

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2024/1327
<b>Responsible Officer:</b>	Phil Lane
<b>Land to be developed (Address):</b>	Lot 401 DP 19651, 7 Pacific Road PALM BEACH NSW 2108
<b>Proposed Development:</b>	Alterations and additions to a dwelling house including secondary dwelling, garage and lift
<b>Zoning:</b>	C4 Environmental Living
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Applicant:</b>	Sean Clive Gartner
<b>Application Lodged:</b>	11/10/2024
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	21/10/2024 to 04/11/2024
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	3
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 517,000.00

### PROPOSED DEVELOPMENT IN DETAIL

The proposal includes a new secondary dwelling, storage room, double garage, lift, and stair access to the existing dwelling house.

The garage will be positioned at street level (Pacific Road), with the secondary dwelling and storage room located beneath it on the lower ground level. A lift and staircase will provide access from the garage (street level) to the lower ground level and further down to the main dwelling house.

### 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 - Zone C4 Environmental Living  
 Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings  
 Pittwater Local Environmental Plan 2014 - 5.4 Controls relating to miscellaneous permissible uses  
 Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils  
 Pittwater Local Environmental Plan 2014 - 7.2 Earthworks  
 Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards  
 Pittwater Local Environmental Plan 2014 - 7.10 Essential services  
 Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements  
 Pittwater 21 Development Control Plan - C1.3 View Sharing  
 Pittwater 21 Development Control Plan - C1.5 Visual Privacy  
 Pittwater 21 Development Control Plan - D12.5 Front building line  
 Pittwater 21 Development Control Plan - D12.6 Side and rear building line  
 Pittwater 21 Development Control Plan - D12.8 Building envelope  
 Pittwater 21 Development Control Plan - D12.13 Construction, Retaining walls, terracing and undercroft areas

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 401 DP 19651 , 7 Pacific Road PALM BEACH NSW 2108
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the northern side of Pacific Road.</p> <p>The site is irregular in shape with a frontage of 17.245m along Pacific Road and a depth of 58.605m along the western side boundary and 55.535m along the eastern side boundary. The site has a surveyed area of 1026m<sup>2</sup>.</p> <p>The site is located within the C4 Environmental Living zone and accommodates a two storey dwelling, swimming pool, associated outbuilding in the front yard, with a timber decked carpark, timber decking and timber steps allowing access to the dwelling house below.</p> <p>The site is very steep falling (a fall of 25m - 43% slope) from the street level down to the rear northern boundary.</p> <p>The site has a mix of native and exotic species of plants, shrubs and trees.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by single, double and triple storey dwellings with associated outbuildings/structures with landscaped gardens.</p>

Map:



## SITE HISTORY

**DA1111/95** - Erection of a new dwelling approved 24 June 1996

**DA0273/97** - Erection of additions approved 16 June 1997

**DAN0161/99** - Swimming pool approved 12 April 1999

**DAN0565/16** - Alterations and additions to dwelling refused 8 March 2017

*"The Development Application has been refused for the following reasons:*

- 1. The proposal does not comply with C1.3 View Sharing as there is an unreasonable impact on view sharing for adjoining neighbours.*
- 2. The proposal does not comply with D12.8 Building Envelope as the extension of the roof falls outside of the envelope parameters.*
- 3. The proposed roof form over the terrace extends beyond the minimum height limit of 8.5m and therefore does not comply with CI 4.3 Height of Buildings under the Pittwater Local Environmental Plan 2014.*
- 4. The slope of the site where the proposed building footprint is situated is not over 30%. The proposal has not included a Clause 4.6 Statement to justify the breach of the height limit."*

**DAN0565/16/R** - Section 82A Review of Determination of refused alterations and additions to dwelling approved 16 August 2017

**BC2021/0161** - Building Information Certificate - Stairway and car parking platform refused 12 December 2022

*"1. Pursuant to Clause 280 (1) (a) of the Environmental Planning and Assessment Regulation 2000, owner's consent has not been provided by Council for the structure which is within the road reserve of Riverview Road;*

*2. The structure is not considered exempt development as determined under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;*

*3. The encroachment of the structure over the public road is contrary to Section 138 of the Roads Act 1993 and could restrict future maintenance and development of the roadway in this location;*

4. The site is not suitable for the structure as it obstructs the public domain and privatises public land;

5. The structure is not in the public interest; and

6. Pursuant to Section 6.25 (1) of the Environmental Planning and Assessment Act 1979, there are discernible matters which would entitle Council to issue an Order under Schedule 5 of the Act and Council intends to issue such an Order."

**EPA2023/0150** Investigate Building Works Customer reports that there is concrete cutting and works being done on the road reserve outside this property to enable a platform for parking to be built.

The above matter is still on going.

## 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	There are no current draft environmental planning instruments.
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 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to Clause 4.3 Height of Buildings (PLEP 2014) and Clause D12.8 Side Building Envelope. Amended plans has now been lodged and uploaded on the Portal and is to be considered under the assessment of this application.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 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 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development,	<p>(i) <b>Environmental Impact</b></p> <p>The environmental impacts of the proposed development on the natural and built</p>

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

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 21/10/2024 to 04/11/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 3 submission/s from:

Name:	Address:
Mr Peter McCallum	65 - 69 Lorikeet Grove WARRIEWOOD NSW 2102
Anna Ortado	22 Norma Road PALM BEACH NSW 2108
Ms Camille Louise Peach	10 Pacific Road PALM BEACH NSW 2108

The following issues were raised in the submissions:

- **Stormwater management and landslip issues within the road reserve**

Comment: Concerns were raised regarding stormwater management, particularly the handling of runoff from the road reserve and potential landslip issues.

Council's Development Engineer has reviewed both the original and amended proposals and provided the following comments and conditions, as outlined in the Engineering Referral Response:

*"As the site is a low level property and the proposed increase in impervious areas is approximately 38sqm, proper stormwater design must be prepared by a suitably qualified civil/hydraulic engineer showing either the*



*existing onsite drainage system can accommodate additional flows from the new development or the existing onsite drainage system to be upgraded in accordance with Council's 'Water Management for Development Policy'. The above has been conditioned."*

**Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

*The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Crozier Geotechnical Consultants, dated 13.09.2024 are to be incorporated into the construction plans. In particular, how the landslip hazard within Council's Road Reserve can be managed during and after the construction works shall also be included in the geotechnical report.*

*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 Certifier prior to the issue of the Construction Certificate.*

*Reason: To ensure geotechnical risk is mitigated appropriately.*

**Submission Roads Act Application for Civil Works in the Public Road**

*The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.*

*The application is to include Civil Engineering plans for the design of the new vehicular crossover, the associated supporting structures and the existing vehicular crossover to be removed which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer.*

*The design must include the following information:*

- > Driveway long-sections along both sides of the new vehicular crossover.*
- > Longitudinal design is to be compliant with AS/NZS 2890.1:2004 and Council's Standard Vehicle Crossing Profile A4 3330/7 ML*
- > Details of the associated supporting structures with Structural Engineers certification.*
- > Geotechnical Engineers certification.*
- > Details of all reinstatement works within the Road Reserve.*

*The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.*

*An approval is to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.*

*Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification."*

Given these recommended conditions, the concerns raised have been appropriately addressed.

- **Height (amended plans) and building above the natural tree canopy**

Comment: The original proposal included a height of 11.04m, exceeding the height limit of the Pittwater Local Environmental Plan 2014 (PLEP 2014). Following Council's request, amended plans were submitted on 5 December 2024, reducing the height to the extent that it was consistent with the height controls of Clause 4.3 of PLEP 2014.

Additionally, the proposed structure remains below the natural tree canopy, aligning with the objectives of the C4 Environmental Living zone, Clause 4.3 (Height of Buildings), and Clause A4.12 (Palm Beach Locality) of the Pittwater 21 Development Control Plan (P21DCP).

- ***Pitched roof orientation (not the same as the dwelling house)***

Comment: A concern was raised regarding the roof orientation of the garage, lift, and stairwell, which differs from the principal dwelling's east-west orientation. However, the principal dwelling is not highly visible from Pacific Road. The proposed roof design accommodates a mezzanine storage level while providing weather protection for the lift and stairwell. Given these functional considerations and the surrounding streetscape, the roof design is deemed appropriate.

- ***Views loss from street and to neighbours***

Comment: A detailed assessment under Clause C1.3 (View Sharing) of the P21DCP concludes that the amended proposal maintains reasonable public and private view corridors. The value of views from Pacific Road is preserved, and further amendments are unwarranted..

- ***Privacy (stairwell)***

Comment: A submission raised concerns about potential privacy impacts from the stairwell. A site visit confirmed the necessity of obscured/frosted glazing on the southern stairwell elevation to mitigate overlooking issues for 5 Pacific Road. This condition will be included in the approval.

- ***Support of the proposal (parking for the owners/ storage space above the garage and secondary dwelling not creating any privacy issues)***

Comment: One submission was in support of the proposed development, highlighting that the garage would enable the owners to park their vehicles on-site rather than on Pacific Road, which is quite narrow. This would improve the current situation, where the owners of 7 Pacific Road park on the road and road reserve in front of the site, and would also facilitate easier access for residents of 10 Pacific Road. Additionally, the submission supported the mezzanine level above the garage for storage and the secondary dwelling, noting that it would allow for 'extra intergenerational living' without creating any privacy issues for surrounding properties.

- ***Overdevelopment***

Comment: One submission claimed that the proposed secondary dwelling constituted an overdevelopment of the site. However, the proposal has been assessed against the relevant controls and clauses of the PLEP 2014 and P21DCP, and it is considered that the amended proposal complies with these requirements, subject to recommended conditions.

- ***Defacing the natural cliff face***

Comment: Concerns were raised regarding potential damage to the natural cliff face. However, Council's Landscape Referral assessment found that natural rock outcrops on the lower slopes would be preserved, along with native trees in the upper slopes and road reserve. The proposal maintains existing landscape features and complies with relevant planning controls.

- ***Amendments to the plans***

Comment: The submissions necessitated amendments to the approved plans. As noted previously, on 26 November 2024, Council issued a Request for Further Information (RFI) to the applicant, seeking amendments to the original proposal. The requested amendments included a reduction in overall height to comply with Clause 4.3 – Height of Buildings under the Pittwater Local Environmental Plan 2014 (PLEP 2014) and addressing non-compliance with Clause D12.8 – Building Envelope Control under the Pittwater 21 Development Control Plan (P21DCP). In response, the applicant submitted amended plans to Council on 5 December 2024, which satisfactorily addressed these issues.

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan (LEP) clause C4 zone Environmental Living, and the following Pittwater 21 Development Control Plan (PDCP) controls (but not limited to): B4.22 Preservation of Trees and Bushland Vegetation; C1.1 Landscaping; and D12 Palm Beach Locality. The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment with ecological, scientific or aesthetic values, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.</p> <p>The proposed development is within the upper slopes of the property to provide a new Granny Flat &amp; Garage, Lift and Stair to an existing dwelling. Existing landscape features include natural rock outcrop are present at the lower slopes and these shall be preserved, and existing native trees to the upper slopes and within the road reserve verge.</p> <p>An Arboricultural Impact Assessment (AIA) is submitted with the application as proposed works are within 5 metres of existing trees. The existing Landscape setting remains unaltered at the lower slopes whilst the proposed development occupies the frontage of the property that removes existing hardstand and landscape built elements (stairs and terraced gardens), and identified trees as reported in the AIA report.</p> <p>The AIA report recommends the removal of two prescribed trees identified as tree 4 and tree 5 (Brush Cherry) as the proposed external stairs impact upon retention capability. The AIA report addresses potential impacts to trees 1 and 2 within the road reserve and tree 3 within adjoining property 9 Pacific Road, and determines the impact of proposed works is manageable by arboricultural input and conditions for a Project Arborist shall be imposed should then application be approved.</p>
NECC (Bushland and Biodiversity)	<p>Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable provisions:</p> <ul style="list-style-type: none"> <li>Pittwater 21 DCP cl. B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land</li> </ul> <p>An Arboricultural Impact Assessment (Treeism, August 2024) was submitted with the application. The Arborist assessed seven trees located within the boundaries of the subject lot. Two trees are proposed for removal including Tree 4 and Tree 5, both of which are locally native <i>Syzygium australe</i>. No objections to the removal of these trees, subject to their replacement at a 2:1 ratio. Replacement species are to be selected from Councils Native Planting Guide.</p>
NECC (Coast and Catchments)	<p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>Supplied plans and reports;</li> <li>Coastal Management Act 2016;</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021 (section 2.11 &amp; 2.12);</li> <li>Relevant LEP and DCP clauses.</li> </ul> <p><b>State Environmental Planning Policy (Resilience &amp; Hazards) 2021</b></p> <p>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience &amp; Hazards) 2021 (SEPP R &amp; H). Hence, Clauses 2.11 and 2.12 of the CM (R &amp; H) apply for this DA.</p> <p>Comment: On internal assessment and as assessed in the submitted Statement of</p>



Internal Referral Body	Comments
	<p>Environmental Effects (SEE) report prepared by Gartner Trovato Architects dated September 2024, the DA satisfies requirements under clauses 2.11 and 2.12 of the SEPP R&amp;H.</p> <p>As such, it is considered that the application is consistent with the requirements of the State Environmental Planning Policy (Resilience &amp; Hazards) 2021</p> <p><b>Pittwater LEP 2014 and Pittwater 21 DCP</b></p> <p>No other coastal related issues identified.</p> <p>As such, it is considered that the application is consistent with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>
NECC (Development Engineering)	<p><b>22/11/2024</b></p> <p><b><u>Council's Development Engineer raises no objection to this proposal subject to conditions.</u></b></p> <p><b>Stormwater</b></p> <p>As the site is a low level property and the proposed increase in impervious areas is approximately 38sqm, proper stormwater design must be prepared by a suitably qualified civil/hydraulic engineer showing either the existing onsite drainage system can accommodate additional flows from the new development or the existing onsite drainage system to be upgraded in accordance with Council's 'Water Management for Development Policy'. The above has been conditioned.</p> <p><b>Site Access and Parking</b></p> <p>The driveway long-sections shown on the plans are generally satisfactory subject to conditions. A new vehicular crossover with 'Extra Low' Profile is proposed while the existing vehicular crossover is to be removed.</p> <p><b>Geotechnical Investigation</b></p> <p>The site is located within Geotechnical Hazard Zones. A geotechnical report has been provided with completed forms 1 and 1(a) by Crozier Geotechnical Consultants, dated September 2024.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

#### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs 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 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 (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. 1766539S dated 27 September 2024).

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

### SEPP (Housing) 2021

#### Part 1 – Secondary Dwellings

Clause 52 – Development may be carried out with consent	
Standard	Compliance/Comment
(2) Development consent must not be granted for development to which this Part applies unless— (a) No dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and (b) The total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and (c) The total floor area of the secondary dwelling is: (i) no more than 60m <sup>2</sup> , or (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument - the greater floor area.	<b>Yes.</b> No dwellings other than the principal dwelling and secondary dwelling will be located on the land.  <b>N/A.</b> No floor space ratio control applies to the site.  <b>Yes.</b> The total floor area of the secondary dwelling is 59.6m <sup>2</sup> .

Clause 53 – Non-discretionary development standards—the Act, s 4.15	
Standard	Compliance/Comment
(a) For a detached secondary dwelling - a minimum site area of 450m <sup>2</sup> .	<b>Yes.</b> The site has an area of 1026m <sup>2</sup> .
(b) The number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.	<b>No.</b> Currently, only one (1) parking space is provided on-site. The proposed double garage will accommodate two (2) parking spaces, representing an improvement to the existing situation. However, a variation to Clause B6.3 Off-Street Vehicle Parking Requirements of the Pittwater 21 Development Control Plan (P21DCP) is considered acceptable in this instance and will improve vehicular movements within this section of Pacific Road.

### SEPP (Transport and Infrastructure) 2021

#### Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

## **SEPP (Resilience and Hazards) 2021**

### **Chapter 2 – Coastal Management**

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

#### **Division 3 Coastal environment area**

##### **2.10 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 eastern half (rear portion) of the site is classified as coastal environment area. The proposed development is supported by a geotechnical risk assessment report. The proposed development has been reviewed by Council's Landscaping, Development Engineering, Bushland & Biodiversity, and Coast & Catchments teams, who are each supportive of the application, subject to conditions of consent. As such, the proposed development is not anticipated to result in adverse impact to the above matters.

- 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 subsection (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: Given the above, the consent authority can be satisfied that the development is designed, sited and will be managed to avoid an adverse impact referred to above at (1).

## Division 4 Coastal use area

### 2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
  - 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
    - ii) members of the public, including persons with a disability,
    - iii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
    - iv) the visual amenity and scenic qualities of the coast, including coastal headlands,
    - v) Aboriginal cultural heritage, practices and places, 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
    - ii) referred to in paragraph (a), or
    - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or 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 eastern half (rear portion) site is classified as coastal use area. The proposed development is supported by geotechnical risk assessment report and plans that demonstrate the proposed development is of acceptably low risk in relation to the matters above at (a). As such, the proposed development is designed, sited and will be managed so as not to result in adverse impact to those matters. The proposed development has been reviewed by Council's Landscaping, Development Engineering, Bushland & Biodiversity, and Coast & Catchments teams, who are each supportive of the application, subject to conditions of consent. The proposal has been considered in relation to the coastal and built environment, bulk and scale throughout the assessment, as demonstrated within this report.

## Division 5 General

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

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

Comment: Given the above, the consent authority can be satisfied that the proposed development is designed such that it will not result in increased risk of coastal hazards on the subject site or surrounding land.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

## Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

## Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
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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 - 10m*	6.6m - 9.86m*	-	Yes

Note: Refer Part 4.3 Height of buildings

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
5.10 Heritage conservation	Yes
Part 7 Additional local provisions	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

#### Detailed Assessment

##### Zone C4 Environmental Living

The subject site is located in Zone C4 Environmental Living of Pittwater Local Environmental Plan 2014.

The proposal has been assessed against the objectives of zone as detailed below:

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

Comment:

The proposal will provide for low-impact residential development in areas with special ecological, scientific, or aesthetic values.

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

Comment:

The residential development will not have any adverse effects on the special ecological, scientific or aesthetic values.

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

Comment:

The proposal will provide a development of a low density and scale that will integrate with the landform, and landscape.



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

Comment:

The development will not impact upon any riparian, foreshore vegetation, or wildlife corridors.

#### **4.3 Height of buildings**

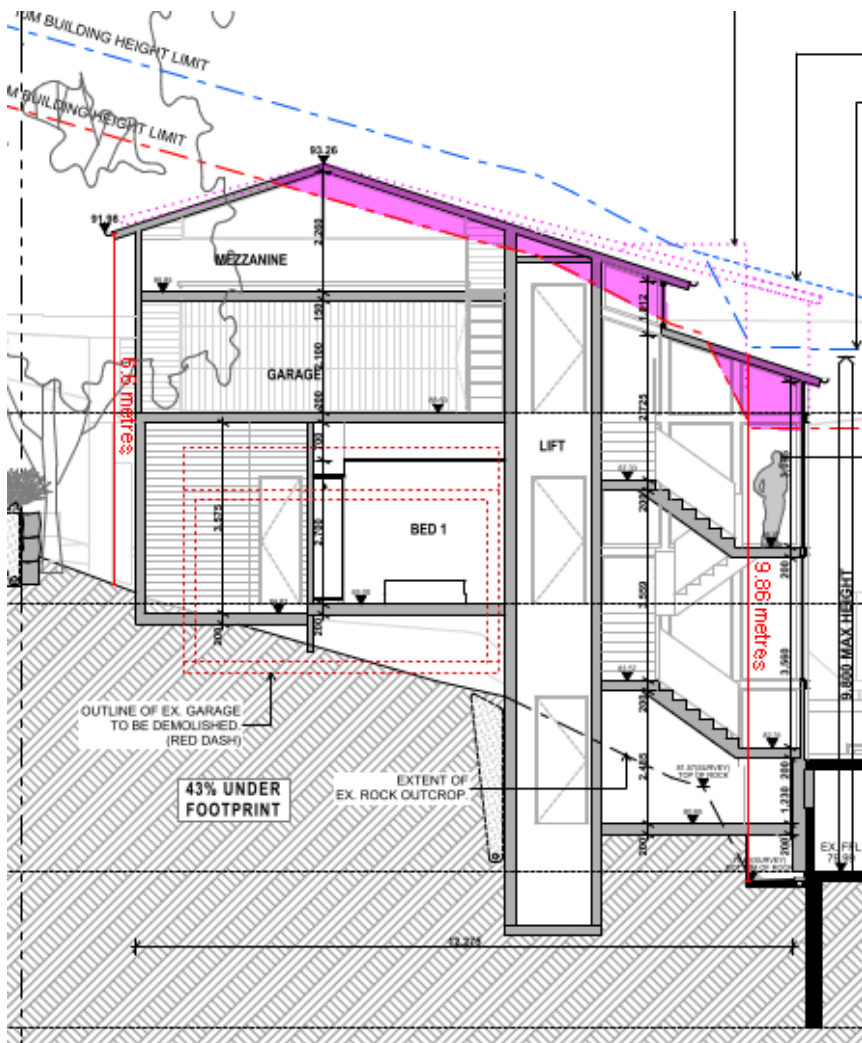
The site is located within Area I on the Pittwater LEP 2014 Height of Buildings Map. Within this area, the maximum building height permitted is 8.5m above the existing ground level. The maximum height of the proposed development is 10m above the existing ground level, which exceeds the 8.5m prescribed requirement.

Notwithstanding, Clause 4.3(2D) of the Pittwater LEP 2014 contains a dispensation provision that stipulates that the maximum building height within Area I can be increased to 10m, providing the following is demonstrated:

*(a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*

Comment:

The areas of the stairwell and lift that protrude above the 8.5m height plane are confined to minor portions of the mezzanine of the garage, lift well for the lift and roof section of the stairwell. The breaches occur for a horizontal length of 7.7m and 2.1m (both on Section A). Figure 1 (Section A) below depicts the areas that protrude above the 8.5m height plane. These areas above the 8.5m height limit are considered minor given the low percentage (4.7%) these areas demonstrate overall versus the high percentage (95.3%) of the building demonstrates compliance with the 8.5m height control. The sections of roof which breaches the height limit is attributed to a section of roof associated with the mezzanine above the garage, the lift well and the roof within the stairwell as it extends down the site, where there is an abrupt change topography.



**Figure 1: Area above 8.5m height plane highlighted in purple and calculation of slope under the building footprint**

*(b) the objectives of this clause are achieved, and*

Comment:

A detailed assessment against the objectives of Clause 4.3 of Pittwater LEP 2014 is provided below. In summary, the proposal is found to be consistent with the objectives of this clause.

*(c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*

Comment:

The slope of the land under the building footprint is 23.8 degrees (44.1%).

*(d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

Comment:

The building provides a terraced and sloped roof design that steps down in height with the slope of the land to integrate with the landform and landscape.

When considered against the objectives of Clause 4.3 of Pittwater LEP 2014, it is noted 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 built form is considered consistent with the desired scale of development within low density residential areas. Sufficient landscaping has been maintained and has also been incorporated into the proposal to ensure the development is a secondary component to the landscape setting.

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

Comment:

The height, bulk and scale of the proposed development is commensurate with established low density residential development within the Palm Beach locality.

*(c) to minimise any overshadowing of neighbouring properties,*

Comment:

Given the building's position closer to the front southern boundary, the location of adjoining dwellings, and the site's and neighbouring properties orientation to the northeast, the overshadowing impact is considered acceptable. The proposal demonstrates compliance with Clause C1.4 – Solar Access of the Pittwater 21 Development Control Plan (P21DCP) and is therefore deemed acceptable in this regard.

*(d) to allow for the reasonable sharing of views,*

Comment:

A detailed assessment under Clause C1.3 – View Sharing (P21DCP) confirms that reasonable view sharing is achieved.

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

Comment:

The proposal steps down in height with the slope of the land to integrate with the landform and landscape. Thus, it is considered that the proposal responds 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 site is not within a heritage conservation area, contains no heritage items, and is not near any heritage-listed structures. The chosen materials and colours complement the coastal setting.

Conclusion

The proposal satisfies Clause 4.3(2D) of Pittwater LEP 2014. The maximum height of the proposed development is 9.86m which is below the requirement of 10m, with the elements of the roof which breaches the height limit minor.

#### **5.4 Controls relating to miscellaneous permissible uses**

In accordance with Clause 5.4(9), the proposed secondary dwelling has a internal floor space of 59.6m<sup>2</sup> and is compliant with Part (9) Secondary dwellings (a) total floor area of the secondary dwelling must not exceed 60m<sup>2</sup>.

#### **7.1 Acid sulfate soils**

Clause 7.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid

sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

The site is located in an area identified as Acid Sulfate Soil Class 5, as indicated on Council's Acid Sulfate Soils Planning Map.

Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land is required to be assessed to determine if any impact will occur.

Comment:

It is assessed that the watertable is unlikely to be lowered below 1 metre Australian Height Datum (AHD) given the works been undertaken.

Having regard to the above assessment, it is concluded that the proposed development is consistent with Clause 7.1 of Pittwater LEP 2014, subject to conditions.

## 7.2 Earthworks

The objective of Clause 7.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

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

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

Comment:

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

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

Comment:

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

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

Comment:

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

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

Comment:

The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction including a request for a dilapidation reports for adjoining properties (Nos. 5 & 9 Pacific Road).

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

Comment:

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

*(f) the likelihood of disturbing relics*

Comment:

The excavation works are generally limited to previously disturbed areas of the site and thus, the earthworks are not likely to disturb relics.

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

Comment:

Council's Biodiversity and Landscape Officers have reviewed the application and are satisfied that the proposal is not likely to have an adverse impact upon the foreshore vegetation, subject to adherence to the conditions of consent.

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

Comment:

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

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

Comment:

The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Conclusion

Having regard to the above assessment, it is concluded that the proposed development is consistent with Clause 7.2 of Pittwater LEP 2014, subject to conditions.

## **7.7 Geotechnical hazards**

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

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment

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

Development consent must not be granted to development on land to which this clause applies unless:

- (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*

Comment

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



(b) the consent authority is satisfied that:

- (i) the development is designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development, or
- (ii) if that risk or impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that risk or impact, or
- (iii) if that risk or impact cannot be minimised - the development will be managed to mitigate that risk or impact.

#### Comment

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

#### Conclusion

Based on the above assessment, it is concluded that the proposal satisfies the requirements of Clause 7.7 of the Pittwater LEP 2014, subject to compliance with specified conditions.

#### **7.10 Essential services**

Under this clause, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

#### Comment:

The proposal is supported by the aforementioned essential services, thereby satisfying the requirements of Clause 7.10 of the Pittwater LEP 2014.

#### **Pittwater 21 Development Control Plan**

##### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	1.5m - 2.5m (garage - first level) 2.5m (secondary dwelling - ground level) 0.9m (storage room - ground level)	61.5% -76.9% 61.5% 86.1%	<b>No</b> <b>No</b> <b>No</b>
Rear building line	6.5m	42m (stairwell)	-	Yes
Side building line	2.5m (north)	3.3m (secondary dwelling)	-	Yes
		8.9m (garage)	-	Yes
		1.6m (storage room)	36%	<b>No</b>
		0.6m (stairs)	76%	<b>No</b>
	1m (south)	1.2m (secondary dwelling) 1.05m (garage) 2.5m (lift) 2.1m (stairwell)	- - - -	Yes Yes Yes Yes
Building envelope	3.5m (south)	Outside envelope	48.6% - 109%	<b>No</b>
	3.5m (north)	Within envelope	-	Yes
Landscaped area	60% (615.7m <sup>2</sup> )	62.4% (640.2m <sup>2</sup> )	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1 Introduction	Yes	Yes
A1.7 Considerations before consent is granted	Yes	Yes
A4 Localities	Yes	Yes
A4.12 Palm Beach Locality	Yes	Yes
B1 Heritage Controls	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3 Hazard Controls	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4 Controls Relating to the Natural Environment	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5 Water Management	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6 Access and Parking	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	No	Yes
B6.7 Transport and Traffic Management	Yes	Yes
B8 Site Works Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1 Design Criteria for Residential Development	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	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.11 Secondary Dwellings and Rural Worker's Dwellings	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.19 Incline Passenger Lifts and Stairways	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D12 Palm Beach Locality	Yes	Yes
D12.1 Character as viewed from a public place	Yes	Yes
D12.3 Building colours and materials	Yes	Yes

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

#### Detailed Assessment

### **B6.3 Off-Street Vehicle Parking Requirements**

#### Description of non-compliance:

Clause B6.3 *Off-Street Vehicle Parking Requirements* states:

*"For a Secondary Dwelling a minimum of 1 space is required in addition to existing requirement for the principal dwelling (based on number of bedrooms in principal dwelling)."*

The existing dwelling has one (1) parking space at the front of the subject site and two (2) parking spaces are proposed within the double garage. With the addition of a secondary dwelling, a third space is required to comply with Clause B6.3.

Clause B6.3 also states:

*"A reduction in the car parking requirements for a secondary dwelling or dual occupancy to a minimum of 2 spaces per allotment may be considered on merit."*

Given that the proposal is deficient by one (1) space due to the secondary dwelling, a merit-based assessment is provided below.

#### Merit consideration:

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

- *An adequate number of parking and service spaces that meets the demands generated by the development.*

#### Comment:

The development provides two (2) off-street parking spaces within the double garage. The section of Pacific Road near the site lacks a formal kerb, with the road directly adjoining landscaped areas. Street parking is available, and the demand generated by the development will not unreasonably impact existing street parking conditions.

- *Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*

#### Comment:

Providing an additional parking space would increase impervious surfaces, reducing deep soil landscaping and increasing environmental impacts, which is particularly significant given the C4 Environmental Living zoning of the site. The site's steep topography further constrains the feasibility of an additional space. Given the

availability of street parking, the proposed arrangement two (2) spaces within the garage is considered functional and environmentally appropriate.

- *Safe and convenient parking.*

Comment:

Street parking near the site is adequately separated from the road and is within close proximity to the dwelling, ensuring safe and convenient access for residents and visitors.

The proposal satisfies the intent and outcomes of Clause B6.3 and is considered acceptable on merit. The variation is supported in this instance.

### **C1.3 View Sharing**

The proposed development has been assessed in relation to view sharing outcomes as follows:

*Canopy trees take priority over views. (En, S)*

The proposed development does not unreasonably impact existing trees, in accordance with the principle that canopy trees take priority over views.

*A reasonable sharing of views amongst dwellings. (S)*

Comment: The proposed development maintains a reasonable sharing of views among adjoining and surrounding dwellings. Notably, no submissions were received from adjoining property owners objecting to view loss from their respective dwellings.

*Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)*

In determining the extent of potential view loss from the public domain, the planning principles outlined within the Land and Environment Court Case of Rose Bay Marina Pty Limited Vs Woollahra Municipal Council and anor (213) NSWLEC 1046 are applied to the proposal.

#### **Nature and Scope of Views**

*The first step is to identify the nature and scope of the existing views from the public domain, including, but not limited to:*

- *Any existing obstructions of the view;*
- *Composition of the view (e.g. is it static or dynamic and, if dynamic, the nature and frequency of changes to the view);*
- *Are existing obstructions permanent or temporary;*
- *The curtilages of important elements within the view.*

Comment to Principle 1:

The affected view contains the ocean, and its horizon and distant views of headlands over the subject property. Existing obstructions to the view include a Council sign, vegetation on private property and the road reserve. The vegetation obstructions are subject to change and is proposed to be altered as a result of the development application. This is anticipated to open up the currently obscured angles somewhat. The view is somewhat static in that the horizon does not change. See photograph below:



**Above: View from the western edge of Pacific Road.**



**Above: Submitted perspectives from demonstrating eastern view from Pacific Road.**

### **Locations of View Interruptions**

*The second step is to identify the locations in the public domain from which the potentially interrupted view is enjoyed.*

#### Comment to Principle 2:

The affected view is accessible from Pacific Road, where pedestrian movement occurs despite the absence of formal footpaths or pathways.

### **Extent of Obstructions**

*The third step is to identify the extent of the obstruction at each relevant location. The impact on appreciation of a public domain view should not be subject to any eye height constraint. A public domain view is one that is for the enjoyment from many positions by all people.*

#### Comment to Principle 3:

The proposed development will introduce some obstruction to ocean views; however, the ocean, horizon, and



headland views are to be retained.

#### **Intensity of the use of the Relevant Public Spaces**

*The fourth step is to identify the intensity of public use of those locations where enjoyment of the view will be obscured, in whole or in part, by the proposed development.*

##### Comment to Principle 4:

Pacific Road is a secondary road providing access to residential properties. Given the absence of formal pedestrian pathways, public use intensity is considered low.

#### **Documentation of the View**

*The final step to be identified is whether there is any document that identifies the importance of the view to be assessed, such as international, national, state or local heritage recognition, or where the relevant planning controls promote or specifically requires the retention or protection of public domain views.*

##### Comment to Principle 5:

No documentation, relevant planning controls or submissions have been submitted that identifies the importance of this view been assessed from the public domain (Pacific Road).

#### **Overall Comment:**

Views from both sides of Pacific Road are currently intermittent due to existing vegetation and a Council sign. The proposal includes vegetation alterations that may improve currently obscured view angles.

The proposed garage structure contributes to the identified view loss from the public domain. However, the height and bulk of the structure have been reduced from the original plans submitted to Council. While the garage does not comply with the front building line, it adheres to side and rear setback requirements and aligns with height of buildings built form controls under the Pittwater DCP 21 and Pittwater LEP 2014.

The front setback is considered acceptable based on merit, given the site's topography and constraints. The inclusion of a garage is reasonable, and the proposed location is the most practical. The overall value of the public domain view is retained, as ocean, headland, and horizon views remain available over the site.

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

#### Description of non-compliance

Section C1.5 of the P21DCP requires that development be designed to prevent direct overlooking into private open space on adjoining properties that are within 9m of the development.

The proposed stairwell is located 2.1m – 2.3m from the southern side boundary, shared with 5 Pacific Road. The stairwell serves as a transition zone, providing access between different levels of the proposal, including the garage, secondary dwelling, and principal dwelling. However, given its location and height in relation to 5 Pacific Road, the stairwell would enable direct overlooking into the southern adjoining property within a 9m distance, which does not comply with the P21DCP.

#### Merit Assessment

Having regard to the above technical non-compliance, a merit assessment has been undertaken against the outcomes of the control as follows:

#### ***Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.***

Comment: The principal dwelling at 5 Pacific Road will not retain appropriate visual privacy due to the stairwell's placement. The design would allow occupants and visitors of the proposed development to obtain direct standing views towards the dwelling at 5 Pacific Road, resulting in an inequitable impact on the amenity of the adjoining property.

To address this, a condition has been imposed requiring privacy attenuation measures to the southern elevation of the stairwell. Specifically, frosted or obscure glazing must be fitted to prevent overlooking while still allowing light

penetration. This measure will mitigate privacy concerns and ensure compliance with the intent of the control.

***A sense of territory and safety is provided for residents.***

Comment:

Subject to the recommended privacy conditions, the development will provide a suitable sense of safety and territorial definition for residents.

Considering the above assessment, the development is deemed to meet the objectives of Section C1.5 of the P21DCP, provided the recommended privacy measures are implemented.

**D12.5 Front building line**

(Description of non-compliance)

The proposed garage (located on the first floor) is located 1.5m - 2.5m setback from the front boundary, presenting variations of 61.5% and 76.9% (4m - 5m) and the proposed storage and the secondary dwelling on the ground floor is located 0.9m and 2.5m from the front boundary, presenting a variations of 61.5% - 86.2% (4m - 5.6m).

Under Clause D12.5 Front building line of Pittwater 21 Development Control Plan the following variation applies:

*"Where carparking is to be provided on steeply sloping sites, reduced or nil setbacks for carparking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable."*

It is considered the subject site, is a steeply sloping site, and as such the reduced setback for carparking structures is acceptable and the storage area and secondary dwelling is not readily visible as located underneath the garage and below street level.

An assessment against the outcomes of the control has been undertaken, and it is considered the variation meets the outcomes of the control as detailed below.

Merit consideration

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

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

Comment:

The proposed development is consistent with the desired future character of the Palm Beach Locality.

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

Comment:

The proposal demonstrates compliance with the height of buildings development standard, and as such continues to preserve views and vistas to and from public and private places.

- ***The amenity of residential development adjoining a main road is maintained.***

Comment:

The proposal does not adjoin a main road, therefore this outcome is not relevant.

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

Comment:

The proposal maintains enhanced plantings and trees that will assist to visually reduce the built form.

- ***Vehicle manoeuvring in a forward direction is facilitated.***

Comment:

The proposal includes a new garage and driveway and as such vehicular manoeuvring in a forward direction is not possible given the existing site constraints, as well as the constraints of Pacific Road. Notwithstanding, Council's Development Engineer has reviewed the proposal and has not raised concerns surrounding the limitation to enter and exit in a forward direction.

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

Comment:

The proposal retains the rural and bushland character of the Palm Beach locality, particularly with the retention of the rock outcrop located at the rear of the site.

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

Comment:

The proposal will enhance the existing streetscape through the existing plantings proposed, as well as the materials and finishes selected. It is considered that the scale and density is in keeping with the height of the natural environment.

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

Comment:

The proposal encourages an attractive street frontage that will improve pedestrian amenity to access the frontage of the site.

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

Comment:

The proposal responds to and sensitively reinforces consistency with the spatial characteristics of the existing urban environment. The proposed garage location is generally consistent with existing parking facilities along Pacific Road that are located within the front setback area. Therefore, the proposal is supportable in this instance as the proposal is compatible with the streetscape.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## D12.6 Side and rear building line

### Description of Non-Compliance

Clause D12.6 Side and Rear Building Line prescribes a side setback of 2.5m to one side and 1.0m to the other. For this assessment, the 2.5m side building line is applied to the north and 1.0m side building line applied to the south. The rear setback of 6.5m is applied to the east.

The proposed development exhibits the following side setbacks:

Requirement	Proposed	Variation	Complies

2.5m (north)	3.3m (secondary dwelling) 8.9m (garage) 1.6m (storage room) 0.6m (stairs)	- - 36% 76%	Yes Yes <b>No</b> <b>No</b>
1m (south)	1.2m(secondary dwelling) 1.05m (garage) 2.5m (lift) 2.1m (stairwell)	- - - -	Yes Yes Yes Yes

The proposed development complies with the rear setback requirement.

#### Merit Consideration

With regard to the consideration of a variation, the proposed development is considered against the underlying outcomes of the control as follows

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

#### Comment

The extent of variation proposed is not incongruent with other side setbacks in the area. The development as a whole achieves the desired future character of the Palm Beach locality.

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

#### Comment

The proposed development is considered to be well articulated and provides visual interest through a variation of building materials and roof design. Majority of the non-conforming elements are ancillary structures (stairs and storage room).

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

#### Comment

The side setback encroachment is not considered to impact on the surrounding views to the private properties and public domain.

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

#### Comment

Due to the site topography and the considered placement of the works, it is considered that acceptable view sharing will be maintained. It is also noted that no submissions have been received that concern loss of views from adjoining residential properties.

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

#### Comment

Acceptable amenity will be achieved in terms of privacy (subject to conditions) and solar access, which demonstrate compliance with the relevant clause requirements. Refer to 'Clause C1.5 Visual Privacy' for further detail.

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

#### Comment

The proposal is sited both lower than the street and at street level with the works incorporating a variety of materials to enhance the streetscape. Council's Landscape Officer has provided conditions to address tree plantings.

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

Comment

The site is considered to provide acceptable access and flexibility.

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

Comment

The some vegetation between Pacific Road and the proposal will be retained and considerably dense, providing a vegetative buffer to soften the built form. Additional vegetation will be planted on site, and upon maturity, will visually reduce the presence of built form.

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

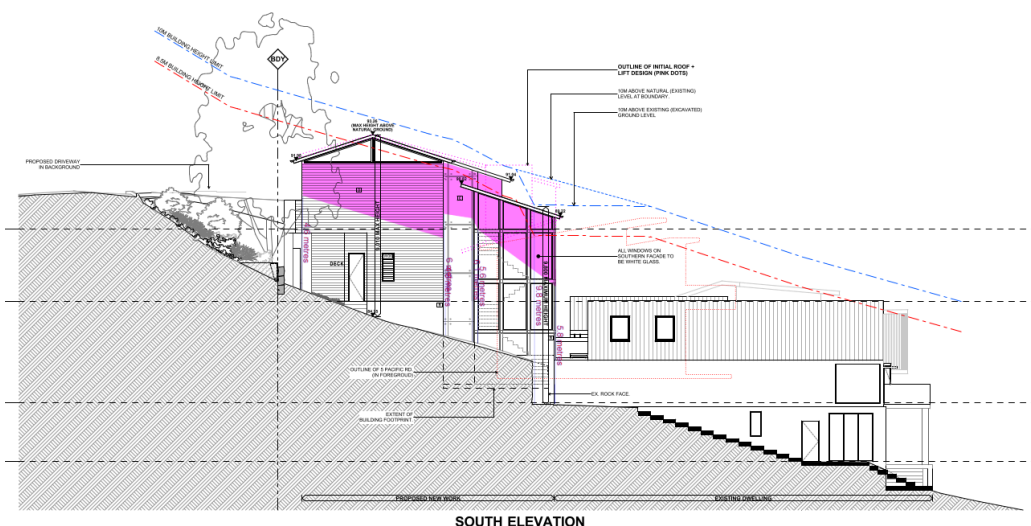
Comment

The subject site is located in and is surrounded immediately by either environmental protection or residential zones, this outcome does not apply.

Having regard to the above assessment, it is concluded that the outcomes of the clause have been achieved. Therefore, the application is supported on merit in this particular circumstance

## D12.8 Building envelope

The proposed development is non-compliant with the building envelope control on both the northern and southern elevations. Where the building footprint is situated on a slope over 23.8 degrees (44.1%), variation to this control will be considered on a merits basis. The proposed development is situated on land with a slope of approximately 19.3 degrees (35%). As such, the non-compliance arises due to the steep topography of the land. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:



### Southern elevation (purple indicates side boundary breaches)

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

Comment: The proposed development is consistent with the desired future character of the locality for the reasons detailed in the section of this report relating to Clause A4.12 Palm Beach Locality of the P21 DCP.

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

Comment: The proposed development steps down the slope of the land, away from the street level. Existing native trees to the upper slopes and within the road reserve verge will be maintained in order to screen the built form of the



proposed development. The proposed development is generally set below the height of the trees in the locality.

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

Comment: The proposed development requires significant earthworks due to the steep topography of the land. The proposal is acceptable in relation to Clause 4.3 Height of Buildings of the Pittwater LEP 2014. Finally, the proposal includes comparable setbacks, and bulk and scale to existing developments in the locality. As such, the proposal provides an adequate response and relationship to the spatial characteristics of the existing natural environment.

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

Comment: The proposed resultant building is of comparable building bulk and scale to existing developments in the locality. The proposed development provides generally compliant side setbacks to the secondary dwelling and garage. The proposal is compliant with the required landscaped area, indicating that the proposed building does not include too large footprint for the site. The proposed development steps with the topography of the land, and the proposed height is acceptable for the reasons detailed throughout this report. The proposal includes generous modulation and articulation to reduce the visual impact of the built form. Additionally, the bulk of the development steps away from the street, with the garage generally being the only visible structure from street level. Finally, the proposal includes adequate vegetation in order to screen the built form of the proposed development. As such, the proposal demonstrates acceptable bulk and scale.

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

Comment: The proposed development adequately preserves views and vistas to and from public and private places for the reasons detailed in the section of this report relating to Clause C1.3 View Sharing of the P21 DCP.

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

Comment: The proposed development is appropriately designed so as to provide a reasonable level of privacy, amenity and solar access for the subject site and adjacent sites.

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

Comment: The amended plans demonstrate adequate retention and provision of vegetation in order to visually reduce the built form.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

### **D12.13 Construction, Retaining walls, terracing and undercroft areas**

As discussed earlier in this report, the level of excavation is considered acceptable, subject to the recommended conditions by Council's Development Engineer with the addition of supporting documentation has been provided by the applicant's geotechnical engineer. Additionally, the proposal has been assessed by Council's Bushland and Biodiversity, Coast and Catchments and Landscape Officers, who have raised no objections in relation to the natural environment, subject to the recommended conditions.

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

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

## Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$5,170 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$517,000.

### CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

### RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2024/1327 for Alterations and additions to a dwelling house including secondary dwelling, garage and lift on land at Lot 401 DP 19651, 7 Pacific Road, PALM BEACH, subject to the conditions printed below:

### Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

### GENERAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan

DA-01	B	SITE PLAN	Gartner Trovato Architects	2 December 2024
DA-02	B	GARAGE PLAN	Gartner Trovato Architects	2 December 2024
DA-03	B	GRANNY FLAT PLAN	Gartner Trovato Architects	2 December 2024
DA-04	B	GROUND FLOOR PLAN	Gartner Trovato Architects	2 December 2024
DA-05	B	NORTH & WEST ELEVATIONS	Gartner Trovato Architects	2 December 2024
DA-06	B	SOUTH ELEVATIONS	Gartner Trovato Architects	2 December 2024
DA-07	B	EAST ELEVATIONS	Gartner Trovato Architects	2 December 2024
DA-08	B	SECTIONS	Gartner Trovato Architects	2 December 2024
DA-09	B	LANDSCAPE CALCULATIONS	Gartner Trovato Architects	2 December 2024
DA-12	B	STORMWATER MANAGEMENT PLAN	Gartner Trovato Architects	2 December 2024

Document Title	Version Number	Prepared By	Date/Submission of Document
Report on Geotechnical Investigation	0	Crozier Geotechnical Consultants	13 September 2024
Arboricultural Impact Assessment	-	Treeism Arboricultural Services	August 2024
Waste Management Plan	-	-	27 September 2024
BASIX Certificate (1766539S)	-	The Trustee for the GTA Trust	27 September 2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

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

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

Other Department, Authority or Service	EDMS Reference	Received
Ausgrid	Ausgrid Referral Response	30 October 2024

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

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

### 3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifier 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 Certifier 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 Certifier 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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) 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.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.
- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
  - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
  - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
  - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) 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.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) 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.

- (m) 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.

- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## FEES / CHARGES / CONTRIBUTIONS

### 5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$5,170.00 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 (as amended).

The monetary contribution is based on a development cost of \$517,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

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

### 6. Security Bond



A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

**7. Construction, Excavation and Associated Works Security Bond(s)**

The applicant is to lodge a bond with Council for the following:

**Crossing / Kerb & Gutter / Footpath Works**

As security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent a bond of \$10,000.00.

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

## **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

**8. No Clearing of Vegetation**

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

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

Reason: To protect native vegetation.

**9. Stormwater Disposal from Low Level Property**

The applicant is to demonstrate how stormwater from the new development within this consent shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy in particular Section 5.5 Stormwater Drainage from Low Level Properties. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with Northern Beaches Council's policy by an appropriately qualified Civil Engineer are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

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

**10. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Crozier Geotechnical Consultants, dated 13.09.2024 are to be incorporated into the construction plans. In particular, how the landslip hazard within Council's Road Reserve can be managed during and after the construction works shall also be included in the geotechnical report.

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 Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

#### **11. Off Street Parking Design**

The Applicant shall submit a design for the parking facility and the associated driveway in accordance with the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Compliance with this consent.

#### **12. Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

#### **13. Submission Roads Act Application for Civil Works in the Public Road**

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of the new vehicular crossover, the associated supporting structures and the existing vehicular crossover to be removed which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer.

The design must include the following information:

- Driveway long-sections along both sides of the new vehicular crossover.
- Longitudinal design is to be compliant with AS/NZS 2890.1:2004 and Council's Standard Vehicle Crossing Profile A4 3330/7 ML
- Details of the associated supporting structures with Structural Engineers certification.
- Geotechnical Engineers certification.
- Details of all reinstatement works within the Road Reserve.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

**14. Pre-Commencement Dilapidation Report**

The applicant must prepare and submit a dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifier prior to the issue of the any Construction Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

**15. 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 Certifier prior to the issue of the Construction Certificate.

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

**16. External Finishes to Roof**

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

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

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

**17. 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 Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

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

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

**18. Window Treatment - Stairwell**

The glazing to the southern elevation of the stairwell is to be treated/fitted with frosted/obscured glazing, in materials that complement the design of the approved development.

Reason: In order to maintain privacy to the adjoining / nearby property.

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

**19. Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all excavation works in proximity to existing trees T1, T2 and T3 including during pier footing excavation within the tree protection zone of tree 3, and other other

excavation activity as advised by the Project Arborist.

All tree protection measures specified must: be in place before work commences on the site; be maintained in good condition during the construction period; and remain in place for the duration of the construction works. The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

**20. Tree Removal Within the Property**

This consent approves the removal of existing trees on the subject site as identified in the Arboricultural Impact Assessment. A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised building works.

**21. Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property / Properties: 5 & 9 Pacific Road, Palm Beach

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

**22. Sediment and Erosion Controls**

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,

- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),
- Existing and proposed drainage patterns with stormwater discharge points,
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,
- Type of erosion control measures to divert and slow run-off around and within the site.

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),
- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,
- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

## 23. **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

## DURING BUILDING WORK

**24. Protection of Rock and Sites of Significance**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works. Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council (MLALC) are to be contacted.

Reason: Preservation of significant environmental features.

**25. Tree and Vegetation Protection**

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

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken as complaint to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment and/or Project Arborist as applicable.

Reason: Tree and vegetation protection.

**26. Wildlife Protection**

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

Reason: To protect native wildlife.

**27. Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on



approved plans.

Reason: To protect wildlife habitat.

**28. 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.

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

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

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

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

**30. Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

**31. Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

**32. Maintenance of Sediment and Erosion Controls**

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

### 33. **Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

### 34. **Stockpiling materials**

During construction, all material associated with works is to be contained at source, covered and must be within the construction area. All material is to be removed off site and disposed of according to local regulations. The property is to be kept clean and any building debris removed as frequently as required to ensure no debris enters receiving waters.

Reason: To ensure pollution control measures are effective to protect the aquatic habitats within receiving waters throughout the construction period.

## BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

### 35. **Condition of Retained Vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:

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

Reason: Tree and vegetation protection.

### 36. **Replacement of Canopy Trees**

At least 4 locally native canopy trees are to be planted on the site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Native Planting Guide available on Council's website.

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

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

Reason: To establish appropriate native landscaping.

### 37. **No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are

to be imported on to the site prior to or during construction works.

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

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

**38. Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval**

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction Certificate plans. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to the Principal Certifier for approval prior to the issue of the Occupation Certificate.

Reason: To ensure compliance of works with Council's specification for engineering works.

**39. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified civil/hydraulic engineer. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

**40. Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

**41. Waste Management Confirmation**

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

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

**42. Certification of Off Street Parking Works**

The Applicant shall submit a certificate from a suitably qualified person certifying that the parking facility and the associated driveway were constructed in accordance within this development consent and the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

43. **Post-Construction Dilapidation Report**

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

A Post Construction Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

Reason: To ensure security against possible damage to Council property.

44. **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 Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

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

45. **Lift Motor Noise**

The lift motor shall not produce noise levels that exceed 5dB(A) above the background noise when measured from the nearest property boundary.

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

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

**Signed**



**Phil Lane, Principal Planner**

The application is determined on 24/02/2025, under the delegated authority of:



**Adam Richardson, Manager Development Assessments**