

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1655
----------------------------	-------------

Responsible Officer:	Ashley Warnest
Land to be developed (Address):	Lot 6 DP 541797, 949 Barrenjoey 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
Land and Environment Court Action:	No
Owner:	Pamela Anne Marshall
Applicant:	Walter Barda Design Pty Ltd

Application lodged:	09/10/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	17/10/2018 to 02/11/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 149,000.00
---------------------------------	---------------

ASSESSMENT INTRODUCTION

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

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - D12.5 Front building line

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

Pittwater 21 Development Control Plan - D12.11 Fences - General

SITE DESCRIPTION

Property Description:	Lot 6 DP 541797 , 949 Barrenjoey Road PALM BEACH NSW 2108
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Barrenjoey Road.</p> <p>The site is irregular in shape with a frontage of 43m along Barrenjoey Road and a depth of 25.3m. The site has a surveyed area of 1431.1m² with a slope of 67.4% that falls from the north to the south. The site adjoins Pittwater waterway to the rear of the site.</p> <p>The site is located within the E4 environmental living zone and accommodates Dwelling Houses.</p> <p>The site contains an existing heritage listed dwelling house "Kumale", also known as Richardson House. Waterway access can be gained via an existing slipway.</p> <p>The site contains several mature native trees within the front and rear yard.</p> <p><u>Detailed Description of Adjoining/Surrounding Development</u></p> <p>Adjoining and surrounding development is characterised by similar one and two storey dwelling houses.</p>

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:

- Development Application - N0204/16 for the Construction of a new garage, driveway, turntable, front fence, and entry lift. Determined 21/09/2016.
- Modification Application - N0175/12/S96/2 for the modification of consent N0175/12 alterations and additions to the existing dwelling including a swimming pool and car parking platform. Determined 24/02/2015
- Modification Application - N0175/12/S96/1 for the modification of consent N0175/12 alterations and additions to the existing dwelling including a swimming pool and car parking platform. Determined 19/06/2014
- Modification Application - N0050/09/S96/3 for the modification of consent N0050/09 alterations and additions to the existing dwelling and remediation works. Determined 14/02/2013
- Development Application - N0175/12 for the alterations and additions to the existing dwelling including a swimming pool and car parking platform. Determined 16/10/2012

PROPOSED DEVELOPMENT IN DETAIL

Development consent is sought for the alterations and additions to a heritage listed dwelling house. The proposed works are as follows:

- Reconfigure entryway and foyer
- Construction of new carport with turntable and rooftop landscaping
- Partial demolition of the sandstone clad retaining wall on northern side of driveway
- Regrading of driveway

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</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 Matters for Consideration'	Comments
	<p>Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) 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. In summary, the proposed development is found to be consistent with the desired future character of the Palm Beach Locality and relevant locality specific controls. The proposed works are respectful to the site and the adjoining neighbours.</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>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development as the key characteristics of the site including the location, orientation, aspect, character, size, and topography. The proposal is consistent with the zoning of the land and predominantly complying with the DCP controls that are applicable to the subject site.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>No submissions were received in relation to this application.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest. The public interest is best served by the orderly and economic use of land for purposes which are permissible and which, in their design and operation satisfy the intent of the relevant controls.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

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

A Bush Fire Report was submitted with the application that included a certificate (prepared by Planning

for Bushfire Protection, dated 03/06/2018) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited 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 of the application Council received no submissions.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The landscape component of the proposal is acceptable subject to the protection of existing trees and vegetation, and the completion of landscaping.</p> <p>Council’s Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls:</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees or Bushland Vegetation • C1.1 Landscaping
NECC (Bushland and Biodiversity)	<p>Final:</p> <p>A revised Arborist report (prepared by All Arbor Solutions, dated 5 February 2019) was provided. The report assesses 3 trees adjacent the existing driveway on Council's road reserve (Tree 1 <i>Corymbia maculata</i>, Tree 2 <i>Eucalyptus paniculata</i> and Tree 3 <i>Eucalyptus sp</i>).</p> <p>The report assesses that T1 and T3 have medium retention value and T2 has high retention value, and concludes all three trees can be retained.</p> <p>The plan 1001 B shows a fence located in Council's road reserve, and not along the sites northern boundary line. This is inconsistent with the previous approved plans under N0050/09 that shows a fence along the northern boundary line, adjacent the driveway (DA26_8, DA26_9). The area of land where the fence is proposed under this DA is Council owned and within the Pittwater Spotted Gum EEC. Biodiversity does not support a fence in this location. The existing fence in this location is a temporary security fence for construction purposes and should be removed on completion of the works.</p> <p>Biodiversity recommends conditions for revised plans prior to CC to show removal of the fence in Council's road reserve and re-instatement of the boundary fence as per N0050/09, for the</p>

Internal Referral Body	Comments
	<p>recommendations of the Arborist report to be implemented prior to and during construction, and for re-vegetation of Council's road reserve with Pittwater Spotted Gum EEC understorey species prior to OC.</p> <p>Initial assessment: The site is located on the Pittwater LEP Biodiversity map, the Pittwater Spotted Gum EEC map and Flora & Fauna Category 1 map. The proposal has been assessed against the Pittwater LEP Clause 7.6 and Pittwater 21 DCP Clauses B4.1 and B4.7. The proposal includes re-grading the driveway. Whilst the SEE states <i>the proposal does not require the removal of any trees or landscaping</i>, the driveway works are located adjacent Councils road reserve which contains species within the Pittwater Spotted Gum EEC.</p> <p>Pursuant to B4.1 and B4.7, the proposal needs to be supported with:</p> <ol style="list-style-type: none"> 1. An Arboricultural Impact Statement that identifies the location, species, health and size of all trees within 5m of the proposed development and assesses the impact of the works on those trees and provides a tree protection and management plan with specific tree protection measures to enable safe retention of all trees within Councils road reserve. 2. An 'Assessment of Significance' (five-part test) for potential impacts on trees which are part of the Pittwater Spotted Gum EEC, prepared in accordance with Section 7.3 of the Biodiversity Conservation Act 2016. The assessment must include discussion of how the proposal has been designed, scaled and sited to avoid and mitigate impact to the Pittwater Spotted Gum EEC. <p>An Arborist report was provided on 4/12/18 (prepared by Tree Wise Men, dated December 2015). The application states it includes regrading the driveway. This is adjacent Councils road reserve that contains species in the Pittwater Spotted Gum EEC. The Arborist report provided is not adequate for the proposed works as it does not assess the trees adjacent the driveway. The Arborist report needs to assess the trees adjacent the driveway on Councils road reserve. If the Arborist report shows any trees cannot be retained, or there will be an impact, then an Assessment of Significance (5 part test) is required for potential impacts on the Pittwater Spotted Gum EEC.</p>
NECC (Coast and Catchments)	<p>Estuarine Risk Management</p> <p>The property at 949 Barrenjoey Road, Palm Beach has been identified as being affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. The Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.</p> <p>Based upon survey and other information provided with the DA, the foreshore edge treatment type for the subject site appears to be a</p>

Internal Referral Body	Comments
	<p>vertical seawall with a crest height of about RL 1.5m AHD. As such, in accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.59m AHD has been adopted by Council for this property.</p> <p>As new development the subject of this DA is proposed to be undertaken above a level of RL 12.63m AHD i.e. above the EPL with no works proposed at the foreshore, the development proposal is able to satisfy the requirements of the Estuarine Risk Management Policy and related B3.7 Estuarine Hazard controls without conditions.</p> <p>State Environmental Planning Policy (Coastal Management) 2018 12 Development on land within the coastal vulnerability area</p> <p><i>Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:</i></p> <ul style="list-style-type: none"> (a) <i>if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</i> (b) <i>the proposed development:</i> <ul style="list-style-type: none"> (i) <i>is not likely to alter coastal processes to the detriment of the natural environment or other land, and</i> (ii) <i>is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and</i> (iii) <i>incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</i> (c) <i>measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</i> <p><u>Comment:</u> The subject land has not been included on the Coastal Vulnerability Area Map under <i>State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP)</i> and in regard to clause 15 of the CM SEPP the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land. As such, it is considered that the application complies with the requirements of <i>State Environmental Planning Policy (Coastal Management) 2018</i> as they relate to development on land identified as a coastal vulnerability area or land that may be affected by coastal hazards.</p>
NECC (Development Engineering)	<p>Comments for Development Engineers:</p> <ol style="list-style-type: none"> 1. No flood risk. 2. The site is located within Geotechnical Hazard Area.

Internal Referral Body	Comments																																																						
	<p>3. The proposed driveway is very steep. The existing crossing seems to be satisfactory.</p> <p>4. No OSD required as the site drains to Pittwater waterway.</p> <p>No objection to approval, subject to conditions as recommended.</p>																																																						
NECC (Riparian Lands and Creeks)	The change in impervious area does not trigger water quality controls. Sediment and erosion controls must be installed prior to any work on site and maintained until work is complete.																																																						
Strategic and Place Planning (Heritage Officer)	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="background-color: #cccccc;">HERITAGE COMMENTS</th> </tr> <tr> <th colspan="3" style="background-color: #cccccc;">Discussion of reason for referral</th> </tr> </thead> <tbody> <tr> <td colspan="3">The proposal has been referred to Heritage as it an item of heritage.</td> </tr> <tr> <td colspan="3">'Kumale' (House)</td> </tr> <tr> <th colspan="3" style="background-color: #cccccc;">Details of heritage items affected</th> </tr> <tr> <td colspan="3">Details of the item as contained within the Pittwater heritage inventory is:</td> </tr> <tr> <td colspan="3"><u>Statement of Significance</u></td> </tr> <tr> <td colspan="3">Kumale, at 949 Barrenjoey Road in Palm Beach, built in 1956 to a design by well known Sydney architect Peter Muller, has historic and aesthetic significance as an excellent example of Late Twentieth-Century Organic architecture.</td> </tr> <tr> <td colspan="3"><u>Physical Description</u></td> </tr> <tr> <td colspan="3">The house is located on a long steep site and all that is visible from the street is the central dome that dominates the main structure. The house consists of a series of intersecting segmented circle wings and the main wing is located on the edge of a cliff that makes the house only visible from the water.</td> </tr> <tr> <th colspan="3" style="background-color: #cccccc;">Other relevant heritage listings</th> </tr> <tr> <td>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td> <td style="text-align: center;">No</td> <td></td> </tr> <tr> <td>Australian Heritage Register</td> <td style="text-align: center;">No</td> <td></td> </tr> <tr> <td>NSW State Heritage Register</td> <td style="text-align: center;">No</td> <td></td> </tr> <tr> <td>National Trust of Aust (NSW) Register</td> <td style="text-align: center;">No</td> <td></td> </tr> <tr> <td>RAIA Register of 20th Century Buildings of Significance</td> <td style="text-align: center;">Yes</td> <td>Kumale is on the RAIA's register.</td> </tr> <tr> <td>Other</td> <td style="text-align: center;">N/A</td> <td></td> </tr> <tr> <th colspan="3" style="background-color: #cccccc;">Consideration of Application</th> </tr> </tbody> </table>	HERITAGE COMMENTS			Discussion of reason for referral			The proposal has been referred to Heritage as it an item of heritage.			'Kumale' (House)			Details of heritage items affected			Details of the item as contained within the Pittwater heritage inventory is:			<u>Statement of Significance</u>			Kumale, at 949 Barrenjoey Road in Palm Beach, built in 1956 to a design by well known Sydney architect Peter Muller, has historic and aesthetic significance as an excellent example of Late Twentieth-Century Organic architecture.			<u>Physical Description</u>			The house is located on a long steep site and all that is visible from the street is the central dome that dominates the main structure. The house consists of a series of intersecting segmented circle wings and the main wing is located on the edge of a cliff that makes the house only visible from the water.			Other relevant heritage listings			Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No		Australian Heritage Register	No		NSW State Heritage Register	No		National Trust of Aust (NSW) Register	No		RAIA Register of 20th Century Buildings of Significance	Yes	Kumale is on the RAIA's register.	Other	N/A		Consideration of Application		
HERITAGE COMMENTS																																																							
Discussion of reason for referral																																																							
The proposal has been referred to Heritage as it an item of heritage.																																																							
'Kumale' (House)																																																							
Details of heritage items affected																																																							
Details of the item as contained within the Pittwater heritage inventory is:																																																							
<u>Statement of Significance</u>																																																							
Kumale, at 949 Barrenjoey Road in Palm Beach, built in 1956 to a design by well known Sydney architect Peter Muller, has historic and aesthetic significance as an excellent example of Late Twentieth-Century Organic architecture.																																																							
<u>Physical Description</u>																																																							
The house is located on a long steep site and all that is visible from the street is the central dome that dominates the main structure. The house consists of a series of intersecting segmented circle wings and the main wing is located on the edge of a cliff that makes the house only visible from the water.																																																							
Other relevant heritage listings																																																							
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No																																																						
Australian Heritage Register	No																																																						
NSW State Heritage Register	No																																																						
National Trust of Aust (NSW) Register	No																																																						
RAIA Register of 20th Century Buildings of Significance	Yes	Kumale is on the RAIA's register.																																																					
Other	N/A																																																						
Consideration of Application																																																							

Internal Referral Body	Comments
	<p>The proposal seeks consent for alterations and additions to the existing dwelling. In brief the proposal seeks to construct a new elevated carport structure with a turning circle and a new formal entrance to the dwelling itself. The house has been subject to a number of proposals and revisions over the years however they have not diminished the heritage significance of the property given the care afforded to it by the owners. Due to the significance of the site, this proposal was referred to Council's external heritage advisor for comment.</p> <p>The advisor noted that these works have been brought on by other changes and alterations undertaken to the dwelling and are considered acceptable in that context. In particular the current car port proposal is considered to be less invasive than previous proposals. While the proposed roof may be argued to be competing with the original dome of the dwelling, it also builds on themes already present in that roof and like the new front door, will be easily read as a later intervention. Overall the proposal is considered acceptable in terms of its impact upon the heritage item and its significance.</p> <p>However, given the number of changes that have occurred to the property through various proposals, and will occur as part of the latest, a heritage archival recording of the property should be undertaken. Even at this stage of the development of the house, where it is apparent that much change has occurred, the archival recording will be of value and form a valuable comparative tool in understanding changes made to it since its original construction.</p> <p>The photographic record will need to be completed in accordance with the NSW Office of Environment and Heritage's guidelines for photographic archival records. In conjunction with this recording, a summary description of all the works undertaken during this long-standing renovation program will need to be prepared and submitted. This summary should include documentary evidence such as successive schemes, reports and drawings and be included as part of the recording of the dwelling and its site.</p> <p>Therefore Heritage raises no objections to the proposal subject to the condition for the photographic recording of the site and provision of summary documentation of successive schemes and alterations to the property.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p>
	<p>Further Comments</p>

Internal Referral Body	Comments
	DATE: 9 January 2019

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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A329899, Dated 02/10/2018).

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

SEPP (Coastal Management) 2018

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

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed*

- development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

Comment:

The proposed works are not likely to cause an adverse impact upon the matters identified in this clause. The proposed alterations and additions do not discourage public access or amenity along the foreshore area nor impact on natural foreshore processes.

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

Comment:

Council is satisfied the proposed works are designed and can be managed to avoid adverse impacts upon the matters identified in this clause.

14 Development on land within the coastal use area

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

Comment:

The proposal does not impact upon the existing and safe access to and along the foreshore. The visual amenity from private and public space is not adversely effected and the surrounding area consists of examples of similar developments. The subject site and adjacent foreshore area is mapped as having a high likelihood of containing Aboriginal heritage sites. The foreshore area is heavily modified and no sites have been identified within the vicinity of the proposed development. The proposed works are not likely to cause an adverse impact upon the matters identified in this clause. A condition of consent has been placed to stop works if any Aboriginal Engravings or Relics are unearthed.

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

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	Complies
Height of Buildings:	8.5m	3.5m	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.7 Development below mean high water mark	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
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes
Schedule 5 Environmental heritage	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	10m	Nil	100%	No
Rear building line	N/A FBL applies	N/A	N/A	N/A
Side building line	2.5m (north-west)	9.8m	N/A	Yes

	1m (south-east)	N/A	N/A	Yes
Building envelope	3.5m	Within envelope	N/A	Yes
	3.5m	Within envelope	N/A	Yes
Landscaped area	60%	38.8%	35.3%	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
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B4.16 Seagrass Conservation	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B4.20 Protection of Estuarine Water Quality	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B5.11 Stormwater Discharge into Waterways and Coastal Areas	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.5 Access Driveways and Works on Road Reserves on or Adjacent to a Main Road	Yes	Yes
B6.7 Transport and Traffic Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D1.21 Masterplan - Careel Bay	Yes	Yes
D12.1 Character as viewed from a public place	Yes	Yes
D12.3 Building colours and materials	Yes	Yes
D12.5 Front building line	No	Yes
D12.6 Side and rear building line	Yes	Yes
D12.8 Building envelope	Yes	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	No	Yes
D12.11 Fences - General	Yes	Yes
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

D12.5 Front building line

The proposed carport is located at a nil setback which does not comply with the requirement of 10m. Clause D12.5 of P21 DCP permits carparking is to be provided on steeply sloping sites at a reduced or nil setback where it is demonstrated the outcomes of the clause area achieved. The outcomes are achieved in the following ways:

- The proposal is consistent with the desired future character of the Palm Beach Locality.
- Views to and from public place are maintained.
- A reasonable level of privacy and solar access to the adjoining properties is maintained and therefore does not adversely impact amenity currently enjoyed.
- The retention and enhancement of existing vegetation will soften any visual impact of bulk and

scale.

- The proposed vehicular turntable will allow vehicles to exit the site in a forward direction.
- The proposal will not adversely impact on the existing streetscape and will present as an attractive street frontage.
- Pedestrian amenity and safety will be maintained.

With consideration of the above the variation to the front setback requirement is considered reasonable and satisfactory in addressing this control.

D12.10 Landscaped Area - Environmentally Sensitive Land

Proposed

555.1m² or 38.8%

Requirement

858.7m² or 60%

There is a significant shortfall in landscaped area of 303.6m². The shortfall in landscaped area is considered reasonable as the proposal does not seek to increase upon the existing hardsurfaced area. In addition, the proposal is seen to achieve the outcomes of the clause in the following ways:

- The proposal is consistent with the desired future character of the Palm Beach Locality
- Bulk and scale of the built form is minimised as the parking structure can not be seen from the street
- A reasonable level of privacy, amenity and solar access is maintained by the residents of the subject site and the adjoining dwellings
- the incorporation of additional planting will reduce stormwater runoff and maximise soft surfaces

With consideration of the above the variation to the landscaped area requirement is considered reasonable and satisfactory in addressing this control.

D12.11 Fences - General

The plans provided in support of the application indicate an entry gate and front fence located within Council's road reserve. The applicant has indicated that approval is not sought for the entry gate and fence. The entry gate and fence therefore do not form part of this assessment.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

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:

- Inconsistent 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 DA2018/1655 for Alterations and additions to a dwelling house on land at Lot 6 DP 541797, 949 Barrenjoey Road, PALM BEACH, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**
The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
1001, 1002, 1301, and 1305 - All Rev. B	09/08/2018	Walter Barda Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arborist Report	05/02/2019	All Arbor Solutions
Bushfire Report	03/06/2018	Planning for Bushfire Protection
Geotechnical Report	14/01/2019	VDM Consulting Engineers Pty Ltd
Heritage Impact Statement	02/10/2018	Urbis Pty. Ltd.

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

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

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

2. **Amendments to the approved plans**

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

(a) The entry gate and front fence located within Council's road reserve does not form part of this consent and are to be deleted.

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

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

3. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the

following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative Requirement

4. **General Requirements**

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are

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

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

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

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 Risk and Geotechnical Engineering Assessment Douglas Partners (2004) & Geotech Addenda VDM (2013, 2014, 2016 and 2018) 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. **Vehicle Driveway Gradients**

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

Reason: To ensure suitable vehicular access to private property

8. **Shoring of Council land**

Should the proposal require shoring to support Council land, Council approval is required if temporary ground anchors are to be used within Council land. A Temporary Ground Anchors (Road Reserve) Application is to be submitted with Council for assessment and approval subject to Council's Fees and Charges.

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

to the issue of the Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of Council land.

9. **Vehicle Crossings Application**

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

No entry gate or front fence is permitted to be constructed in Council's Road Reserve Area.

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

Reason: To facilitate suitable vehicular access to private property.

10. **Construction Management Program**

An application for Traffic Management Plan is to be submitted to Council for approval. The Traffic Management Plan shall be prepared to RMS standard by an appropriately certified person. An approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

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 in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community

11. **Photographic Archival Recording**

A photographic archival recording of the property will need to be undertaken in accordance with the NSW Office of Environment and Heritage's *Photographic Recording of Heritage Items Using Film of Digital Capture* (2006). As part of this record a summary of the various schemes, proposals, works and reports undertaken on the property will need to be included. These documents are to be provided to Council.

Details demonstrating compliance with this condition are to be provided to the Certifying Authority prior to the issuing of the Construction Certificate.

Reason: To preserve a photographic record of the building and a summary of works undertaken

12. **Arborist Recommendations**

The recommendations of the Arborist report (prepared by All Arbor Solutions, dated 5th February 2019) are to be implemented at the appropriate stage of development. Compliance with pre-construction measures is to be certified by the project arborist prior to issue of the Construction Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

13. **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.

14. **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:

- o "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- o 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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

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

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

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

16. **Compliance with Arborist's Recommendations**

The recommendations of the Arborist report (prepared by All Arbor Solutions, dated 5th February 2019) are to be implemented at the appropriate stage of development. Compliance is to be certified by the project arborist prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

17. **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 Principal Certifying 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

18. **Vehicle Crossings**

The provision of one vehicle crossing 7 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 NL, specifications & Clause B6.1 in Pittwater 21 DCP 2014. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

19. **Maintenance of Road Reserve**

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

Reason: Public Safety.

20. **Tree and vegetation protection**

a) Existing trees and vegetation shall be retained as follows:

- i) all trees and vegetation within the site, as shown on the plans, shall be protected during all construction stages, excluding exempt trees under the relevant planning instruments or legislation,
- ii) all other trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, with particular attention to section 4,
- ii) any tree roots exposed during excavation with a diameter greater than 25mm within the TPZ must be assessed by an Arborist,
- iii) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- iv) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorized by the Project Arborist on site,
- v) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
- vi) should either or both iv) and v) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations and shall report on the tree protection action undertaken, including photographic evidence,
- vi) 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, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009.

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

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

21. **Landscape works**

Landscaping is to be implemented in accordance with the intent of the development plans shown on drawings 1001, 1002, 1301, 1305, and 1900, all issue B, prepared by Walter Barda Design.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the site plans and inclusive of any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

22. **Stormwater Disposal**

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

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

23. **Geotechnical Certification Prior to Occupation Certificate**

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

24. **Arborist Recommendations**

The recommendations of the Arborist report (prepared by All Arbor Solutions, dated 5th February 2019) are to be implemented at the appropriate stage of development. Compliance with is to be certified by the project arborist prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

25. **Rehabilitation of Disturbed Areas – Planting**

Disturbed areas, including Council's road reserve shall be rehabilitated with understorey species from the Pittwater Spotted Gum EEC and treated by approved methods of erosion mitigation such as mulching, and revegetation with native grasses or other suitable stabilising processes. The project Arborist is to certify that rehabilitation works are complete and adequate prior to the issue of any Occupation Certificate.

Reason: Environmental management

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

26. **Landscape maintenance**

All landscape components are to be maintained for the life of the development. A maintenance program is to be established. If any landscape materials/components or planting under this

consent fails, they are to be replaced with similar materials/components and species to maintain the landscape theme and be generally in accordance with the plans.

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

27. **Environmental and priority weed control**

All weeds are to be removed and controlled in accordance with the Biodiversity Conservation Act 2016.

Reason: preservation of environmental amenity.

28. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

29. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

30. **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 mitigate potential impacts to native wildlife resulting from construction activity.

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

Signed



Ashley Warnest, Planner

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



Steven Findlay, Manager Development Assessments