

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0315
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Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 1 DP 749530, 168 Whale Beach Road WHALE BEACH NSW 2107
Proposed Development:	Construction of a dwelling house including a swimming pool
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Lidia Ayres Marcus William Ayres
Applicant:	Matthew Cernec

Application Lodged:	01/04/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	15/04/2021 to 29/04/2021
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 4,400,000.00
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PROPOSED DEVELOPMENT IN DETAIL

Development Consent is sought for site preparation works and the construction of a dwelling house and swimming pool.

The proposal seeks to excavated some 835.72m³ of rock and soil to depths of up to 6.8m, and fill up to 383.46m³ to create level building platforms on the site. Six trees comprising of five eucalyptus and one banksia are required to be removed to accommodate the proposed building footprint.

In place the the excavation and fill is to sit a part one / part three / part four storey detached dwelling house, clad in stacked stone, textured brickwork, off-form concrete, metal cladding and glazing.

The house is to be accessed via a sweeping concrete driveway and shall accommodate a double

garage, five bedrooms, five bathrooms, two studies, a gym, a separate lounge room and one large open plan living, kitchen, dining space on the top floor. A lift shall traverse all levels. The top level opens onto a terrace and garden area with a 12mx4m in-ground swimming pool. The house is proposed to have a floor area of 555.02m².

The application includes the planting of some 1,158 new plants on the site varying from low ground colour to trees capable of attaining heights greater than 20m at maturity. The application does not seek to touch the rear western half of the site.

Herein this report these works are cumulatively described as the 'development'.

AMENDED PLANS

During the course of this assessment the Council requested amendments from the applicant pertaining to building colour and clarification on glazed elements. Revised plans were received with a Cover Letter dated 21 May 2021 which changed the proposed white painted brick on the southern elevation to be a mid-grey coloured painted brick, and detailed what windows were to be opaquely glazed.

The changes made are minor and do not necessitate the re-notification of the application.

The assessment herein is made on these revised plans.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - C1.3 View Sharing
Pittwater 21 Development Control Plan - D12.8 Building envelope

SITE DESCRIPTION

Property Description:	Lot 1 DP 749530 , 168 Whale Beach Road WHALE BEACH NSW 2107

Detailed Site Description:

The subject site is legally identified as Lot 1 in DP 749530 and is known as 168 Whale Beach Road, Whale Beach.

The site falls within the E4 Environmental Living zone pursuant to the Pittwater Local Environmental Plan 2014 and accommodates a portion of Pittwater Spotted Gum Forest, which is a listed Endangered Ecological Community (pursuant to the NSW Biodiversity Act) and a portion of a Coastal Enriched Sandstone Dry Forest.

The site sits to the western side of Whale Beach Road and is accessed via a concrete driveway that traverses Council's Road Reserve and across the northeastern corner of no. 166 Whale Beach Road via an established right of carriageway.

The site is irregular in shape with a surveyed area of 2,825m², reaching a maximum depth of 160m. The site widens towards the western half before coming to a 9m wide rear boundary.

The site is presently vacant of structures with the exception of a concrete driveway at the front. It appears that the site has never been developed.

Topographically the site rises steeply from east to west by about 28m from the street edge to a relatively flat natural platform in the middle of the site which acts as a crest. That platform then falls from east to west by around 24m via a gradual but steep slope. By virtue of the lands rise and fall, the site is afforded panoramic eastward views of the ocean and westward views of the Pittwater waterway and West Head. The site has numerous large rock outcrops and platforms scattered throughout. At the time of site visit there were no identified rock shelters or areas that were considered likely to have any Aboriginal artifacts.

The site accommodates a large number of mature trees of varying species and height. The land has been highly degraded with dense patches of weed infestation comprising up to 70% of the vegetation, particularly to the eastern hill slope.

Surrounding land is similarly zoned for E4 Environmental Living and generally comprises of detached dwelling houses of varying age, size and construction.

The subject site and neighbouring sites to the south and north (nos. 162 and 170 Whale Beach Road respectively) are uncharacteristically large and densely vegetated. These are some of the few properties in Whale Beach which exceed 2,000m² and fall over both the eastern and western hillslope. These two neighbouring sites accommodate

detached dwelling houses.

Map:



SITE HISTORY

No. 168 Whale Beach Road is a vacant site and has no evidence of previously accommodating any substantial development. Council's records reveal the following application history for the site; none of which have been commenced.

- **Development Application No. N0569/06** for the construction of a dwelling house, swimming pool and inclinor. Approved on 19 April 2007, further modified on 05 October 2007.
- **Development Application No. N0454/04** for the construction of a dwelling house. Refused on 05 October 2004, appealed and withdrawn from the Land and Environment Court.
- **Development Application No. N0846/02** for the construction of a dwelling house. Refused on 08 April 2003, appealed and dismissed by the Land and Environment Court on 14 November 2003.
- **Development Application No. N0801/01** for the subdivision of one allotment into two allotments, the erection of a dwelling house on each lot and the installation of a dwelling pool. Refused 14 May 2001.

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	See discussion on "Environmental Planning Instruments" in this

Section 4.15 Matters for Consideration'	Comments
of any environmental planning instrument	report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan 2014 applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan 2014 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social</p>

Section 4.15 Matters for Consideration'	Comments
	<p>impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

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

A Bush Fire Report (ref: 210156) was submitted with the application (prepared by Building Code & Bushfire Hazard Solutions Pty Ltd, dated 19 February 2021). The report stated that the bushfire attack level of the site is “Flame Zone” the report recommended an alternative solution to comply with Planning for Bush Fire Protection.

The application was referred to the NSW Rural Fire Service for further assessment. The NSW RFS raised no objections to approval, subject to conditions. The recommendations of the Bush Fire Report , along with the conditions from the NSW RFS have been included as part of the recommended conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 15/04/2021 to 29/04/2021 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 2 submission/s from:

Name:	Address:
Withheld	NSW
Mr John William Jenkins	162 Whale Beach Road WHALE BEACH NSW 2107

During the course of assessment two submissions were received objecting to the development

application; one from the owner of no. 162 Whale Beach Road, Whale Beach, and one from a prospective buyer of that land. The submissions raised the following concerns with the development:

- Privacy
- Loss of bushland views / views impacted by colour of development
- Light over-spill
- Building bulk

Privacy

Comment:

The submission received raised concern that the south-facing windows in the development could result in a loss of privacy to the adjoining no. 162 Whale Beach Road, both at present and in future if that land were to be developed.

On the southern elevation there are seven windows from a pantry, study, laundry, bathrooms, secondary bedroom windows and a plant room - none of these spaces are considered to be primary living spaces. In the revised plans received the applicant has detailed opaque glazing to laundry and bathroom windows resulting in only four transparent windows facing southwards. Two of these are wholly beneath the fence line (bathroom and pantry); another is partially beneath the fence line and is from a bedroom; the third window is a narrow louver window from the study.

The Level 4 BBQ area incorporates a privacy screen of vertical louvers facing east.

The above elements result in no unacceptable impacts to the privacy of the adjoining property.

The design of the proposal is not considered unreasonable in prejudicing the development potential of adjoining land, and a building could be designed there to avoid overlooking these windows.

This matter is resolved by way of the revised plans.

Loss of bushland views / views impacted by colour of development

Comment:

The initial submission included a white painted brick wall facing south, contrary to the requirements of the P 21 DCP. This colour was objected to by the neighbour as it would be a dominant visual feature commensurate to the existing bushland setting.

In response to this, the applicant has changed the brickwork colour to be a grey/brown colour to blend in with the environment, complemented by off-form concrete and stacked stone cladding. This change in material palette is considered sufficient to ensure the colours of the development are suitably 'natural'.

The development will undoubtedly change the existing presentation of the site as it is vacant, however the design is sufficient to protect the amenity of neighbours and the bushland. This matter is discussed in greater detail throughout this report.

Light over-spill

Comment:

The submission received has requested fixed opaque louvres or screens to all south facing windows, balconies and external lights in order to shield light over-spill.

The provision of south-facing windows described above is considered to be acceptable - no indoor primary living spaces have a southerly outlook. The building is designed to have a primary easterly

outlook towards the view. The top floor (Level 4) generally faces northwards towards the courtyards, garden and swimming pool. These elements are not considered to cause excessive light over-spill to neighbouring properties (both north and south). Lights from the development will be visible from neighbouring properties, however it is an unreasonable request to change to design to address this concern.

The design is satisfactory and light over-spill does not warrant the refusal of the application.

Building Bulk

Comment:

A submission received from a prospective buyer of the adjacent land raises concern that they will be faced with a 30m long by 5m high wall built 1m from the shared property boundary, and notes the subsequent impacts which that may give rise to.

The submission has misinterpreted the plans. The full depth of the top floor is 30m, however that depth is significantly broken up by varying setbacks. The minimum setback proposed to the boundary is 1.2m which extends for a width of 12.4m. Other setbacks at this level to the southerly boundary are 2.1m and 4.1m - both more than double what the control requires.

The building height along the southern boundary is compliant.

The proportions of the building are considered to be appropriate commensurate to the land size, and the building is well designed with an interesting material palette and varying articulations throughout to reduce perceivable building bulk. The design does not unreasonably prejudice the development potential of no. 162 Whale Beach Road and there exist ample opportunities to design a house on that plot which can avoid being impacted by this proposal.

REFERRALS

Internal Referral Body	Comments								
Landscape Officer	<p><i>Supported, subject to conditions</i></p> <p>This application is for the construction of a new dwelling, driveway. pool and associated I</p> <p>Councils Landscape Referral section has considered the application against the Pittwater I B4.22 Preservation of Trees and Bushland Vegetation I C1.1 Landscaping I D10.13 Landscaped Area - Environmentally Sensitive Land</p> <p>The Arborist's Report, Landscape Plans, Flora and Fauna Report Bushfire report and Ge</p> <p>The Arborist's Report indicates 6 trees to be removed to accommodate the proposed wor Survey Plan are adopted.</p> <p>The trees identified for removal are:</p> <table><tr><td>T4</td><td><i>Eucalyptus botryoides</i></td><td>14m ht</td><td>Medium retention value</td></tr><tr><td>T5</td><td><i>Eucalyptus botryoides</i></td><td>16m ht</td><td>Medium retention value</td></tr></table> <p>The Flora and Fauna (F&F) report indicates that the trees to be removed are part of the C</p> <p>Other trees on the site are to be retained, including trees in the western portion of the site</p>	T4	<i>Eucalyptus botryoides</i>	14m ht	Medium retention value	T5	<i>Eucalyptus botryoides</i>	16m ht	Medium retention value
T4	<i>Eucalyptus botryoides</i>	14m ht	Medium retention value						
T5	<i>Eucalyptus botryoides</i>	16m ht	Medium retention value						

Internal Referral Body	Comments
	<p>The F&F report indicates that no trees from the Pittwater Spotted Gum Forest are to be removed.</p> <p>The Landscape Plans provided indicate replanting around the dwelling, but makes no mention of the area, however removal of weeds and regeneration of the western area would be supported.</p> <p>The F&F report recommends that landscaping around the dwelling (outside of the Spotted Gum Forest) be short of 80%. In order to provide a landscape setting in keeping with the environmental values of the area, the F&F report recommends that the site be planted with native plants.</p> <p>It is noted that the site is within bushfire prone land and that Asset Protection Zones are required. It is noted that the proportion of local native species in planting around the dwelling which is still achievable.</p> <p>The Geotechnical report provided indicates outcropping of sandstone across the site. The site is on the lower eastern portion of the site to accommodate the lower levels, however it is considered that the site is suitable for development.</p> <p>The site is vacant with no existing dwelling present. The F&F report indicates that the site is suitable for development and that the most important area of the site is located to the west, which is to be retained.</p> <p>The site is noted to be mapped as Category 1 - Very High Potential for sites of Aboriginal Cultural Significance.</p> <p>In consideration of the above, no objections are raised with regard to landscape issues surrounding the site.</p>
NECC (Bushland and Biodiversity)	<p>Council's Biodiversity referrals team have assessed the Development Application for compliance with the following:</p> <ul style="list-style-type: none"> • Biodiversity Conservation Act 2016 (BC Act) • Pittwater LEP cl. 7.6 Biodiversity Protection • Pittwater 21 DCP cl. B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community <p>The Development Application seeks consent for the construction of a new dwelling with a footprint of approximately 150sqm.</p> <p>Advice on biodiversity reporting requirements and applicable controls was provided to the applicant by the Council's Biodiversity team (November 2020) and Landscape Plan (Harrison & Associates, November 2020).</p> <p>The Arboricultural Impact Assessment (Peake Arboriculture, March 2021) submitted with the Development Application identifies the following trees to be retained:</p> <ul style="list-style-type: none"> • T4 <i>Eucalyptus botryoides</i> • T5 <i>Eucalyptus botryoides</i> • T7 <i>Banksia integrifolia</i> • T8 <i>Eucalyptus botryoides</i> • T9 <i>Eucalyptus botryoides</i> • T10 <i>Eucalyptus botryoides</i> <p>At least six (6) native replacement trees are required to compensate for the loss of canopy from the trees to be removed.</p> <p>A 5-part test was completed within the Flora and Fauna Assessment for Pittwater Spotted Gum Forest. The test identified that the Subject Site is not a Spotted Gum Forest. As the PSGF EEC will not be directly affected by the proposed development, a BDAR is not required. All PSGF EEC is to be retained and protected for the life of the development.</p>

Internal Referral Body	Comments
	<p>The Flora and Fauna Assessment recommended that bush regeneration occur within the Bush Regeneration professional to guide the weed removal and native planting within the</p> <p>The Landscape Plan does not currently comply with P21DCP cl. B4.7 as the species selected to comply with APZ requirements discussed in the Bushfire Hazard Assessment (Building landscaping, including <i>Raphiolepis</i> 'Oriental Pearl' and <i>Olea</i> sp.</p> <p>Subject to these conditions of consent, Council's Biodiversity referrals team raise no objections.</p>
NECC (Development Engineering)	<p>The stormwater plan proposes to offset 100% of the excess stormwater volume which is requirements as conditioned.</p> <p>No objections to approval subject to conditions as recommended.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who raised no objections to the development.
NSW Rural Fire Service – local branch (s4.14 EPAA)	The proposal was referred to the NSW Rural Fire Service who have raised no objections to the proposed development, subject to conditions as recommended including Asset Protection Zones, Construction Standards, Water and Utility Services and Landscaping Assessment.
Aboriginal Heritage Office	<p>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> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</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. 1178892S_02 dated 22 March 2021). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 0005800172 dated 19 March 2021).

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

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

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid who raised no objections to the development.

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	8.5m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	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

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	To Whale Beach Road - 57m	-	Yes
		To rear boundary of No. 166 Whale Beach Road - 14.4m	-	Yes
Rear building line	6.5m	60m	-	Yes
Side building line	(north) 2.5m	Level 1 - 2.525m	-	Yes
		Level 2 - 2.525m	-	Yes
		Level 3 - 2.525m	-	Yes
		Level 4 - 2.525 - 8.51m	-	Yes
	(south) 1m	Level 1 - 4.14m	-	Yes
		Level 2 - 1.2m	-	Yes
		Level 3 - 1.2m	-	Yes
		Level 4 - 1.2m	-	Yes
Building envelope	(north) 3.5m	Top of fireplace flue for a height of 1.7m	Up to 48.5%	No

	(south) 3.5m	Two encroachments, one on Roof Terrace 03 glass balustrade measuring 3.1m in length by 1m in height; and One encroachment to BBQ blade wall screen measuring 3.1m in length by 0.9m in height	Up to 28%	No
Landscaped area	60% (1,695m ²)	62.4% (1,762.93m ²)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.12 Palm Beach Locality	Yes	Yes
B1.3 Heritage Conservation - General	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
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	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
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D12.1 Character as viewed from a public place	Yes	Yes
D12.3 Building colours and materials	Yes	Yes
D12.5 Front building line	Yes	Yes
D12.6 Side and rear building line	Yes	Yes
D12.8 Building envelope	No	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D12.12 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

C1.3 View Sharing

Clause C1.3 View Sharing of the Pittwater 21 Development Control Plan seeks to achieve the following outcomes:

- *A reasonable sharing of views amongst dwellings.*
- *Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced.*
- *Canopy trees take priority over views.*

The subject site currently enjoys panoramic views eastwards towards Whale Beach and the ocean, and westwards towards the Pittwater waterway and West Head. These views are heavily filtered by the quantity and scale of existing vegetation on the site.

The site to the north (170 Whale Beach Road) and south (162 Whale Beach Road) are similar to the subject site in that they are uncharacteristically large and are dominated by bushland. These two sites enjoy similar views to that of 168.

170 Whale Beach Road has a house located at the eastern end of the site parallel to the road, and 162 has a house located midway up the slope of the land positioned to the southern boundary. Both of these sites have recently been for sale/sold and it can reasonably be assumed that they may be developed in a similar fashion to that of the proposed dwelling. This assessment therefore takes regard to the impact that the house could have upon the development potential of surrounding land.

The proposal will not obstruct any views over the front (eastern) or rear (western) boundaries of the two neighbouring properties given the layout of the sites. The two neighbouring sites retain sufficient site area to accommodate a dwelling house which could be designed in a manner to avoid an outlook onto the subject dwelling.

Therefore, the proposal is not considered to result in any unreasonable view loss to surrounding lands as they sit presently; and the development is not of such a design or scale that is unreasonably prejudices the ability to design a house on neighbouring land that can capture similar views. On balance, the proposal is deemed to comply with the view sharing principles and is acceptable.

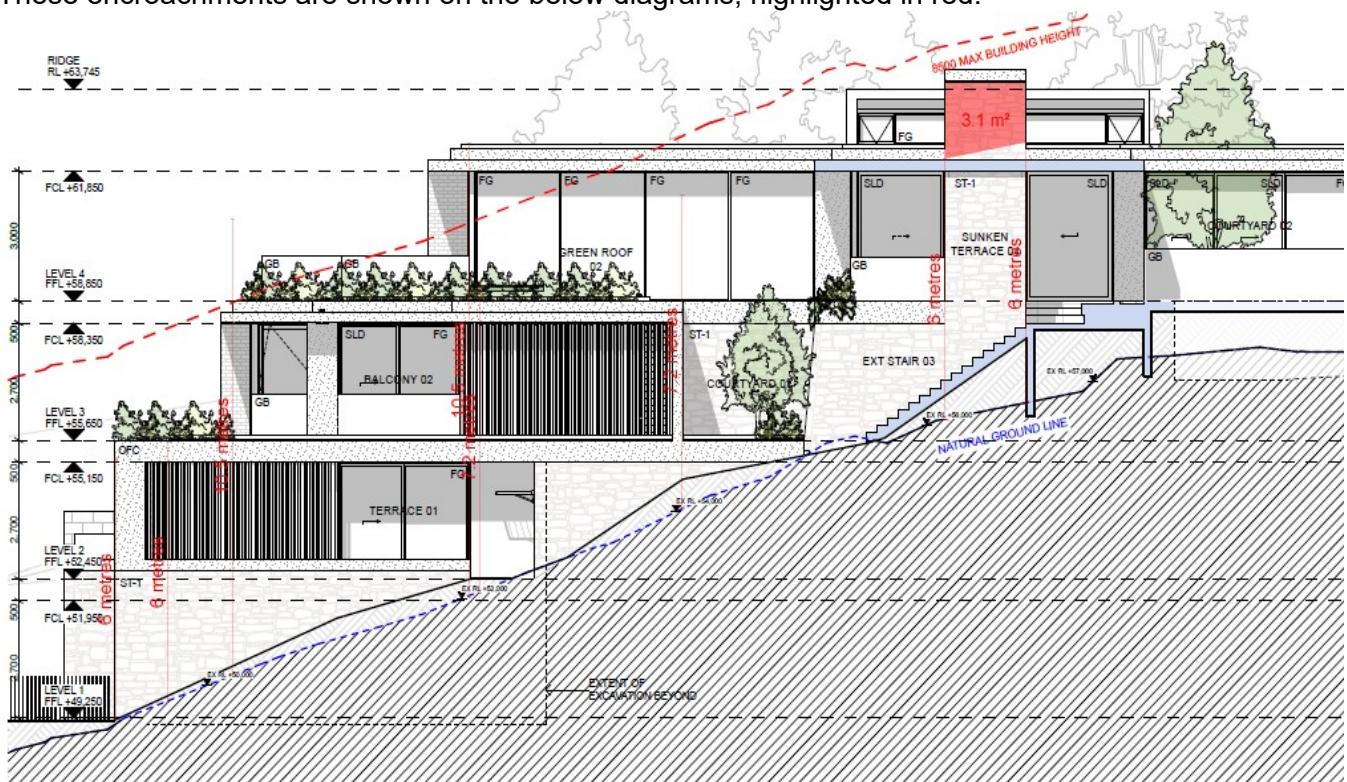
D12.8 Building envelope

Description of Non-Compliance

Clause D12.8 Building Envelope of the Pittwater 21 Development Control Plan prescribes a building envelope from planes projecting at 45 degrees from a height of 3.5m above existing ground level at the side boundaries of a site.

For this development there are three areas of encroachment: one being the top of the chimney flue to the northern elevation; one being the corner of a glazed balustrade on the southern elevation; and the third being a portion of privacy screening and roof slab also on the southern elevation.

These encroachments are shown on the below diagrams, highlighted in red:



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

- Comment: The Palm Beach desired future character seeks to ensure, in part, that dwelling houses are limited to a perceivable two storeys in any one part and sit comfortably within a site being a subordinate element to landscaping. It also seeks for buildings to blend in with the environment. The proposed dwelling is well designed and incorporates articulation at all levels and stepping to minimise the perceivable height and scale of the design. The design is coloured and textured in materials that match the natural environment and will allow the development to sit comfortably within the landscape and, over time, blend in with its environment.

It is found that requiring strict compliance with the building envelope control would result in no material difference to the desired future character. The proposal is found to achieve this outcome.

- Comment: Given the topography of the land and the nature of the battle-axe block, it is not considered that the building would be readily visible from Whale Beach Road to the east, or Barrenjoey Road to the west. The development is of a height lesser than trees on the subject and neighbouring sites and provides landscaping at varying levels throughout the building. Whilst the proposal is no doubt a large house, its scale and proportions commensurate to lot size is generally akin to that of surrounding developments.

Therefore on balance and notwithstanding the breach to the building envelope, the building is considered to be of an appropriate scale and density which sits below the height of trees and blends in with the natural environment. The proposal is found to achieve this outcome.

- Comment: The proposed dwelling progressively steps up the land incorporating a greater setback to the front boundary at each level. The design of the house has gone to lengths to

comply with the prevailing built form controls, with the three aforementioned envelope breaches being the only numerical variations sought. Those variations are considered to be reasonably minor and are generally consistent with envelope breaches that may be displayed on a house on a sloping block.

Given the evident attempts by the design and the minimal nature of breaches sought, it is found that the design suitably relates to the spatial characteristics of the topography of the site and the height of trees.

- *The bulk and scale of the built form is minimised.*
Comment: It is considered that were strict compliance with the building envelope control be enforced that there would be no material change to the bulk and scale of the development. Strict compliance would require the removal of a privacy screen, inseting of a glazed balustrade and modifications to a chimney flue, all of which are generally considered to be minor elements. Thereby, it is considered that the bulk and scale of the built form is appropriately minimised and that the outcomes of the control are achieved.
- *Equitable preservation of views and vistas to and/or from public/private places.*
Comment: The breaches to the building envelope are not considered to materially impact on the existing provision of views enjoyed from neighbouring land. View sharing is discussed in greater detail earlier in this report under Clause C1.3.
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*
Comment: The development has been found to provide a reasonable level of privacy, amenity and solar access to all surrounding lands and to future occupiers of the house, and thus the outcomes of the control are met.
- *Vegetation is retained and enhanced to visually reduce the built form.*
Comment: The development of this site to any scale necessitates the removal of vegetation given the current vacant nature of the land. The tree removal sought has been addressed earlier in this report and is deemed acceptable, subject to conditions and compensatory planting as detailed. The built form of the house is deemed to be adequately screened by vegetation to visually reduce the built form.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of the P 21 DCP 2014 and the objectives specified in s1.3 of the Environmental Planning and Assessment Act 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

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 \$44,000 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$4,400,000.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/0315 for Construction of a dwelling house including a swimming pool on land at Lot 1 DP 749530, 168 Whale Beach Road, WHALE BEACH, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA04 Issue H - Site & Roof Plan	17 May 2021	Watershed Design
DA05 Issue H - Driveway Plan	17 May 2021	Watershed Design
DA06 Issue H - Level 1 - Garage Plan	17 May 2021	Watershed Design
DA07 Issue H - Level 2 - Kids Bedrooms	17 May 2021	Watershed Design
DA08 Issue H - Level 3 - Main & Guest Bedrooms	17 May 2021	Watershed Design
DA09 Issue H - Level 4 - Main Living Area	17 May 2021	Watershed Design
DA10 Issue H - Roof Plan	17 May 2021	Watershed Design
DA11 Issue H - Section AA	17 May 2021	Watershed Design
DA12 Issue H - Section BB	17 May 2021	Watershed Design
DA13 Issue H - Section CC	17 May 2021	Watershed Design
DA14 Issue H - Section DD	17 May 2021	Watershed Design
DA15 Issue H - Section EE	17 May 2021	Watershed Design
DA16 Issue H - Section FF	17 May 2021	Watershed Design
DA17 Issue H - Section GG	17 May 2021	Watershed Design
DA18 Issue H - Section HH	17 May 2021	Watershed Design
DA19 Issue H - Section II	17 May 2021	Watershed Design
DA20 Issue H - Elevation - North	17 May 2021	Watershed Design
DA21 Issue H - Elevation - East	17 May 2021	Watershed Design
DA22 Issue H - Elevation - South	17 May 2021	Watershed Design
DA23 Issue H - Elevation - West	17 May 2021	Watershed Design
DA28 Issue H - Excavation & Fill Diagram	17 May 2021	Watershed Design
DA29 Issue H - Image 1 (Schedule of Colours and Materials only)	17 May 2021	Watershed Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Assessment	18 March 2021	Peake Arboriculture
BASIX Certificate No. 1178892S_02	22 March 2021	Building Sustainability Assessments
Bushfire Assessment Report (ref.210156)	19 February 2021	Building Code & Bushfire Hazard Solutions Pty Limited
Flora and Fauna Surveys and Biodiversity Impact Assessment	November 2020	ACS Environmental Pty Ltd
Geotechnical Investigation (ref.J3195)	10 February 2021	White Geotechnical Group

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Master Plan Level 1 Rev. A	01 March 2021	Harrison's Landscaping
Landscape Master Plan Level 3 Rev. A	01 March 2021	Harrison's Landscaping
Landscape Master Plan Level 4 Rev. A	01 March 2021	Harrison's Landscaping
Landscape Plant Schedule Rev. A	01 March 2021	Harrison's Landscaping

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
NSW Rural Fire Service	NSW RFS Referral Response	02 June 2021

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website 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 \$44,000.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$4,400,000.00.

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

adjusted.

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

The Northern Beaches Section 7.12 Contributions Plan 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

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

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

6. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

7. Amended Landscape Plan

An Amended Landscape Plan shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details:

- i) Provision of a minimum of 80% local native species to planting areas indicated on the plans.

Certification shall be provided to the Certifying Authority that these amendments have been documented.

Reason: Landscape amenity.

8. On Slab Landscape Works

- a) Details shall be submitted to the Certifying Authority prior to the issue of the Construction

Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

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

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

- i) 300mm for lawn
- ii) 600mm for shrubs
- iii) 1m for small trees

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

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

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 White's Geotechnical Group dated 10/2/2021 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

10. **No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

11. **Pre-clearance Survey**

A pre-clearance survey is to be undertaken by the Project Ecologist prior to any tree removals.

Details demonstrating compliance are to be prepared by the Project Ecologist and submitted to the Certifying Authority prior to issue of Construction Certificate.

Reason: To protect native wildlife.

12. **Installation of Nest Boxes**

A minimum of four (4) nest boxes, including two (2) suitable for medium sized birds and two (2) bat boxes be installed at a height of about 5 - 10m on trunks of existing trees in suitable locations, in accordance with the recommendation from the Flora and Fauna Assessment (ACS Environmental, November 2020)

Nest boxes must be attached in accordance with industry best practice (e.g. expandable tree sensitive methods).

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To maintain wildlife habitat.

13. Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following:

- Deletion of any environmental weed species or species listed on Council's exempt tree species list.
- Replacement with native species as listed in the Flora and Fauna Assessment (ACS Environmental, November 2020)
- Provision of at least 80% native species as listed in the Flora and Fauna Assessment (ACS Environmental, November 2020)

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.

14. Delineation of Asset Protection Zones

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

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

Reason: To protect native vegetation and wildlife.

15. 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.

16. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Taylor Consulting Engineers, drawing number Sheet-1/A, dated 19/3/2021. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the

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

The drainage plans must address the following:

i. Minimum OSD volume of 13.5m³ shall be provided with the maximum offset of 25% of the rainwater volume provided in excess of the Basix requirement.

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

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

17. Vehicle Driveway Gradients

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

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

Reason: To ensure suitable vehicular access to private property.

18. 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.

19. Engagement of Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with the Flora and Fauna Report (ACS Environmental, November 2020).

The Project Ecologist must have one of the following memberships / accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Certifying Authority Prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

20. 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.

21. External Finishes to Roof

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

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

22. Sydney Water "Tap In"

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

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

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

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

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

23. Waste Management Plan

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

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

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

24. External Finishes to Roof

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

25. 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 recommendation of the Arboricultural Impact Assessment dated 18/03/2021 prepared by Peake Arboriculture 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.

26. 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 dated 18/03/2021 prepared by Peake Arboriculture and):

- i) T4, T5, T7, T8, T9, T10

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.

27. **Biodiversity Management Plan**

Prior to issue of any Construction Certificate, a Biodiversity Management Plan must be prepared to the satisfaction of Council's Manager Bushland and Biodiversity and submitted to the Certifying Authority.

The BMP must include the following management actions in accordance with the recommendations of the Flora and Fauna Assessment Report:

- To compensate for potential loss of sheltering and breeding habitat for small birds or microchiropterans, it is recommended that at least 2 nest boxes suitable for medium sized birds and two bat boxes be installed at a height of about 5 - 10m on trunks of existing trees in suitable locations control of priority and environmental weeds within the site
- Bush regeneration within the patch of PSGF EEC in order to remove weeds.
- Replacement with natural small tree, shrub and ground cover assemblages indicative of PSGF vegetation would act to decrease the potential fuel load of the vegetation while enhancing the natural attributes of this EEC. Assisted natural regeneration together with some augmented planting could rehabilitate these weed-covered areas that occur in the understories of the PSGF
- Implementation of all other biodiversity-related measures outlined in these conditions of consent

The BMP is to be provided to Council's Manager Bushland and Biodiversity for approval, and evidence of approval provided to the Certifying Authority prior to the Construction Certificate.

Reason: To protect native vegetation and wildlife

28. **Impacts to Protected Native Wildlife**

Habitat for native wildlife is to be inspected for native wildlife by the Project Ecologist prior to removal. If native wildlife is found within habitat to be removed, the wildlife is to be safely relocated by the Project Ecologist.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Principal Certifying Authority

Reason: To protect native wildlife.

29. **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.

30. **Tree Hollow Inspection by Ecologist**

All tree hollows proposed for clearing are to be inspected by the Project Ecologist prior to removal. Inspection of tree hollows is to be facilitated by a qualified tree climber or arborist with the use of an elevated work platform where necessary.

The Project Ecologist is to provide written certification of compliance to the Principal Certifying Authority prior to commencement of tree removals.

Reason: To protect native wildlife.

31. **Relocation of Logs and Coarse Woody Debris**

All logs and branches are to be salvaged from trees prior to any vegetation clearing and reused as fauna habitat within areas of retained native vegetation on the site.

Reason: To protect wildlife habitat.

32. **Implementation of Landscape Plan**

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

The new landscaping is to be certified by a qualified landscape architect as being in accordance with the approved Landscape Plans and these conditions of consent

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

33. **Clearing for Asset Protection Zones**

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

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

Reason: To protect native vegetation and wildlife.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

34. **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.

35. **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 18/03/2021 prepared by Peake Arboriculture 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, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
 - 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 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.

36. **Condition of Trees**

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to or by seeking arboricultural advice from an Arborist with minimum AQF Level 5 in arboriculture during the works.

In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

37. **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.

38. **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.

39. 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.

40. Aboriginal Heritage

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

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

Reason: Aboriginal Heritage Protection.

41. Waste Management During Development

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

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

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

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

42. Landscape Completion

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

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.

43. 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.

44. Replacement of Canopy Trees

At least 6 locally native canopy trees are to be planted on site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with species listed in the Flora and Fauna Assessment (ACS Environmental, November 2020).

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.

45. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified on the NSW WeedWise website) 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.

46. Waste Management Confirmation

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

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

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

The Applicant shall lodge a Legal Documents Authorisation Application with Council. The application is to include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan by a Registered Surveyor) and Hydraulic Engineers' certification for the completed on-site stormwater detention system works. A guide to the process can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/guide-submitting-ldaa-nov19.pdf>

The form for the application can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/4023-legal-documents-authorisation-oct19.pdf>

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure the on-site stormwater detention system is maintained to an appropriate operational standard and not altered.

48. Geotechnical Certification Prior to Occupation Certificate

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

Reason: To ensure geotechnical risk is mitigated appropriately.

49. Swimming Pool Requirements

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

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

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

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

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

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

Reason: To protect human life.

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

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

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

Reason: To ensure bushland management.

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

51. **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.

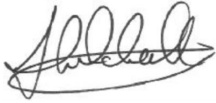
52. **Location of Mechanical Ventilation and Swimming Pool / Spa Motor**

During occupation and ongoing use of the building, the applicant must ensure all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise, including any swimming pool pump/motor, are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBA at the boundary adjacent to any habitable room of an adjoining residential premises.

Reason: To protect the residential amenity of neighbouring properties.

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

Signed



Adam Mitchell, Principal Planner

The application is determined on 07/06/2021, under the delegated authority of:



Lashta Haidari, Manager Development Assessments