

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0214
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Responsible Officer:	Kent Bull
Land to be developed (Address):	Lot A DP 342891, 20 Palm Beach Road PALM BEACH NSW 2108
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Owner:	Paul Joseph Meehan
Applicant:	Michael Robilliard & Associates

Application Lodged:	06/03/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	18/03/2020 to 01/04/2020
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	4.3 Height of buildings: 20.8%
Recommendation:	Approval

Estimated Cost of Works:	\$ 278,300.00
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EXECUTIVE SUMMARY

The development application seeks consent for the alterations and additions to a dwelling house that involves a 20.8% variation to the height of buildings development standard prescribed by clause 4.3 of the *Pittwater Local Environment Plan 2014 (PLEP 2014)*. As such, the development is referred to the Development Determination Panel for determination.

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the alterations and additions to a dwelling house. In particular, the works include:

- Demolition of the skillion roof form which sits over the south eastern corner of the building and

- the replacement with a vaulted roof form;
- A bedroom within the roof area due to increased head heights within the roof space; and
- Changes to glazing, including new windows at the attic level.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 4.6 Exceptions to development standards

Pittwater 21 Development Control Plan - D12.3 Building colours and materials

Pittwater 21 Development Control Plan - D12.8 Building envelope

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

SITE DESCRIPTION

Property Description:	Lot A DP 342891 , 20 Palm Beach Road PALM BEACH NSW 2108
Detailed Site Description:	<p>The subject site is known as 20 Palm Beach Road, Palm Beach and is legally referred to as Lot A DP 34291. The site consists of one (1) allotment located on the eastern side of Palm Beach Road.</p> <p>The site is irregular in space with a frontage of 20.7m along Palm Beach Road and a depth of 31.5m. The site has a surveyed area of 524.8m². Pedestrian and vehicular access is gained via the Palm Beach Road frontage.</p> <p>The site is located within the E4 Environmental Living zone and accommodates a two (2) to three (3) storey dwelling house located towards the front of the site.</p>

The slope of the site is 22.3%, falling 7m from the road frontage to the rear boundary.

The site contains a modified landscaped setting, with vegetation consisting of a low-lying shrubs, a sloping lawn area to the rear, palms as well as a number of native canopy trees including Tuckeroo's.

The site is mapped within the Pittwater Geotechnical Hazard Map.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by dwelling houses of varying architectural styles and ages within landscaped settings.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

16 June 2008

Development Application No. N0690/07 for the demolition of existing dwelling and construction of a new two storey timber and brick dwelling with a vaulted copper roof was refused by Council's Development Unit.

The Development Application has been refused for the following reasons:

1. Non-compliance with controls and outcomes of Section D12.5 – front building line of Pittwater 21

DCP.

2. Non-compliance with the controls and outcomes of Section D12.6 – side and rear building line of Pittwater DCP with respect to the southern side setback.

1 September 2008

A review of Council's determination to Development Application No. N0690/07 under Section 82A of the Environmental Planning and Assessment Act 1979 resulted in the granting of consent.

9 September 2010

Section 96(1A) Modification Application No. N0690/07/S96/1 to Development Application No. N0690/07 was granted consent.

5 September 2019

Development Application No. DA2019/0827 for alterations and additions to a dwelling house including swimming pool and spa was granted consent.

APPLICATION HISTORY

16 March 2020

Site inspection undertaken by the development assessment officer. No property owners were present at the time of the inspection.

8 April 2020

Photo evidence provided to Council of the notification sign being installed for the duration of the notification period.

28 May 2020

Site inspection undertaken by the development assessment officer from 16 Palm Beach Road, Palm Beach to assess concerns raised relating to solar access and privacy. An architect representing the property owner was also present at the time of the inspection.

28 May 2020

Revised architectural plans submitted to more accurately demonstrate the ground level (existing).

27 May – 29 May 2020

Email and phone correspondence between the development assessment officer and the applicant to clarify the extent of the height breach as detailed within the Clause 4.6 variation request as well as the extent of shadowing impact.

29 May 2020

Amended Clause 4.6 variation request submitted detailing the proposed building height being 10.27m

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)(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>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter can be 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 can be 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 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability	The site is considered suitable for the proposed development.

Section 4.15 Matters for Consideration'	Comments
of the site for the 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 not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

Name:	Address:
U+I Building Studio	Po Box 28 FAIRLIGHT NSW 2094

The following issues were raised in one (1) submission and each have been addressed below:

- **Loss of privacy**

Comment:

The submission received on behalf of the adjoining property owner* to the south, raising concern with the loss of privacy to the living room and outdoor living area from the proposed enlargement to existing windows and from new windows (Figure 1). Based on the submitted plans, the proposed east facing windows is at a distance greater than 9 metres in distance from the neighbours private open space areas including swimming pools and living rooms. These proposed upper floor windows are also orientated eastwards thereby avoiding direct views to No. 16 Palm Beach Road. Established vegetation including trees, palms and hedging further assist to obscure overlooking. As such, the proposal is seen to comply with the control requirements of C1.5 Visual Privacy of the Pittwater 21 DCP and is not recommended for refusal on this basis.



Figure 1. Looking north towards from the courtyard area near the swimming pool of No. 16 Palm Beach Road.

- **Loss of solar access**

Comment:

Concerns were also raised on behalf of the south adjoining property concerning the extent of overshadowing in winters from the proposed development towards the ground floor living room and the adjoining areas of open space (garden grass area & swimming pool). While 3D shadow diagrams were submitted at lodgement, the applicant during the assessment provided 2D shadow diagrams (Figure 2 and 3) demonstrating the additional shadowing cause by the proposed development. Whilst the swimming pool at 16 Palm Beach Road is indicated to be partially overshadowed at 3pm on the 21 June (winter solstice), a minimum of 3 hours of sunlight between 9am and 3pm will be maintained. The shadow diagrams also indicates that the windows of the ground floor living area will not be impacted by shadowing resulting from the proposed development. As such, the proposal is seen to comply with the control requirements of C1.4 Solar Access of the Pittwater 21 DCP and is not recommended for refusal on this basis.



Figure 2. Shadows cast at 12pm on 21 June. Source: Michael Robilliard & Associates



Figure 3. Shadows cast at 3pm on 21 June. Additional shadowing marked in red. Source: Mi

***Note:** U+I Building Studio provided a submission on behalf of the property owner of 16 Palm Beach Road, Palm Beach.

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	The submitted Geotechnical report certifies that an acceptable risk is achievable for the development. No objection to approval, subject to conditions.

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

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. A363355_02, dated 28 February 2020).

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.

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	10.27m	20.8%	No

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	No
4.6 Exceptions to development standards	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

4.6 Exceptions to development standards

Description of non-compliance:

Development standard:	Height of buildings
Requirement:	8.5m
Proposed:	10.27m
Percentage variation to requirement:	20.82% (1.77m)

Assessment of request to vary a development standard:

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

Clause 4.6 Exceptions to development standards:

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

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

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

Comment:

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

(3) *Development consent must not be granted for development that contravenes a development*

standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

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

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

(a) the consent authority is satisfied that:

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

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

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

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

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

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

Comment:

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

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

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

Comment:

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

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

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)

The objects of this Act are as follows:

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

The applicants written request argues, in part:

- The proposed modified roof form at the rear of the dwelling will be located over the existing building footprint and will provide a bulk and scale which is in keeping with the existing building and surrounding development, with a palette of materials and finishes which is consistent with the existing dwelling, in order to provide for high quality development that will enhance and complement the locality.
- The proposed modified roof form is of the same colours and finishes as the existing building which are recessive and are not dominate in the view of the site.
- The existing building responds to the natural topography with only a small encroachment of the roof over the 8.5 metre height limit as shown on the drawings. The proposal seeks to emulate the same shape, form and height and therefore will encroach the height limit to a similar extent.
- Lowering the whole of the building is not possible to enable compliance due to the established building platform and would substantially increase the extent of excavation and disrupt the compatible levels between the ground floor level and the level of the rear yard. Pushing the roofline back so that it complies would be out of alignment with the other vaulted roof and not be a good urban design outcome.
- The new modified roof exceeds the height control in the same area of the site due to the drop in the topography below.
- Notwithstanding the non-compliance of the proposed dwelling with the maximum overall height the new roof form will provide an attractive residential development that will add positively to the character and function of the local residential neighbourhood. The siting of the proposed development will mitigate any adverse impacts of overshadowing and loss of views for any neighbouring properties.
- The proposed alteration to the roof will not result in the loss of any landscaped area around the dwelling as the proposal is confined to the footprint of the building.

It is accepted that despite the variation to the building height development standard, that the breach relates to an area of the site that has the lowest topography. Moreover, it is recognised that the proposed development will be compatible to the bulk and scale of neighbouring dwellings within the locality. Consideration is also given that the proposed modified roof form emulates a similar height,

shape and materially to compliment the vaulted roof design of the existing dwelling. In this regard, the proposed development is anticipated to be of an appearance as an attic space within a roof structure. Acknowledgement is given that the additions are to be located over the existing building footprint and therefore will not result in the removal or any landscaping or require excavation on site. It is further accepted that the building height breach will not give rise to an unacceptable impact on the amenity of adjoining or adjacent properties in terms of solar access, views, visual bulk or privacy.

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

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

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

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

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

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

Comment:

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of Buildings development standard and the objectives of the E4 Environmental Living zone. An assessment against these objectives is provided below.

Objectives of development standard

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

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

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

Comment:

The proposed development is seen to be technically inconsistent with the desired character for dwelling houses to remain a maximum of two storeys in any one place. The addition is expected to appear as an attic space within a roof structure and, with the retention of established trees and palms not immediately discernible as a third storey from the rear of the property. Further, when viewed from the frontage of Palm Beach Road, the dwelling house will continue to present as one-two storeys. The proposal modified roof form equally is seen to respect the massing of the existing built form, through a consistency in design and scale to the present vaulted roof design of

the dwelling house. Consideration has also been given that the proposed development which incorporates glazed areas and a zinc metal roof will harmonise with the natural environment. Limiting the works to an area over the existing building footprint also minimises site disturbance. It is therefore considered that the development is consistent with the desired future character of the Palm Beach Locality.

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

Comment:

The proposed development demonstrates compliant setbacks that provide adequate separation between adjoining dwellings, as well as areas to maintain landscaping. The design also utilises recessive features, materials, finishes and a roof form that assist with minimising the overall visual prominence of the development. Whilst a portion of the proposed development exceeds the building height development standard, it should be acknowledged that examples of contemporary residences surrounding the site are of a considerable bulk and scale that appear as three storeys when viewed from the lower parts of these properties. The proposal is therefore considered to remain compatible with the height and scale of surrounding and nearby development.

c) to minimise any overshadowing of neighbouring properties,

Comment:

Despite the submitted shadow diagrams indicating that the swimming pool area at 16 Palm Beach Road being partially overshadowed at 3pm on the 21 June (winter solstice), a minimum of 3 hours of sunlight between 9am and 3pm will be maintained resulting in the proposal being seen to comply with the control requirements of C1.4 Solar Access of the Pittwater 21 DCP. Notwithstanding this, consideration is also given that this private open space area is quite vulnerable given it is directly south of the proposed development. Furthermore existing shadowing impacts from established trees and palms between 16 Palm Beach Road and the subject site do not form part of Council's assessment of access to sunlight.

d) to allow for the reasonable sharing of views,

Comment:

The proposed development is considered to allow for the reasonable sharing of views through demonstrating that ocean and beach views from residences on the upper side of Palm Beach Road will not be obscured. The resultant development is anticipated to fall mostly below the level of the tree canopy when viewed from these residences. Whilst no objections were received with regards to view loss, the submitted plans reasonably demonstrates that view sharing is achieved.

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

Comment:

As a result of the proposed works being limited to an area over the existing building footprint, no excavation is required. Further, the application has been submitted with a Geotechnical Report, which has been reviewed by Council's Development Engineer who is supportive of this proposal in this regard. The recessive architectural design and finishes results in this development being

considered as responding sensitively to the natural topography.

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

Comment:

The subject site is not a listed heritage item and is not in the vicinity or buffer area of any listed heritage items. The retention of established trees and palms as well as the use of glazing and zinc roofing that is expected to fade over time, ensures that visual impacts resulting from the proposed development are minimised.

Zone objectives

The underlying objectives of the E4 Environmental Living zone are:

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

Comment:

Whilst the subject site is not indicated as containing endangered ecological communities, or as an area of habitat mapped for flora or fauna conservation, consideration is given that the site falls under the Scenic Protection - Cat 1 mapping. In this regard, the application has demonstrated the retention of existing vegetation including canopy trees on site as well as the use of external finishes that help blend the development into the natural environment. The proposed development is therefore considered to provide for an acceptable low-impact residential development that responds sensitively to the relevant ecological, scientific and aesthetic values as they relate to the land.

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

Comment:

In order to ensure the development does not have an adverse effect on the above-mentioned values, conditions have been placed to ensure that existing trees including those between the dwelling and rear boundary on site are retained. Further, where the proposal has been identified as being non-compliant with control requirements, the assessment has shown that the application has satisfied the relevant outcomes of these controls.

- *To provide for residential development of a low density and scale integrated with the landform and landscape.*

Comment:

As previously discussed within this report, the proposed development has been considered to provide for a compatible density and scale to surrounding contemporary dwellings within this area of Palm Beach. Further, the development has not been seen to result in an unacceptable impact on the amenity of adjoining or adjacent properties in terms of solar access, views, visual bulk or privacy. Should the application be approved, a condition has been recommended for a survey certificate is submitted at various stages of the construction to ensure the building height and setbacks are consistent with the submitted architectural plans. The proposal also does not require excavation of the land or removal of landscaping on site.

- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

The subject site is not located within an area containing riparian and foreshore vegetation or wildlife corridors, however as previously discussed, appropriate protection measures are placed to ensure the tree canopy of the area is maintained

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the E4 Environmental Living zone.

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

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

Planning Circular PS 18-003 dated 21 February 2018, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, and in accordance with correspondence from the Deputy Secretary on 24 May 2019, Council staff under the delegation of the Development Determination Panel, may assume the concurrence of the Secretary for variations to the Height of building Development Standard associated with a single dwelling house (Class 1 building).

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	13.6m	-	Yes
Rear building line	6.5m	10m	-	Yes
Side building line	2.5m	9m (North)	-	Yes
	1m	2.4m (South)	-	Yes
Building envelope	3.5m	North - Within envelope	-	Yes
	3.5m	South - Outside envelope by 800mm to underside of eave, 3.2m to roof ridge	11.5%-46%	No
Landscaped area	60%	36%	40%	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: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.12 Palm Beach Locality	Yes	Yes
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
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.4 Stormwater Harvesting	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.23 Eaves	Yes	Yes
D12.1 Character as viewed from a public place	Yes	Yes
D12.3 Building colours and materials	Yes	Yes
D12.5 Front building line	Yes	Yes
D12.6 Side and rear building line	Yes	Yes
D12.8 Building envelope	No	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	No	Yes
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

D12.3 Building colours and materials

The proposal seeks the use of unpainted zinc roofing to match the sheet metal roof of the existing

dwelling. Whilst new zinc roofing can initially be reflective at the time of installation, patina typically forms to dull the finish over time. The proposed colours and materials as indicated on the external finishes schedule is therefore considered to be compliant with the control requirements.

D12.8 Building envelope

The proposed development is not within the prescribed building envelope and is therefore non-compliant with the control. Despite the control permitting roof eaves extending outside the building envelope, in acknowledgement that the roof area is for a habitable room, the proposed development has been considered to breach the building envelope by 3.2m (46%) when measured to the roof ridge and 800m (11.5%) when measured to the underside of the eaves. While the breach is applicable for the majority of the southern elevation, the extent is significantly reduced to the front portion of the dwelling facing Palm Beach Road. Consideration should be given that the curvature of the roof form reduces the degree of impact associated with the non-compliance. The variation sought for the proposed development do not result in an unreasonable impact to neighbouring properties with regard to views, privacy and solar access. Furthermore, the proposal is seen to be consistent with the desire future character of the locality. Visual impacts on the streetscape are limited when viewed from the Palm Beach Road frontage, due to the sloping topography of the site. The retention of canopy trees, palms and vegetation along the setback areas further limit the built form of the proposed development.

Based on the above, the variation to the control is supported on merit and considered to satisfy the outcomes of the control.

D12.10 Landscaped Area - Environmentally Sensitive Land

Landscaped Area requirement: 60% of the site area (314.88m²)

Landscaped Area proposed: 36% of the site area (188.6m²)

The proposed development is technically non-compliant with the control that requires 60% of the site to be landscaped. The proposal seeks to vary this control, reducing the overall total landscaped area to 36%. It must be noted however that the proposal does not seek the removal of any landscaping and does not result in an increase to the hard surface areas on site. Further, the recently issued development consent DA2019/0827 for a swimming pool on the site authorised a variation to the 60% landscaped area requirement demonstrating that in that instance, the outcomes of this clause were achieved. Notwithstanding this, consideration has been given that outcomes to ensure the preservation of the areas bushland character and biodiversity have been achieved through the retention of existing vegetation and canopy trees on site. The existing plantings also assists to visually reduce the built form of the development when viewed from neighbouring properties and the road frontage. The proposal is also considered acceptable with regard to stormwater run-off and the infiltration of water with Council's Development Engineer raising no objection to the application subject to conditions. Furthermore, the proposal is not seen to result in an unreasonable impact on the amenity and solar access provided to neighbouring properties.

Based on the above, the variation to the control is supported on merit as the proposed development is considered to satisfy the outcomes of this clause.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

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

A monetary contribution of \$2,783 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$278,300.

CONCLUSION

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

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

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

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

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

Council is satisfied that:

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

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

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

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

RECOMMENDATION

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

Accordingly Council as the consent authority grant Development Consent to DA2020/0214 for Alterations and additions to a dwelling house on land at Lot A DP 342891, 20 Palm Beach Road, PALM BEACH, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
428 WD 01 (Site Plan)	28 May 2020	Michael Robilliard & Associates
428 WD 04 (Attic Floor)	28 May 2020	Michael Robilliard & Associates
403 WD 11 (Sections)	28 May 2020	Michael Robilliard & Associates
428 WD 13 (North Elevation)	28 May 2020	Michael Robilliard & Associates
428 WD 14 (East Elevation)	28 May 2020	Michael Robilliard & Associates
428 WD 15 (South Elevation)	28 May 2020	Michael Robilliard & Associates
428 WD 16 (West Elevation)	28 May 2020	Michael Robilliard & Associates
428 WD 91 (Demolition Plan)	28 May 2020	Michael Robilliard & Associates

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Assessment Report Ref. AG 19104	1 July 2019	Ascent Geotechnical Consulting

BASIX Certificate, Ref. A363355_02	28 February 2020	Michael Robilliard & Associates
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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:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Minimisation and Management Plan	No date	Michael Robilliard & Associates

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. **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.

3. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009

- (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

4. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$2,783.00 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 \$278,300.00.

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.

5. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

6. **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 ASCENTGeotechnical consulting dated 1st July. 2019 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.

7. **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.

8. **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

9. **Tree trunk, branch and root protection**

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site.
- ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by the Project Arborist on site.
- iii) All tree protection to be in accordance with the approved Tree Protection Plan and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with local planning controls and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. **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.

11. **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.

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

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

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

13. **Stormwater Disposal**

The Applicant shall submit a certificate from a suitably qualified person that the stormwater drainage works have been constructed/installed in accordance with all relevant Australian Standards and Codes.

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

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

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

14. **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.