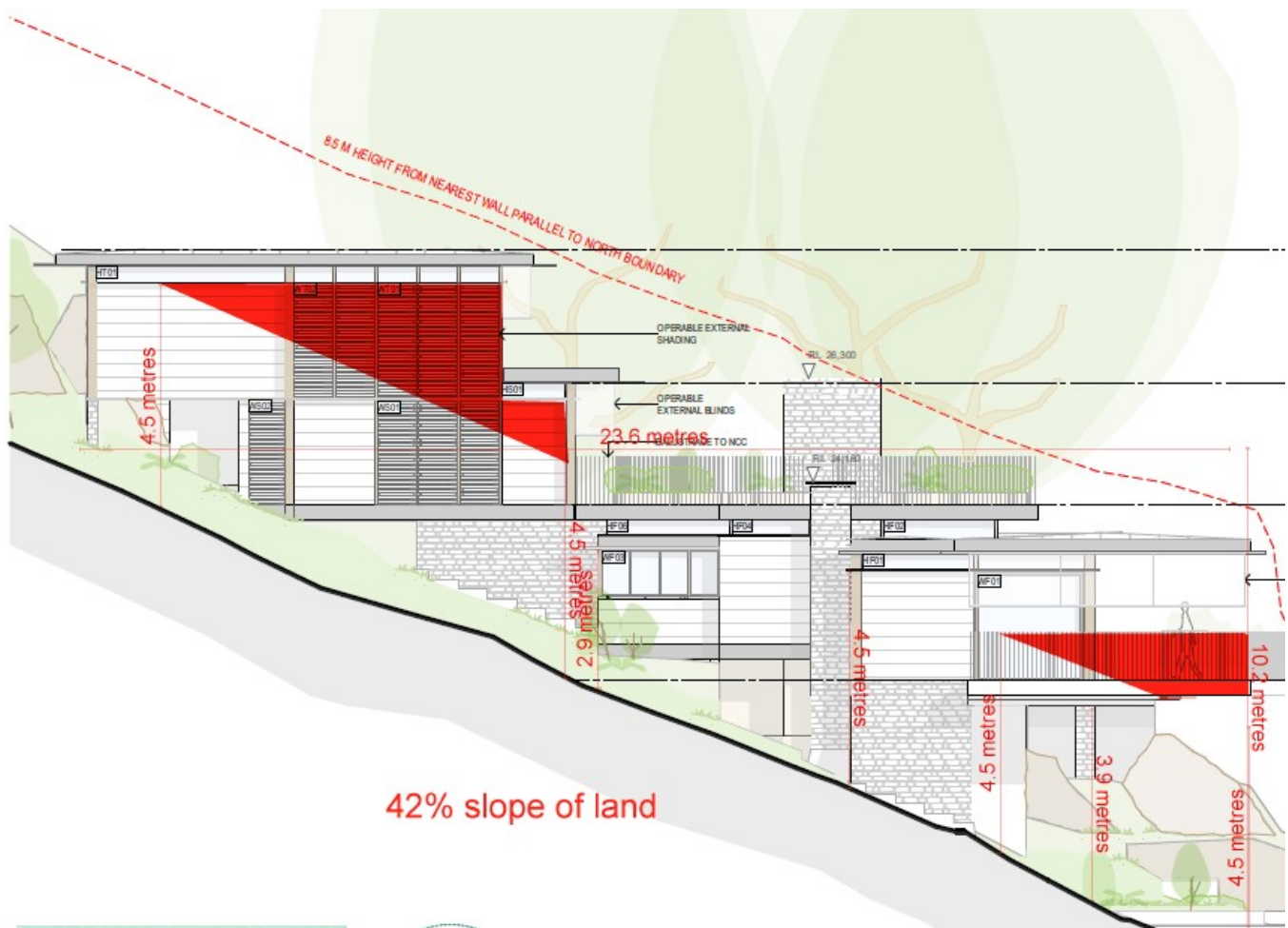
Comment: The site contains landscaping between the secondary dwelling and boundary adjoining the commercial zone. The commercial zone land to the west is required to provide a 3m deep soil setback to create a further landscape buffer to separate the two developments.

The proposed development is considered to meet the outcomes of the control and a variation to the control is therefore supported in this particular circumstance.

## **D12.8 Building envelope**

### DCP Control

The DCP requires the building be within a building envelope plane, projected at a 45 degree angle 3.5m above the side boundary. The building is partially non-compliant on the northern elevation, as shown in the below figure. The DCP control contains a variation clause where the slope of the land is in excess of 30%, which is the case for the subject site. A variation can be granted if the outcomes of the control are achieved.



### Merit Consideration

The proposal is considered against the outcomes of the control as follows:

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

Comment: The proposal responds to the character of the area by presenting a highly articulated, pavilion style building within a landscaped setting which is integrated and designed to respect the natural site features including the most significant canopy trees on the site and sandstone rock formations. The proposal presents as a two storey building within a landscaped setting, with broken down pavilions across the site and is considered an appropriate response to the highly sensitive site.

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

Comment: The proposed building is below the predominant canopy trees that surround the site. The scale of the development broken up by placing the buildings in pavilions and providing landscape planting between the buildings. The proposal is a suitable density providing a single dwelling and secondary dwelling which is permitted in the zone.

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

Comment: The site has a steep gradient and it is not uncommon for the building envelope to be encroached due to the slope of the site, as recognised by the variation clause contained in the control.

The building is well articulated along the northern elevation to break up the bulk and scale, and responds to the slope of the site. The site has been designed around retention of the highest value trees on the site, which is an appropriate response notwithstanding the numerical non-compliance with the control.

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

Comment: The buildings are broken up into pavillions, separated by landscape planting and articulated at each elevation to break up the bulk and scale of the buildings. The proposal is therefore an appropriate response to bulk and scale for the site.

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

Comment: No view impact as a result of the development.

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

Comment: The proposed development retains a reasonable level of privacy for adjoining properties. The portion of non-compliant buildings are provided with privacy screening to maintain privacy. The adjoining properties retain solar access in accordance with the DCP controls.

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

Comment: Whilst there is some tree removal required as part of the development, the significant canopy trees are retained and the building has been designed to retain the highest value trees on the site, along with replacement planting as proposed on the landscape plan and required as development consent conditions. Vegetation is retained and proposed between the broken pavillions to break up the building massing and reduce the visual impact of the proposal.

The proposed development is consistent with the outcomes of the control and therefore a variation can be supported in this particular circumstance.

## **D12.10 Landscaped Area - Environmentally Sensitive Land**

### DCP Control

The DCP control requires 60% of the site to consist of landscaped area. The deep soil areas throughout the site total 45% of the site. There are also landscape planters provided over the garage and secondary dwelling, with soil depth of 400mm to 1.8m. When including those areas of planters over structure, the total amount of landscaping is 50% of the site.

The DCP also provides for a variation to include 6% of the site area consisting of open decks and pathways, to be included. When including the open deck, the site would have up to 56% landscaped area.

### DCP Variation

The variation is considered against the outcomes of the control as follows:

*Achieve the desired future character of the Locality. (S)*

Comment: The proposal responds to the character of the area by presenting a highly articulated,

pavilion style building within a landscaped setting which is integrated and designed to respect the natural site features including the most significant canopy trees on the site and sandstone rock formations. The proposal presents as a two storey building within a landscaped setting, with broken down pavilions across the site and is considered an appropriate response to the highly sensitive site.

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

Comment: The buildings are broken up into pavillions, separated by landscape planting and articulated at each elevation to break up the bulk and scale of the buildings. The proposal is therefore an appropriate response to bulk and scale for the site.

*A reasonable level of amenity and solar access is provided and maintained. (En, S)*

Comment: The proposed development retains a reasonable level of privacy for adjoining properties. The portion of non-compliant buildings are provided with privacy screening to maintain privacy. The adjoining properties retain solar access in accordance with the DCP controls.

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

Comment: Whilst there is some tree removal required as part of the development, the significant canopy trees are retained and the building has been designed to retain the highest value trees on the site, along with replacement planting as proposed on the landscape plan and required as development consent conditions. Vegetation is retained and proposed between the broken pavillions to break up the building massing and reduce the visual impact of the proposal.

*Conservation of natural vegetation and biodiversity. (En)*

Comment: Council's biodiversity officer has reviewed the proposed development and tree removal for the site and supports the proposal, subject to conditions and no significant concerns are raised regarding impact to biodiversity. Conditions have been recommended for protection of significant trees not proposed to be removed and landscape planting.

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

Comment: The landscape plan includes a variety of ground covers to reduce erosion and Council's development engineers support the proposal subject to conditions.

*To preserve and enhance the rural and bushland character of the area. (En, S)*

Comment: The proposed development retains an appropriate amount of significant canopy trees and proposes new landscape planting to preserve the bushland character of the locality and site. The broken down pavilions further allow canopy trees to be maintained between the building forms.

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

Comment: Council's development engineers have reviewed the proposed development and support the method of stormwater drainage subject to conditions of consent.

The proposed development achieves the outcomes of the control and a variation is therefore supported in this particular circumstance.

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

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

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

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

A monetary contribution of \$23,685 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$2,368,528.

## **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

In summary, the application has been assessed with regard to the relevant LEP and DCP controls which guide the future desired character of the area, along with the public submission received during the notification period.

The issues raised in the public submissions are considered to be addressed by way of the amended plans and the issues regarding impact to the vegetation to be retained and geotechnical hazards associated with the development have been addressed by the submitted expert reports, the recommendations of these reports forming conditions of development consent.



The proposal has been considered with regard to the visual impact and future desired character of the locality, as viewed from the public domain to the west. The building is highly articulated and is designed to retain the most significant site features including the highest value canopy trees and sandstone rock outcrops. The pavilion style building form allows landscaping to be retained and enhanced between the various sections of the building to soften the building form within the landscape and integrate the building into the landscaped setting.

Overall, the proposal is considered a suitable response to the site constraints and relevant planning controls applying to the land and it is recommended the application be approved by the NBLPP subject to the conditions outlined below.

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

## RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2021/0200 for Construction of a dwelling house, including a secondary dwelling and swimming pool on land at Lot 103 DP 1256016, 1110 Barrenjoey Road, PALM BEACH, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA1001 - Rev A	18/06/2021	Jorge Hrdina
DA2000 - Rev A	15/06/2021	Jorge Hrdina
DA2001	22/02/21	Jorge Hrdina
DA2002 - Rev A	15/06t/2021	Jorge Hrdina
DA2003 - Rev A	15/06/2021	Jorge Hrdina
DA2004 - Rev A	15/06/2021	Jorge Hrdina
DA2005 - Rev A	15/06/2021	Jorge Hrdina
DA2221	22/02/2021	Jorge Hrdina
DA2222	22/02/2021	Jorge Hrdina
DA3000 - Rev A	18/06/2021	Jorge Hrdina
DA3001	22/02/2021	Jorge Hrdina
DA3002	22/02/2021	Jorge Hrdina
DA3003	22/02/2021	Jorge Hrdina
DA3004	22/02/2021	Jorge Hrdina
DA3100	22/02/2021	Jorge Hrdina
DA3103	22/02/2021	Jorge Hrdina
DA3102	22/02/2021	Jorge Hrdina

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Site stormwater drainage, H-DA-01, Rev A	21/12/2020	ITM Design

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Flora and Fauna Assessment	05/02/2021	GIS Environmental

Arboricultural Impact Assessment, Ref - 221	14/01/2021	Rain Tree Consulting
BASIX Certificate No. 1166191S	17/02/2021	Damian O'Toole Town Planning
Geotechnical Report, 2020-232	15/12/2020	Crozier Geotechnical Consultants

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Landscape Plan Rev A	20/02/2021	Pangkarra

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	Undated	Jorge Hrdina

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

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

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

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

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Transport for NSW	2021/260954	12/12/2021

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

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

## 3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

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

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

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

Reason: Legislative requirement.

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

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
  - (ii) Swimming Pools Amendment Act 2009
  - (iii) Swimming Pools Regulation 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 2019

A monetary contribution of \$23,685.28 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$2,368,527.70.

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

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

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

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

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

## 6. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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](http://www.northernbeaches.nsw.gov.au)).

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

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

### 7. **Pier Footing Design Near Trees to be Retained**

a) Pier footing and structural layout plans for the external works shall be developed in

coordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture and a qualified Structural Engineer.

b) The Arborist shall review, comment, recommend design revision as required and approve the pier footing and building layout to ensure the locations of piers and structures will be manageable in terms of tree protection measures.

c) The Arborist shall submit certification to the Certifying Authority that the locations of the pier footings and structures are accepted via the agreed pier footing and structural layout plans prior to the issue of a Construction Certificate.

Reason: Tree protection.

8. **Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the inter-allotment drainage line benefiting the site.

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

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

9. **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 Crozier Geotechnical Consultants dated 15 December 2020 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 Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

10. **Compliance with Ecologist's Recommendations – Pre-construction**

All pre-construction tree-related measures specified in the Arboricultural Impact Assessment Report (rainTree consulting 2021) and these conditions of consent are to be implemented at the appropriate stage of the development. Compliance with pre-construction measures are to be certified by the Project Ecologist and provided to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To protect trees proposed for retention.

11. **Amendment of Landscape Plans**

The submitted Landscape Plan (Pangkarra 2021) is to be amended in accordance with the following:

- Provision of at least 80% of any new plantings incorporates native vegetation (as per species found on the site or listed in the Pittwater Spotted Gum Endangered Ecological



Community). Found here: <https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/1996-1999/pittwater-spotted-gum-forest-endangered-ecological-community-listing#:~:text=The%20Scientific%20Committee%2C%20established%20by,Schedule%201%20of%20the%20Act>

- Provision of at least four (4) Spotted Gum (*Corymbia maculata*) additional to native species currently proposed. This is required such that the Local Occurrence and floristic integrity of the vegetation remains unchanged. Locations selected for planting are to be reasonably spread so as to allow trees to reach mature size.

The amended Landscape Plan is to be certified by a qualified landscape architect and provided to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

#### 12. **Traffic Management and Control**

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

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

#### 13. **Amendments to the approved plans**

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

- Landscape planting along the entire length of the western facade of the secondary dwelling, with a species capable of reaching a mature height of up to 3m. The landscape plan to be updated with a suitable species.
- All plans shall be updated to show a 2.5m setback to the southern boundary for the pool and associated deck.

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

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

#### 14. **Laundry Facilities (Class 1)**

The layout of the bathroom area is to be designed to incorporate clothes washing facilities, comprising of at least one washtub and space in the same room for a washing machine and is required to comply with Part 3.8.3 of the Building Code of Australia –‘Facilities’. A kitchen sink or washbasin must not be counted as a laundry washtub. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for building occupant health and amenity.

#### 15. **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.

**16. Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

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

Reason: To ensure the development is constructed in accordance with appropriate standards.

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

**17. Project Arborist**

a) A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with the recommendations of the Arboricultural Impact Assessment dated 14 January 2021 prepared by Rain Tree Consulting and Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection and ground protection.

b) The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works unless approved by the Project Arborist.

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

d) All tree protection measures specified 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.

e) 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.

**18. 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):

- i) Trees 2, 13 and 14 - *Glochidion ferdinandi*
- ii) Trees 3, 4, 11 and 12 - *Corymbia maculata*

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 building works.

**19. Compliance with Ecologist's Recommendations – During Construction**

All biodiversity-related measures are to be implemented during construction in accordance with the Flora and Fauna Assessment (GIS Consultants 2021).

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifying Authority.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

**20. Dead or Injured Wildlife**

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

Reason: To protect native wildlife.

**21. Installation and Maintenance of Sediment and Erosion Control**

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

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

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

**22. Protection of Landscape Features and Sites of Significance**

All natural landscape features including natural rock outcrops, natural vegetation, soil and watercourses are to remain undisturbed during demolition, excavation and construction works except where affected by works detailed on approved plans.

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.

### 23. **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, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
  - ii) all trees and vegetation located on adjoining properties,
  - iii) all road reserve trees and vegetation.
  
- b) Tree protection shall be undertaken as follows:
  - i) tree protection shall be in accordance with the Arboricultural Impact Assessment dated 14 January 2021 prepared by Rain Tree Consulting and 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 the Project Arborist ,
  - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
  - 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 the Project Arborist on site,
  - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with the Project Arborist including advice on root protection measures,
  - vii) should either or all of v), vi) and vii) 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.

The Certifying Authority must ensure that:

- c) The arboricultural works listed in c) are undertaken and certified by the Project Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- d) 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.

Note: All street trees within the road verge and trees within private property 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.

Reason: Tree and vegetation protection.

24. **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.

25. **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.

26. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with

RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

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

### 27. **Required Tree Planting**

a) Trees shall be planted in accordance with the following:

- i) 4 x *Corymbia maculata*
- ii) 3 x *Glochidion ferdinandi*
- iii) 4 x *Livistona australis*

b) 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.

### 28. **Landscape Completion**

a) Landscaping is to be implemented in accordance with the approved Landscape Plans

b) Prior to the issue of any Occupation Certificate details (from a qualified horticulturalist, landscape architect or landscape designer) shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

### 29. **Condition of Retained Vegetation - Project Arborist**

Prior to the issue of any 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:

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

Reason: Tree protection.

### 30. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

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

development.

31. **Protection of Habitat Features – Certified by Ecologist**

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.

Written details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

32. **Certification of Landscape Plan**

Landscaping is to be implemented in accordance with the amended Landscape Plans and these conditions of consent.

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

33. **Replacement of Canopy Trees**

At least four (4) Spotted Gum (*Corymbia maculata*) are to be planted on site to replace protected trees approved for removal.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

34. **No Weeds Imported On To The Site**

No Priority or environmental weeds 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.

35. **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.

36. **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 (DACPLF09)

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

### **37. Landscape Maintenance**

a) 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.

b) 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.

Reason: To maintain local environmental amenity.

### **38. Environmental and Priority Weed Control**

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

Reason: Preservation of environmental amenity.



39. **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.

40. **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.