

LOCALITY MAP



B	Development Application Revised	20/02/2011
A	Development Application	03/12/2010
AMENDMENTS		

DATA ANALYSIS		SITE CONDITIONS	
LOWER GROUND	106 sqm	EXISTING LAB SURFACE AREA	270 sqm
GROUND LEVEL 01	120 sqm	(including a reserved driveway)	
TOTAL	468 sqm	sqm underground	
GARAGE & PLANT	86 sqm	HARD SURFACE AREA TO BE REFINED	NA
TOTAL ENCLOSED AREA	554 sqm	PAVED HARD SURFACE AREA:	311 sqm
TEMPERATELATORY	24 sqm	EXISTING UNPAVED AREA (%)	65%
POOL & SPA	66 sqm	UNPAVED UNPAVED AREA (%)	6%
SITE AREA	1164 sqm	INTERFERENCE AREA TO BE REFINED	NA
		SOFT CONTACT	40%
		PRIVATE OPEN SPACE:	86 sqm

Check all dimensions on site and report any discrepancies before proceeding with work.

Do not scale from drawings.

Accuracy of dimensions on site are contractor's responsibility.

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All works are to comply with the relevant Building Code of Victoria.

All works are to comply with the relevant codes and manufacturing constructions.

Driveway design to comply with AS 2890 Part 1 of off street parking.



MACKAY WHALE BEACH
29 White Beach Road

DEVELOPMENT APPLICATION DRAWINGS

DRAWING
SITE PLAN

SCALE	PROJECT	DRAWING	SIZE	REV
1:400	MAW	DA02	A4	B





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- Do not seal from below.
- This drawing is the copyright of HBA, and must not be used, copied or reproduced in whole or part except by written agreement of HBA.
- All work is to comply with the relevant Building Code of Australia.
- All work is to comply with AS 2890 part 1 of street parking.
- Driveway design to comply with AS 2890 part 1 of street parking.

MATERIAL LEGEND				
CP	Steel (Copper Sheet)			
SN	Stone			
CN	Concrete Treated			
AL	Black Anodized Aluminum			
CB	Coldwater pipe			
PT	Wall Cladding			
TL	Timber Panel			
GL	Glass			
CN	Reinforced Concrete Block			

REFER TO DRAWING FOR FURTHER DETAIL.

MAXIMUM REACH

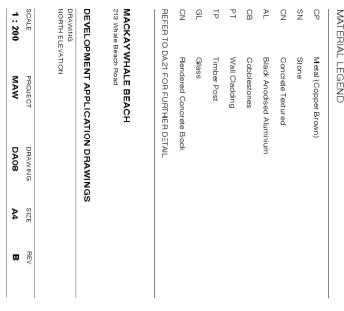
20' MAX REACH RISE

DEVELOPMENT APPLICATION DRAWINGS

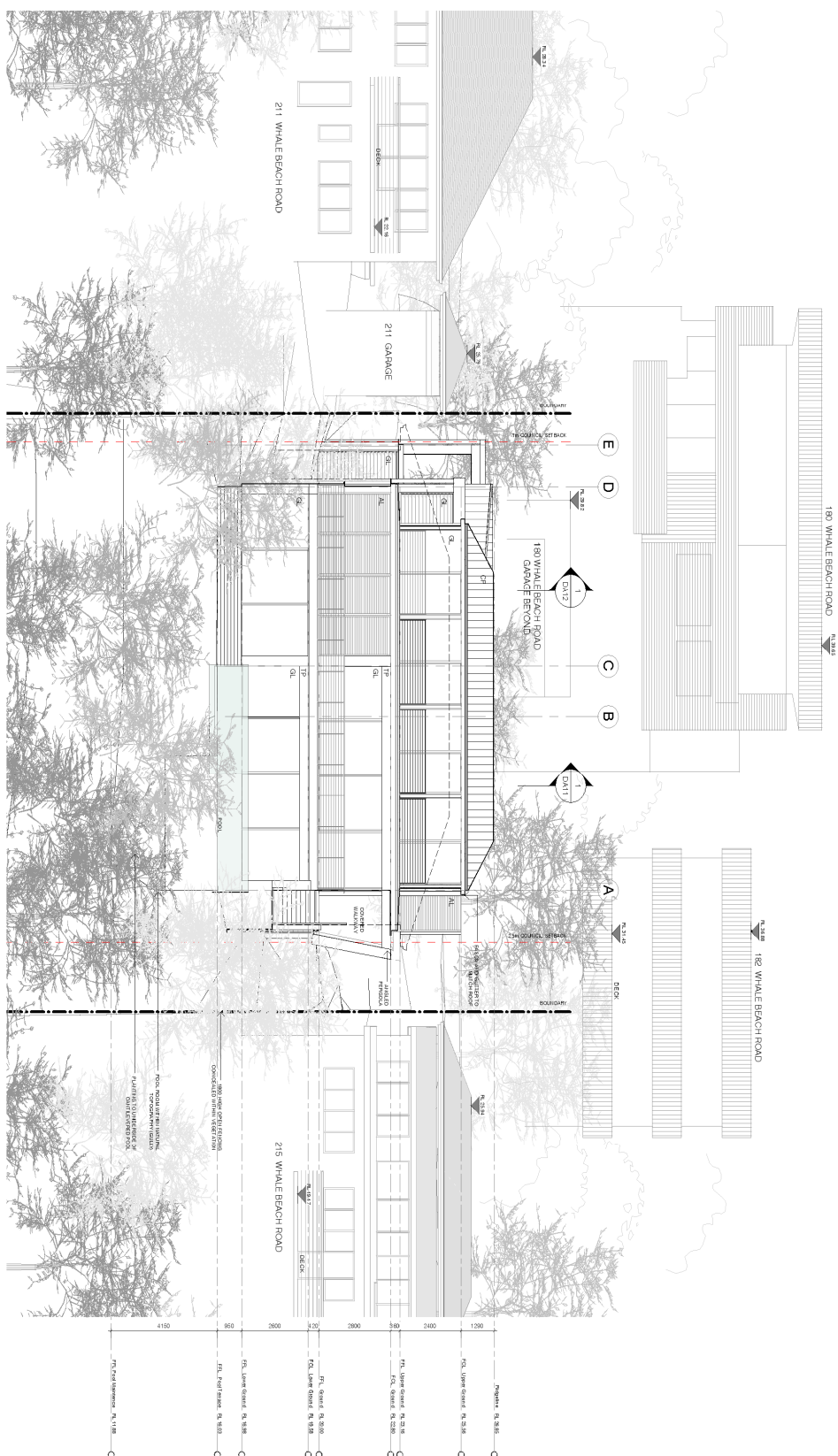
DRAWING

SCALE: 1" = 20'

PROJECT	DRAWINGS	SIZE	REV
MANV	DAOT	A4	B







C12.2	N0051/15 - 160 Whale Beach Road Whale Beach - Additions including reconfiguring of internal layout, increasing the height of the ground floor area, extending the terraces, adding an inclinator and a car space
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Meeting: Sustainable Towns & Villages Committee

Date: 20 July 2015

COMMUNITY STRATEGIC PLAN STRATEGY: Land Use & Development

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To deliver a comprehensive suite of development controls that improve the liveability of the area

DELIVERY PROGRAM ACTION:

- To provide an effective development assessment and determination process
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

The Development Unit at its meeting held on 9 July 2015 considered the Assessing Officers report (refer **Attachment 1**) for determination of N0051/15 for additions to the dwelling including reconfiguring of internal layout, increasing the height of the existing ground floor area to provide more amenable living space and extending the ground and lower ground terraces. There is also an inclinator to be installed and a new car space at 160 Whale Beach Road, Whale Beach NSW 2107.

- 1.2 This application has been called to Council by Cr Grace.
 - 1.3 Discussion in relation to the issues is contained within Section 8.0 (Discussion of Issues) of the Assessing Officer's report.
 - 1.4 Two (2) objectors and the applicant were present at the meeting. The Development Unit considered the issues raised by the objectors and the applicant's representative as well as the issues addressed in the Assessing Officer's report and supported the Officer's recommendation for approval subject to the conditions contained in the draft consent.
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2.0 RECOMMENDATION

That the Development Officer's recommendation be endorsed and Development Application N0051/15 - 160 Whale Beach Road, Whale Beach NSW 2107 for additions to the dwelling including reconfiguring of internal layout, increasing the height of the existing ground floor area to provide more amenable living space, extending the ground and lower ground terraces, an inclinator to be installed and a new car space be granted development consent subject to the conditions contained in the draft conditions of consent.

3.0 BACKGROUND

3.1 PURPOSE

To seek endorsement of the Development Unit's recommendation following consideration of Development Application N0051/15 for additions to the dwelling including reconfiguring of internal layout, increasing the height of the existing ground floor area to provide more amenable living space and extending the ground and lower ground terraces. There is also an inclinometer to be installed and a new car space at 160 Whale Beach Road, Whale Beach NSW 2107.

3.2 BACKGROUND

The Development Unit at its meeting held on the 9 July 2015 considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0051/15.

The application received three (3) objections with all objector issues considered and appropriately dealt with in the Assessing Officer's report as well as by the Development Unit.

3.3 POLICY IMPLICATIONS

Cr Grace has called the matter to Council in accordance with Council Policy.

3.4 RELATED LEGISLATION

Council are the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979.

3.5 FINANCIAL ISSUES

3.5.1 Budget

No implications unless Council's decision is challenged in the Land and Environment Court.

3.5.2 Resources Implications

No implications.

4.0 KEY ISSUES

- All the key issues are addressed in the assessing officer's report.

5.0 ATTACHMENTS / TABLED DOCUMENTS

Attachment 1: Assessing Officer's report to the Development Unit meeting of 9 July 2015.

6.0 SUSTAINABILITY ASSESSMENT

The relevant sustainability assessments have been addressed in the attached assessing officer's report.

Report prepared by

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

SUBJECT: N0051/15 - 160 Whale Beach Road, Whale Beach NSW 2107 - additions to the dwelling - including reconfiguring of internal layout, increasing the height of the existing ground floor area to provide more amenable living space and extending the ground and lower ground terraces. There is also an inclinor to be installed and a new car space

Meeting: Development Unit

Date: 9 July 2015

SUMMARY OF RECOMMENDATION

Consent with Conditions

REPORT PREPARED BY:	Erin Dyer
APPLICATION SUBMITTED ON:	16/02/2015
APPLICATION SUBMITTED BY:	SUSAN ROTHWELL ARCHITECTS
OWNER(S):	JOHN W INGRAM & MARGARET A INGRAM

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0051/15 for additions to the dwelling - including reconfiguring of internal layout, increasing the height of the existing ground floor area to provide more amenable living space and extending the ground and lower ground terraces. There is also an inclinor to be installed and a new car space at 160 Whale Beach Road, Whale Beach NSW 2107 subject to the draft conditions of consent attached.

Report prepared by
Erin Dyer, Planner

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT

SUBJECT: N0051/15 - 160 WHALE BEACH ROAD, WHALE BEACH NSW 2107 additions to the dwelling - including reconfiguring of internal layout, increasing the height of the existing ground floor area to provide more amenable living space and extending the ground and lower ground terraces. There is also an inclinator to be installed and a new car space

Determination Level: Development Unit

**SUMMARY OF
RECOMMENDATION:**

CONSENT WITH CONDITIONS

REPORT PREPARED BY: Erin Dyer

APPLICATION SUBMITTED ON: 16 February 2015

APPLICATION SUBMITTED BY: SUSAN ROTHWELL ARCHITECTS, 38 SERPENTINE ROAD~GREENWICH NSW 2065

OWNER(S): MR JOHN WEIR INGRAM
MRS MARGARET ANN INGRAM

1.0 SITE DETAILS

The site is known as 160 Whale Beach Road, Whale Beach and has a legal description of Lot 2 in Deposited Plan 558808. The site is irregular in shape and has a total stated area of 1082.7m². Vehicular and pedestrian access is gained via the right of way carriage way across Lot 2 in Deposited Plan 614921, and Lot 3 in Deposited Plan 563473. The site is located on the western side of Whale Beach Road. The site falls 24.89m from the south western side of the site, down towards the north eastern street side of the site, with a slope of approximately 38%. The site is currently occupied by one and two storey brick and weatherboard residence. The property is surrounded by other residential properties.

2.0 PROPOSAL IN DETAIL

This development application seeks consent for the following:

- Reconfiguring the existing internal layout;
- Increasing the height of the existing ground floor living area ceiling;
- Extending the ground and lower ground terraces;
- Extending the existing driveway;
- Constructing a new car space; and
- Installing a new inclinator.

3.0 STATUTORY AND POLICY CONSIDERATIONS

The site is zoned E4 Environmental Living under Pittwater Local Environmental Plan 2014. Pursuant to the land use table in Part 2 of this instrument, alterations and additions to dwellings are permissible with consent.

The following relevant state, regional and local policies and instruments apply:

- Environmental Planning and Assessment Act, 1979 (the Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)
- 10/50 Vegetation Clearing Code of Practice
- Pittwater Local Environmental Plan 2014 (PLEP 2014)
 - Acid Sulphate Soils Area 5
 - Biodiversity Map
 - Geotechnical Hazard Map
 - Height of Buildings 8.5m
- Pittwater 21 Development Control Plan (P21 DCP)
 - Palm Beach Locality
 - Geotechnical Risk Management Policy for Pittwater

Variation to development standards:

4.0 BACKGROUND

N0045/11

Approval for alterations and additions to the existing dwelling including a swimming pool, spa and inclinor.

N0079/01

Approval for alterations and additions to the dwelling.

BC0179/09

Certificate issued for a two storey sole occupancy brick dwelling with a tile roof together with a detached brick garage and attached metal carport. Note: the balustrades do not comply with Part 3.9.2 of the Building Code of Australia.

CC0087/01

Construction certificate lodged for additions to the dwelling.

5.0 NOTIFICATION

The application was notified to eight (8) adjoining property owners for a period of fourteen (14) from 23 February 2015 to 9 March 2015 in accordance with Council's Notification Policy. During this time, three (3) submissions were received.

These submissions raised concerns with regard to the following:

Owner of 160A Whale Beach Road, Whale Beach

- loss of view
- loss of amenity
- reliance on existing development consent and future development consent synonymously
- glass roof and vergola
- height
- landscape area
- banksia intergrifolia and the potential to obstruct views
- height poles

On behalf of the Owner of 160A Whale Beach Road, Whale Beach

- View loss and the application of the Planning Principle in *Tennacity Consulting v Warringah Council*.
- In the event that this application is approved, Council must seek the surrender of the existing consent pursuant to s80A(1)(b) of the Act.
- Landscape plan be modified to avoid species with the potential to cause view loss to 160A Whale Beach Road.

Owner of 162 Whale Beach Road, Whale Beach

- Errors and omissions on the submitted plans.
- Loss of views.
- Loss of privacy.
- Access to sunlight and distribution of light.
- Colours proposed do not integrate with bushland.
- Retention and extension of wooden screen fencing or similar to the top floor area adjacent to 160 northern boundary.
- Retention of existing brush fence and bushland adjacent to the existing gate and steps on northern boundary.
- No driveway dilapidation report, no driveway management plan or details about follow up repairs to the shared driveway.
- No construction management plan.
- Reduction in landscaped area for an additional car space. No arborist report - proposed car space near 'big banksia'.
- No discussion in the Statement of Environmental Effects regarding the proposed large area of glass roofing and its high potential reflectivity (glare) by day, or its lightspill and potential for "searchlight effect" on neighbours views at night.
- Loss of bushland characteristics through replacement of mixed plantings along both sides of the shared driveway. Request for plants to be replaced with mixed indigenous plantings instead.
- Request that passing/maneuvering space shown on the driveway plan be marked as such. Request for comment regarding height and site coverage be registered over the title.
- Outdoor illumination

In response to the submission received the applicant submitted amended plans. These were notified to the eight (8) adjoining property owners for a period of fourteen (14) days from 20 April 2015 to 4 May 2015. During this time, two (2) submissions were received.

These submissions raised concerns with regard to the following:

Owner of 160A Whale Beach Road, Whale Beach

- increase in the height and bulk of the north eastern section of the building
- increase in the size of the main ridge
- the location of the Banksia Intergrifolia
- accuracy of the height poles
- potential design alternatives

Jeanette Davie, Palm Beach and Whale Beach Association

- the location of the Banksia Intergrifolia

6.0 ISSUES

- A1.7 Considerations before consent is granted
- B3.2 Bushfire Hazard
- B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor
- B8.6 Construction and Demolition - Traffic Management Plan
- C1.3 View Sharing
- C1.5 Visual Privacy
- C1.19 Incline Passenger Lifts and Stairways
- D12.3 Building colours and materials
- D12.6 Side and rear building line
- D12.8 Building envelope
- D12.10 Landscaped Area - Environmentally Sensitive Land

7.0 COMPLIANCE TABLE

- T - Can the proposal satisfy the technical requirements of the control? O - Can the proposal achieve the control outcomes?
- N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
Pittwater Local Environmental Plan 2014					
1.9A Suspension of covenants, agreements and instruments			Y	Y	Y
Zone E4 Environmental Living			Y	Y	Y

Control	Standard	Proposal	T	O	N
4.3 Height of buildings	8.5m	7.3m	Y	Y	Y
4.6 Exceptions to development standards			-	-	-
5.10 Heritage conservation			Y	Y	Y
7.1 Acid sulfate soils			Y	Y	Y
7.6 Biodiversity protection			Y	Y	Y
7.7 Geotechnical hazards			Y	Y	Y
7.10 Essential services			Y	Y	Y
Pittwater 21 Development Control Plan 2014					
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
3.6 State Environment Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)			Y	Y	Y
5.3 Referral to NSW Office of Environment and Heritage			-	-	-
A1.7 Considerations before consent is granted		Refer to discussion.	N	Y	N
A4.12 Palm Beach Locality			Y	Y	Y
B1.3 Heritage Conservation - General			Y	Y	Y
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.1 Landslip Hazard			Y	Y	Y
B3.2 Bushfire Hazard		Refer to discussion.	Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor		Refer to discussion.	Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B6.1 Access Driveways and Works on the Public Road Reserve - Low Density Residential			Y	Y	Y
B6.3 Internal Driveways - Low Density Residential			Y	Y	Y

Control	Standard	Proposal	T	O	N
6.5 Off-Street Vehicle Parking Requirements - Low Density Residential			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan		Refer to discussion.	Y	Y	N
C1.1 Landscaping		Refer to B4.4 for discussion.	Y	Y	Y
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing		Refer to discussion.	Y	Y	N
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy		Refer to discussion.	Y	Y	N
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures			-	-	-
C1.16 Development ancillary to residential accommodation - Tennis Courts			-	-	-
C1.17 Swimming Pool Safety			-	-	-
C1.19 Incline Passenger Lifts and Stairways		Refer to discussion.	Y	Y	Y
C1.23 Eaves		Refer to discussion.	N	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure			-	-	-
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D12.1 Character as viewed from a public place			Y	Y	Y
D12.3 Building colours and materials		Refer to discussion.	N	Y	Y
D12.5 Front building line			Y	Y	Y
D12.6 Side and rear building line	At least 1m on one side; 2.5m on the other side; and 6.5m to the rear.	Varied non-compliant side and rear setbacks proposed. Refer to discussion.	N	Y	Y
D12.8 Building envelope	Buildings are to be sited within planes projected at 45 degrees from a height of 3.5m above existing ground level at the side boundaries.	Portions of the eastern and western elevation are sited outside the building envelope. Refer to discussion.	N	Y	Y

Control	Standard	Proposal	T	O	N
D12.10 Landscaped Area - Environmentally Sensitive Land	Minimum landscaped area of 60% of the totalsite.	Landscaped area of 38% proposed, excluding any permitted variations. Refer to discussion.	N	Y	Y
D12.12 Fences - Flora and Fauna Conservation Areas			-	-	-
D12.13 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
D12.14 Scenic Protection Category One Areas			Y	Y	Y
State Environmental Planning Policies and other					
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y
EPA Act 1979 No 203 section 147 Disclosure of political donations and gifts			-	-	-

8.1 DISCUSSION OF ISSUES

A1.7 Considerations before consent is granted

The submission received from 162 Whale Beach Road, raised the following issues. The issues and subsequent comment are set out below:

1. No double garage to replace the existing carport.

The existing carport is being converted to two bedrooms. A new parking stand further down the driveway opposite the existing garage, and a new car turntable are being proposed as alternative parking and access solutions.

2. Elevations on the plans are incorrect

The property is orientated in a north easterly direction and is an irregular lot. The labelling of the elevations are consistent and can be relied on for the purposes of this development assessment.

3. Concern was raised about no discussion in the Statement of Environmental Effects to address the potential impact of the large glass roof.

This roof has subsequently been removed from the plans and is no longer considered as part of this application.

4. Request to clearly designate that the passing/maneuvering space shown on the driveway plan is definitely a designated passing space, and not yet another parking space.

This issue is between users of the shared driveway, and it is not necessary for Council to clearly designate this area as a passing/ maneuvering space.

5. *A request was included in a submission to specify the reasons for the approval, particularly in regards to large site coverage and height, so as to avoid other precedent claims.*

As part of this assessment report, the proposed height of the building and landscaped area are considered acceptable under PLEP14 and P21 DCP. Council cannot speculate what future development might be sought at the subject site, and does not consider it appropriate to place any s88B instruments on the Certificate of Title.

The submission received from 160A Whale Beach Road, raised the following additional issue. This issue and subsequent comment are set out below:

6. *Request to relinquish existing Consent No N0045/11.*

This issue was raised with the applicant who declined to relinquish their previous consent. A submission received requested that in the event that the new application is approved, Council seek the surrender of the existing consent pursuant to Section 80A(1)(b) of the *EPA Act*.

The Act does allow "a condition of development consent to be imposed if it requires the modifications or surrender of development granted under this Act or a right conferred by Division 10 in relation to the land to which the development application relates..."

For this property, Council considers the two roof forms to be substantially different. From a practical point of view, it would be very difficult for the applicant to act on both consents simultaneously. In the event the applicant sought to utilise different components of different consents, every element of both consents has been considered as part of both assessment processes and have been considered on their own merit.

B3.2 Bushfire Hazard

Bushfire Risk Assessment, by Bushfire Planning Services, dated 4 February 2015, identified this property as BAL-FZ/40. This application was therefore referred to the NSW Rural Fire Service (NSW RFS). The recommended conditions from the Bushfire Risk Assessment, by Bushfire Planning Services, dated 4 February 2015 and the NSW RFS have been included as conditions of this consent.

B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

Council's Natural Environment Officer makes the following comments:

"The property contains a modified landscape with a shared driveway access through the front section of the lot. The proposed works include internal alterations, addition of car spaces and construction of an inclinator. The proposed car space on the northern boundary will impact on several trees and may require removal of some however an arborist report has not been submitted. Therefore before the application can be further assessed, a detailed arborist report which assesses all trees within 5 metres of the proposed works (specifically in the vicinity of the proposed new car parking spaces) is to be provided. The report is to determine the health, condition and Safe Useful Life Expectancy of the trees, and provide

justified retention/removal recommendations as well as specify tree protection measures for each tree where applicable.

An arborist report has been submitted (Naturally Trees, 11 June 2015) which assesses eight (8) trees potentially impacted by the proposed works. Of those, five (5) trees are proposed for removal with two (2) being exempt from Pittwater's DCP Control B4.22. The other three (3) trees were found to have defects, low significance in the landscape and overall not worthy of retention. Removal of these trees is approved subject to replacement planting of at least six (6) locally native canopy trees which will mature at a height of no less than 8.5 metres. Species can be chosen from the list provided in the Native gardening booklet available on the Council website. Three (3) trees are present within the neighbouring property (T1, 3 and 5). The arborist report states that all of those trees can be safely retained if the recommended tree protection measures are adopted. This will be conditioned.

A landscape plan has been submitted (Susan Rothwell Architects, DA 1002, Issue A) which proposes a small selection of native shrubs and ground covers which will assist with screening and increase amenity. As discussed an additional six (6) canopy trees are also to be planted. The plan also does not indicate the existing tree removal and/or retention schedule as this was completed after the plan was submitted. Therefore before issue of the Construction Certificate an amended landscape plan is required to be submitted which shows tree retention and/or removal consistent with the arborist report and six (6) additional locally native canopy trees which will mature at a height of no less than 8.5 metres. Species can be chosen from the list provided in the Native gardening booklet available on the Council website. There are no further natural environment issues."

B8.6 Construction and Demolition - Traffic Management Plan

A submission has been received about the impact of the proposed construction on the shared driveway. The existing consent no N0045/11 includes a condition requiring a construction management plan to be submitted prior to commencement of works to ensure vehicle access is maintained at all times for users of the driveway. This condition is recommended for this consent. A driveway dilapidation report was also requested by the owner of 162 Whale Beach Road; however Council's Development Engineer has advised that a CMP is sufficient.

C1.3 View Sharing

The control requires that all new development is designed to achieve a reasonable sharing of views and must demonstrate that view sharing is achieved through the application of the planning principle in *Tenacity Consulting v Warringah Council*. This development application proposes to increase the height of the existing roofline from RL 61.73 to RL 62.030 and RL 61.920. An existing consent supported an increase in the roof height of RL 62.28 and RL 61.71. Submissions have been received from and on behalf of the owner of 160A Whale Beach Road, Whale Beach. The submissions object to the application on the basis that the development does not support view sharing. They state that the increase in the height of the roof, particularly in the north eastern portion of the dwelling, will result in an incremental view loss that is inconsistent with the view sharing principles. The submissions also raise concerns about the inclusion of a pergola and vergola. However, these features were removed by the applicant and amended plans were submitted. The assessment is based on these amended plans.

Height Poles

Height poles were erected on site, and certification was provided by Higgins Surveyors Property and Development Consultants, reference 42124, dated 19 May 2015. These height poles demonstrate the extent of the proposed roof form and can be seen in the following photographs taken 25 May 2015 from 160A Whale Beach Road, Whale Beach.



Figure 1: Photograph taken from the balcony of 160A Whale Beach Road



Figure 2: Photograph taken from the balcony of 160A Whale Beach Road



Figure 3: Photograph taken from the balcony of 160A Whale Beach Road



Figure 4: Photograph taken from the balcony of 160A Whale Beach Road



Figure 5: Photograph taken from the balcony of 160A Whale Beach Road



Figure 6: Photograph taken from the balcony of 160A Whale Beach Road

Note: concern was raised by the owner of 160A Whale Beach Road about the accuracy of the height poles. An overlay of the survey plan and roof plan show that the height poles for the north eastern component area of the dwelling have been placed on the corner of the existing eave, as opposed to where the proposed eave will sit. This can be seen by comparison of the following image.

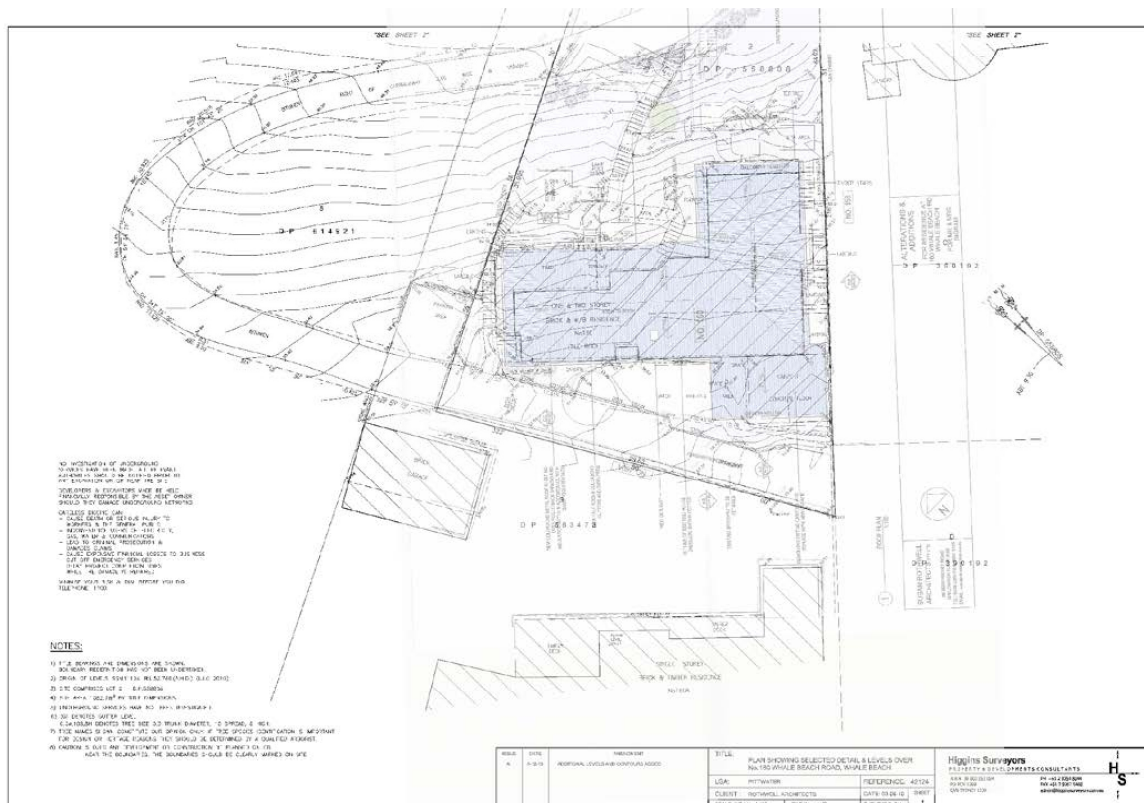


Figure 7: Overlay of survey and Roof plan (DA103, Issue B)

Although this is not ideal, from an assessment perspective the poles do provide a good indication of how the new roof form will look, when viewed from 160A Whale Beach Road. The height poles are approximately 1m south of where the roof form will finish, however they do provide adequate view lines to properly assess the impact of the impact of the new roof form on adjoining residences.

Tenacity Consulting v Warringah Council

The control requires an assessment of the planning principle in *Tenacity Consulting v Warringah Council*. The planning principal establishes a four step process, as set out below:

1. *The first step is the assessment of the views to be affected. Water views are more highly valued than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is more valuable than one that is obscured.*

The existing dwelling at 160A Whale Beach Road, Whale Beach is located to the southwest of the subject site. The dwelling comprises bedrooms, living area, kitchen, dining area and a balcony which runs the length of the eastern elevation. All of these areas enjoy ocean views over the subject site in a north east, north and north west direction. Views to the north west are of the interface between the sand and water at Whale Beach and Little Head headland.

Views to the north and north east are over rooftops are panoramic views of the ocean.

2. The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The views can be obtained from both a standing and sitting position along the entire eastern elevation, including the balcony, kitchen, dining room, living room and bedrooms. The views are obtained over the front boundary.

3. The third step is to assess the extent of the impact. This should be done for the whole property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe, or devastating.

The proposed alterations and additions include a new roof with RL 62.030 along the north/south ridge and RL 61.920 along the east/west ridge, and a 12% fall. The existing roofline is RL 61.73, representing an increase of 0.3m along the north/south ridge and an increase of 0.19m along the east/west ridge. The roofline proposed under Consent No N0045/11 is RL62.280 along the north/south ridge, representing a decrease of 0.25m and RL 61.71 along the east/west ridge representing an increase of 0.21m.

The first floor level at 160A Whale Beach Road is RL 65.21. This floor level allows for all existing views from all areas to be maintained over the roof of 160 Whale Beach Road under the current proposal. The view of the interface of the land and water at Whale Beach and Little Head headland will be maintained, and the panoramic views of the ocean will remain uninterrupted. The proposal will impact on a portion of the wave zone at the southern end of Whale Beach and vegetation in the foreground over the north west portion of the dwelling. The proposal will also impact on a portion of the views of the ocean over the north east portion of the dwelling.

4. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all the planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The development does not comply with the technical requirements of D12.6 side and rear building line, D12.8 building envelope and D12.10 landscaped area. The building is non-

compliant with the western side setback as a wall is proposed to extend by 500mm into the 2.5 metre setback required. The 500mm non-compliance is a direct result of the irregular angled eastern boundary. The total area of roof space that will cover the area of non-compliance is 0.3m² and given that it is located on the low side in front of the ridge of the roof form, it will not be visible from 160A Whale Beach Road. For these reasons, the non-compliant side building line does not impact on the views experienced from 160A Whale Beach Road.

The building envelope is non-compliant on both the eastern and western elevations. The non-compliance on the western elevation is very minor and captures the eave and part of the roof form. As discussed by reference to the non-compliant western side setback, this non-compliance is a result of the irregular angled eastern boundary. It is located on the low side in front of the ridge and will not be visible from 160A Whale Beach Road. For these reasons the non-compliant building envelope on the eastern elevation does not impact on the views experienced from 160A Whale Beach Road.

The non-compliance on the eastern elevation includes the roof form including eave, and extends approximately 1.5m downwards from the roof eave, and extends a length of approximately 4m from along the length of the wall. This is an existing non-compliant building envelope, with the existing non-compliance to be intensified under this development application. Although this is technically non-compliant, the slope of the site permits Council to assess this proposed building envelope on its merits. From a view loss perspective, the non-compliant building envelope will fall behind the ridge of the roof line. The hipped roof design means that while the ridge of the roof will be visible from 160A Whale Beach Road, the area of non-compliance will fall away from that area and not be visible from 160A Whale Beach Road. For these reasons, although there is a non-compliance with the building envelope, the hipped roof design means that the non-compliance will not be visible from 160A Whale Beach Road and will not affect existing views available from 160A Whale Beach Road.

The non-compliance with the landscaped area control does not have any impact on the views available from 160A Whale Beach Road. Concern was raised initially about the need for a pergola and pergola given the amount of hard surface already existing on the site. However this concern has been addressed through the removal of the pergola and pergola as part of the amended plans. The proposal itself is largely over existing hard surface, and the non-compliance with the landscaped area arises largely as a result of the steepness of the site and the need for the existing driveway.

For these reasons, the non-compliances proposed as part of this application, namely the western side setback, the western and eastern building envelope and the landscaped area do not impact on the views available to 160A Whale Beach Road.

The submissions raise concerns regarding the design proposed and whether a more skilful design was available. One submission contends that the existing approved plans show a capacity for a more skilful design that achieves the needs of the owners yet provides a more equitable view sharing. Another submission raises concerns about the increase in height and the bulk and scale of the north eastern portion of the dwelling.

The submission states that "any increase in the bulk or height in the north eastern section of the structure will have the most noticeable impact on our view, as this section of the building protrudes further north towards the ocean... The height at the eastern and western edge of the

roof of the north eastern nib constitutes a significant intrusion into the view, and is exacerbated by the bulk of this section of the building, which is greater than the approved plan. Associated issues include the height of the apex at the nib and the front edge of the section of the roof, and the increase in width, with the roof extending 1.6m beyond the existing dwelling. These further increases in height and subsequent bulk amounts to incremental view loss...”

With regards to Consent No N0045/11, the floor plan includes an extension to the north western portion of the dwelling. Under this development application, the width of the roof form on the western elevation is 8.75m. By comparison, the width of the roof form for Consent N0045/11 is varied between 7m and 13m. The reduction in the size of the north western portion of the dwelling means that the current development application is in keeping with the bulk and scale of the existing property. The reduced roof form will allow for greater retention of views from 160A Whale Beach Road over the roof of 160 Whale Beach Road.

With regards to the north east portion of the dwelling, the current development application proposes to extend the existing building further north by approximately 0.8m. This causes the proposed eave to protrude 0.6m further north than the existing dwelling and as it would under consent N0045/11. This aspect of the proposal will impact on the views of the ocean currently experienced by 160A Whale Beach Road. The north east portion of the dwelling also has proposes a roof ridge height that is 0.19m higher the existing roof ridge, and 0.21m higher than the roofline in Consent No N0045/11.

By comparison to the roofline in Consent No N0045/11, although the eave protrudes 0.6m further forward and the roofline is 0.21m higher on the north/south ridge under this development application, the area of roof form adjacent to this area is substantially reduced and there is no pergola proposed. This is demonstrated in the overlay of the two roof forms which shows the decrease in the overall size of the roof form.

and additions proposed under this application will cause an impact for adjoining properties. The roof form proposed will impact on the views experienced from 160A Whale Beach Road, given that 160A Whale Beach Road, looks over the roof of the subject site. However, the impact under this application is not unreasonable, and as such, it is unlikely that a different roof form with the same additions and alterations would produce any less of an impact.

Therefore, for all of the above reasons, Council is of the opinion that a more skillful design is not available which will provide the applicants with the same level of amenity and reduce the impact on neighbours. The current proposal at 160 Whale Beach Road is thus considered reasonable and is supported by Council.

Banksia Intergrifolia

A Banksia Intergrifolia is proposed to be located forward of the new deck, in the middle of the lot. A submission from 160A Whale Beach Road has raised concern about the potential for this tree to cause view loss. It will be recommended as a condition that the Banksia Intergrifolia be deleted from its current location and moved to a suitable area forward of the existing garage.

C1.5 Visual Privacy

The control requires that areas of private open space of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres. The proposal satisfies this requirement, ensuring that all areas of private open space are greater than 9 metres from adjoining dwellings. The private open space of the dwelling located at 158 Whale Beach Road, is located at the front, or further north east of the proposed development, with the 9m radius falling on a small portion of the western side of the dwelling. The private open space of 160A Whale Beach Road is located higher on the ridge, and is separated by a driveway and landscaping.

A submission was received from 162 Whale Beach Road that raised concerns about the impact that the proposal would have on their visual privacy. The property at 162 Whale Beach Road, is located north west of the dwelling at 160 Whale Beach Road. The area of concern raised by the objector is the southern and western elevation, as viewed from the objector's property. The objector also raises concerns regarding the use of lighting fixtures in this location and the impact that this light will have on 162 Whale Beach Road. The area of concern is proposed to be used as a bedroom and ensuite, with the main areas of private open space being located closer to the eastern elevation. Currently, this space is utilised as a living room and has a privacy screen affixed to the side terrace.

The dwellings at 162 and 160 Whale Beach Road, are separated by significant established vegetation, parking areas and a driveway. The following images show the view from the front verandah of 162 Whale Beach Road and the view from the driveway of 162 Whale Beach Road.



Figure 9: Photograph taken from the front verandah of 162 Whale Beach Road



Figure 10: Photograph taken from the driveway of 162 Whale Beach Road

Given this distance, existing landscaping, and the use of the space in this area as a bedroom and associated balcony, Council does not consider this design to raise an issue of visual privacy. Additionally, in the event that Council were to require additional privacy screens or screen planting, Council would be limited by the conditions imposed by the NSW RFS.

C1.19 Incline Passenger Lifts and Stairways

Incline passenger lifts and stairways shall:

- (i) be designed and located so they do not involve excessive excavation, or the removal of natural rock or trees, and
The only excavation proposed is for three (3) steel support posts on concrete pad footings. No additional excavation or interference with natural rock or trees is proposed.
- (ii) be erected as near as possible to the ground level (existing) of the site, and shall not involve the erection of high piers or visible retaining structures, and
The inclinator will follow the contours of the existing ground level of the site, with the highest of the three piers at 900mm above the existing ground level. There are no visible retaining structures proposed.
- (iii) be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings, and
The inclinator is located entirely within the subject site, and is 8.7m at the closest point from both side boundaries, and is 11.7m away from the rear of the dwelling at 158 Whale Beach Road.
- (iv) be painted to blend in with surrounding vegetation and screened by landscaping and This will be included as a condition of consent.
- (v) be setback two (2) metres from the side boundary to the outer face of the carriage
The inclinator is setback 8.7m from both side boundaries.
- (vi) be located wholly on private land, and
The inclinator is proposed to be located wholly on private land.
- (vii) have a privacy screen where there is a direct view within 4.5m to a window of a habitable room of another dwelling.
The inclinator will be located further than 11m away from the window of a habitable room of another dwelling.

D12.3 Building colours and materials

The finishes schedule shows grey for the exterior walls. It is not clear from the documentation provided, what shade of grey is being proposed. Council supports the use of mid to dark grey, but does not support light grey. For this reason, it will be a condition of this consent that the grey used for the exterior walls is mid to dark grey. The use of white for the doors and windows is supported, as the items with this finish will only make up a small portion of the dwelling and will not enhance the visual prominence of the dwelling.

A condition has been imposed by the NSW Rural Fire Service which prohibits the use of exposed timber. Therefore, the use of exposed timber finishes is not supported.

D12.6 Side and rear building line

The control requires a minimum setback of at least 2.5m on one side, 1m on the other and 6.5m to the rear. The development application proposes the following:

Eastern side setbacks;

- 0.3m to the proposed bedroom 2 on ground floor,
- 1.1m to the external stairs on the ground floor and lower ground floor, and
- 2m to the existing building wall on the ground floor and lower ground floor.

Western side setbacks;

- 4.5m to 2.2m to the bathroom and ensuite on the ground floor, 2.5m to 1m to the tiled terrace on the ground floor,
- 7.5m to 10m to the timber deck on the ground floor,
- 2.5m to 1m to the existing games room on the lower ground floor, 0.7m to the timber on the lower ground floor and
- 13m to the existing bedrooms on the lower ground floor.

Southern rear setbacks;

- 4.7m to 7.3m from proposed bedroom 2 and bedroom 3 on the ground floor, and
- 5.2m to 9.5m to the existing building wall.

These setbacks are technically non-compliant.

Notwithstanding; the control permits flexibility in the siting of buildings and access. The site itself is irregular in shape and steep, with the varied side and rear setbacks a consequence of this irregular shape. The site is also heavily vegetated and is surrounded by established mature vegetation and driveways, adding to the spatial separation between 160 Whale Beach Road, and adjoining properties. Additionally, the existing side and rear setbacks are non-compliant, and this development application largely proposes to maintain the existing footprint of the dwelling.

For the western side boundary, the extension northwards proposed to bedroom 1 is over an existing tiled terrace and only represents a minor encroachment into the 2.5m required setback. This encroachment does not cause any additional issues of view loss, visual privacy or solar access for any adjoining properties. For this reason, the non-compliant western side setback is considered acceptable and is supported. For the eastern side and southern rear boundary, the area proposed to be converted from a carport to two new bedrooms encroaches on both the side and rear setbacks. Given this space was previously used as a carport; the conversion of this space into two bedrooms will not adversely impact on the amenity or privacy of adjoining properties. The built form will be more intrusive than the previous carport, however given the existing landscaping and driveway separating the bedrooms from the front boundary of 160A Whale Beach Road, and the heavy vegetation between separating the side bedroom wall from 158 and 158A Whale Beach Road, the non-compliant setbacks are considered acceptable and are supported by Council.

With regards to the walls with a setback of less than 900mm from the boundary, a condition of consent is recommended that all works be in accordance with the Building Code of Australia, which covers Part 3.7.1.5 Construction of external walls.

D12.8 Building envelope

The control requires that building are to be sited within planes projected at 45 degrees from a height of 3.5m above existing ground level at the side boundaries. Portions of the eastern and western elevations are sited outside the building envelope. This is technically non-compliant.

Notwithstanding; where the building footprint is situated on a slope over 16.7 degrees(30%), variation to this control will be permitted on a merits basis. The subject site has aslope of 21.5 degrees (38%). The proposal integrates well with the natural environment sitting below the surrounding trees. The proposal is consistent with the bulk and scale of adjoining dwellings, with the built form softened through the heavily vegetation on, and surrounding the site. The areas of non-compliance do not cause any additional issues of visual privacy or solar access or impact on the amenity for adjoining properties. The area of non-compliance is associated with the alteration proposed to the roofline, however as discussed under C1.3 View Sharing, the proposal constitutes view sharing and ensure the equitable preservation of views from private places. For these reasons, the proposal meets the outcomes of this control, and is supported.

D12.10 Landscaped Area - Environmentally Sensitive Land

The control requires a minimum landscaped area of 60% of the total site. The development application proposed a landscaped area of 38% of the total site. This is technically non-compliant. Notwithstanding; the control permits variations for pathways less than 1m in width and up to 6% for areas used for private open space. In consideration of these variations, the landscaped area is 48%. This is still technically non-compliant.

The subject site is steep and heavily vegetated. The site has an unusual driveway which cuts in halfway up the lot, and then again at the top of the lot, providing access to adjoining properties. The driveway includes a turning circle, a turntable and one exterior parking space and an existing garage, and contributes significantly to the non-compliance with the landscaped area control. Of note, the existing site is also technically non-compliant with the 60% landscaped requirement.

The subject site itself is heavily vegetated, reducing the bulk and scale of the built form, and preserving the bushland character. The proposed landscaped area ensures that a reasonable level of amenity and solar access are maintained. The improvements proposed to the driveway and parking facilities on site, will improve the amenity for the residents and adjoining properties who utilise the driveway. There are also no additional issues raised by Council's Development Engineer regarding stormwater or runoff. Given this application seeks to extend the lower ground floor and ground floor terraces, and improve the existing driveway and parking facilities, and is capable of meeting the outcomes of the control, this non-compliance is supported.

A submission raised concerns regarding the non-compliant landscaped area. However, the submission related mainly to the inclusion of the glass roof over a deck, which is no longer included as part of this development application.

9.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan, Pittwater 21 Development Control Plan and other relevant policies as listed at item 3.0.

The proposal is consistent with the relevant statutory and policy controls and outcomes. The impacts of the alterations and additions are acceptable subject to the recommended conditions. The application is recommended for approval.

RECOMMENDATION OF DEVELOPMENT OFFICER/PLANNER

Report prepared by

Erin Dyer
PLANNER

Date: 30 June 2015

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**CONSENT NO: N0051/15
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicant's Name and Address:

SUSAN ROTHWELL ARCHITECTS, 38 SERPENTINE ROAD~GREENWICH NSW 2065

Being the applicant in respect of Development Application No N0051/15

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0051/15** for:

additions to the dwelling - including reconfiguring of internal layout, increasing the height of the existing ground floor area to provide more amenable living space and extending the ground and lower ground terraces. There is also an inclinor to be installed and a new car space

At: **160 WHALE BEACH ROAD, WHALE BEACH NSW 2107 (Lot 2 DP 558808)**

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

- **Architectural Drawings, DA101 Issue B, DA102 Issue B, DA103 Issue B, DA104 Issue B, DA105 Issue B, DA106 Issue B, DA107 Issue B and DA1002 Issue A, all prepared by Susan Rothwell Architects Pty Ltd, all dated January 2015;**
- **Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees, dated 11 June 2015;**
- **Bushfire Report, prepared by Bushfire Planning Services Pty Ltd, dated 4 February 2015; and**
- **BASIX Certificate, 578171S, dated 1 February 2015.**

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent _____

Mark Ferguson
GENERAL MANAGER
Per:

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Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. A sign must be erected in a prominent position onsite only showing:
 - a) the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b) the name of the principal contractor or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - c) that unauthorised entry to the work site is prohibited.The sign must 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.
4. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - a) in the case of work for which a principal contractor is required to be appointed:
 - i) The name and licence number of the principal contractor, and
 - ii) The name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be done by an owner-builder:
 - i) The name of the owner-builder, and
 - ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
 - c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under a or b above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information

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5. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
6. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
7. Any building work in relation to the development consent is to be carried out in accordance with the requirements of the Building Code of Australia.

B. Matters to be incorporated into the development and maintained over the life of the development:

1. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.
2. The solid fuel or wood burning appliances shall comply with Australian Standard AS 4013 - 1999 or any subsequent amending standard
3. That the chimney protruding above the roof line be reduced in height to accord with the manufacturer's minimum specifications.
4. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.
5. The recommendations of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by JK Geotechnics dated 24 December 2014 are to be incorporated into the construction plans.
6. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection areas (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's documents 'Standards for asset protection zones.
7. To allow for emergency service personnel and residents to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around the building.

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8. Water, electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
 - The water source shall be made available or located within the inner protection area (IPA) and away from the structure.
 - A 65mm metal Storz outlet with a gate or ball valve shall be provided.
 - In recognition that an unreliable reticulated water supply exists, a 5000 litre water supply shall be provided for fire fighting purposes.
 - Above ground tanks are manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks shall not be used.
 - Underground tanks shall have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
 - Tanks and associated fittings on the hazard side of the building shall be provided with adequate shielding to mitigate the impact of flame contact and radiant heat and provide safe access for fire fighters.
 - A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.
 - An 'SWS' marker shall be obtained from the local NSW Rural Fire Service and positioned for ease of identification by brigade personnel and other users of the SWS. In this regard:
 - a) Markers must be fixed in a suitable location so as to be highly visible; and
 - b) Markers should be positioned adjacent to the most appropriate access for the static water supply.
 - Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2014: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
9. Proposed bi-fold doors, french door and the like on the northern elevation(s) shall be a proprietary type door system incorporating, 6mm toughened glass, non combustible seals, and a design that does not permit gaps greater than 3mm in diameter to prevent the penetration of embers. Draught excluders, seals and door furniture shall be manufactured from materials having a "Flammability Index" no greater than 5. The entire door system (including jamb and seals) shall be designed and constructed to withstand 40kW/m² of radiant heat flux.
10. New construction shall comply with Sections 3 and 9 (BAL FZ) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'. However, any material, element of construction or system when tested to the method described in Australian Standard AS1530.8.2 Methods for fire tests on building materials, components and structures Part 8.2: Tests on elements of construction for buildings exposed to simulated bushfire attack—Large flaming sources shall comply with Clause 13.8 of that Standard except that flaming of the specimen is not permitted and there shall be no exposed timber.
11. Windows assemblies shall comply with modified Sections 3 and 9 of AS3959 (as above) or the following:
 - i. They shall be completely protected by a non-combustible and non perforated bushfire shutter that complies with Section 3.7 of AS3959 excluding parts (e) & (f); and
 - ii. They shall comply with the following:
 - a) Window frames and hardware shall be metal;
 - b) Glazing shall be toughened glass, minimum 6mm;
 - c) Seals to stiles, head and sills or thresholds shall be manufactured from materials having a flammability index no greater than 5;
 - d) The operable portion of the window shall be screened internally or externally with a mesh with a maximum aperture of 2mm, made from corrosion resistant steel or bronze. The frame supporting the mesh shall be metal.

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12. External Doors (not including garage doors) shall comply with modified Sections 3 and 9 of AS3959 (as above) or the following:
 - i. They shall be completely protected by a non-combustible and non perforated bushfire shutter that complies with Section 3.7 of AS3959 excluding parts (e) & (f); and
 - ii. They shall comply with the following:
 - a) Doors shall be non-combustible;
 - b) Externally fitted hardware that supports the panel in its function of opening and closing shall be metal;
 - c) Where doors incorporate glazing, the glazing shall be toughened glass minimum 6mm;
 - d) Seals to stiles, head and sills or thresholds shall be manufactured from silicone;
 - e) Doorframes shall be metal;
 - f) Doors shall be tight fitting to the doorframe or an abutting door;
 - g) Weather strips, draught excluders or draught seals shall be installed if applicable.
13. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for noxious/environmental weed lists.
14. No environmental weeds are to be planted on the site. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
15. Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.
16. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
17. Any vegetation planted onsite outside approved landscape zones is to be consistent with locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Pittwater Council website http://www.pittwater.nsw.gov.au/environment/species_lists
18. At least six (6) locally native canopy trees which will mature at a height of no less than 8.5 metres are to be planted onsite to replace trees approved for removal. Canopy tree species are to be selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and the Native Plants for Your Garden link on Council's website http://www.pittwater.nsw.gov.au/environment/species_lists. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
19. No building materials or other materials are to be placed on Bushland vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.
20. As part of an integrated on-site stormwater management system, stormwater overflow from the 3,000 litre rainwater tank is to be discharged to the public drainage system in Whale Beach Road.

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21. In accordance with Pittwater Council's DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
22. The installed wood fire heater is to have an attached certificate of compliance AS/NZS 4013. All certified appliances are listed on the AHHA website www.homeheat.com.au
23. The installation of the wood fire heater is to comply with AS/NZS 2918 – Installation, this is a safety standard that tells you how a heater must be installed.
24. The minimum discharge height of the chimney is to be one metre above any structure within a 15 metre horizontal radius.
25. The external chimney type is to be either a concentric shroud, venturi cowl or a parallel rain excluder.
26. No emissions causing air pollution shall be created by the operation of any plant equipment or any procedure carried out at the premise.
27. Use of the inclinator being restricted to 24 movements per day during 7am and 10pm time period and two movements between 10pm and 7am (except in emergencies). The maximum noise level associated with the inclined passenger lift is not to exceed 60dB(A), when measured one metre from any adjoining premises.
28. The inclinator rail and support posts are to be painted dark green or similar, to limit its visual impact when viewed from the surrounding area.
29. Materials and colour schemes are to be in accordance with the sample scheme approved by Council, with the exception of the grey proposed for the exterior walls. This grey is to be mid to dark grey, and not light grey.
30. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

C. Matters to be satisfied prior to the issue of the Construction Certificate:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
2. The Principal Certifying Authority must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.

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3. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the *Sydney Water Act, 1994*. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

4. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the Environmental Planning and Assessment Regulation 2000:
 - a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element, and
 - c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - d) prior to covering waterproofing in any wet areas, and
 - e) prior to covering any stormwater drainage connections, and
 - f) after building work has been completed and prior to any occupation certificate being issued in relation to the building.

To allow a Principal Certifying Authority to carry out critical stage inspections, at least 48 hours notice must be given before building work is commenced and prior to further work being undertaken.

5. Construction works approved by this consent must not commence until:
 - a) Construction Certificate has been issued by a Principal Certifying Authority
 - b) a Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
 - c) at least 2 days notice, in writing has been given to Council of the intention to commence work.
6. In accordance with section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payment Corporation or Council for any work costing \$25,000 or more.

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7. Structural Engineering details relating to the development are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
 8. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate plans and specifications are fulfilled.
 9. 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.
 10. Details in the Construction Certificate are to reflect the recommendations/requirements of the Bushfire Risk Assessment Report prepared by Bushfire Planning Services Pty Ltd dated 4 February 2015 and the NSW Rural Fire Service, reference number D15/0460 DA15022395875 AH, dated 16 March 2015.
 11. Before issue of the Construction Certificate an amended landscape plan is required to be submitted which shows tree retention and/or removal consistent with the arborist report and six (6) additional locally native canopy trees which will mature at a height of no less than 8.5 metres. Species can be chosen from the list provided in the Native gardening booklet available on the Council website.
 12. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).
- Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.
13. Prior to issue of the construction certificate, the landscape plan (DA1002, Issue A) is to be updated to show the deletion of the new glass roof and new vergola.
 14. Prior to issue of the construction certificate, the landscape plan (DA1002 Issue A) be updated to show the current Banksia Intergrifolia located east of the new deck be deleted, and a Banksia Intergrifolia be located east (toward Whale Beach Road) of the existing garage.
 15. The applicant shall submit documentation to the Accredited Certifier from a licensed builder confirming that:
 - a) The domestic solid fuel heater shall comply with the NSW Environmental Protection Authority "Environmental Guidelines for Selecting, Installing and Operating Domestic Solid Fuel Heaters"
 - b) Any indoor domestic solid fuel heater will comply with the following Australian Standards:
 - i) AS2918:2001 Domestic Solid Fuel Burning Appliances – Installation

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- ii) AS3869:1999 Domestic Solid Fuel Burning Appliances – Design and Construction
- iii) AS4013:1999 Domestic solid fuel burning appliances - Method for determination of flue gas emission
- c) The indoor domestic solid fuel heater will carry a metal compliance plate in accordance with the Australian Standard for pollution emissions.
- d) The model of indoor domestic solid fuel heater to be installed complies with the current Australian Standards. A copy of the NSW Environmental Protection Authority Certificate of Compliance is to be submitted prior to release of the Construction Certificate.
- e) The installation of the indoor domestic solid fuel heater shall at all times comply with the requirements of the Building Code of Australia.
- f) The installation of the indoor domestic solid fuel heater shall be carried out by a licensed builder.
- g) The minimum discharge height of the chimney shall be one metre above any structure within a 15 metre horizontal radius.
- h) The external flue shall be installed so that the discharge height is a minimum of 600mm above any structure within a 3m horizontal radius, or according to the distances used in AS2918 Domestic Solid Fuel Burning Appliances – Installation (which ever is the greatest).
- i) The external chimney type is to be either a concentric shroud, venturi cowl or a parallel rain excluder.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

Note: This condition does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the States building laws.

2. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 The Demolition of Structures.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

- a) Protection of site workers and the general public.
- b) Erection of hoardings where appropriate.
- c) Asbestos handling and disposal where applicable.
- d) Any disused service connections shall be capped off.

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Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

3. A certificate prepared by an appropriate qualified person is to be submitted to the Principal Certifying Authority for the following building components, certifying to the satisfaction of Principal Certifying Authority that the nominated works have been carried out in accordance with the Building Code of Australia, relevant Australian Standards and any conditions of Development Consent. Works are not to progress past this point until the Principal Certifying Authority has confirmed that this condition has been satisfied (see copy of form attached).

Where this confirmation of compliance is issued by a private Principal Certifying Authority certifier, for the purposes of keeping a public record, a copy of the letter is to be forwarded to Council within 5 working days of the date of issue.

4. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
5. The following facilities must be provided on the site:
 - a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - b) a garbage receptacle for food scrapes and papers, with a tight fitting lid.

Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.

6. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
7. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

8. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
Note: Separate approval is required for access driveways, paths, connections to underground services (stormwater, gas, sewer, electricity, etc.), and landscaping works within Council's Road Reserve.

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9. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
10. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - a) The builder's name, builder's telephone contact number both during work hours and after hours.
 - b) That no works are to be carried out in Council's Road Reserve without prior application and approval of a Road Opening Permit from Council.
 - c) That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - d) That no skip bins or materials are to be stored on Council's Road Reserve.
 - e) That the contact number for Pittwater Council for permits is 9970 1111.
11. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
 - a) Quantity of material to be transported
 - b) Proposed truck movements per day
 - c) Proposed hours of operation
 - d) Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
 - e) Location of on/off site parking for construction workers during the construction period.
12. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Naturally Trees, dated 11 June 2015 are required to be complied with before and throughout the development period, particularly with regard to the following:
 - a) Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;

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- b) Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
 - c) All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
 - d) Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.
 - e) Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.
13. No storage of building materials or building waste, excavated fill or topsoil storage is to occur within the dripline of trees shown on the approved landscape working drawing(s) as being retained or within protective fenced areas.
- Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.
14. All works within 5 metres of the existing trees to be retained including pruning, demolition, excavation, civil works, fencing and the like must be carried out by hand under the supervision of an experienced and qualified Arborist. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to the Principal Certifying Authority prior to works recommencing. If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.
15. Demolition works must be carried out in compliance with *WorkCovers 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 400mm x 300mm 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 Certifying Authority, 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.

E. Matters to be satisfied prior to the issue of Occupation Certificate:

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Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
2. The following documents must be submitted:
 - (a) A certificate from a suitably Qualified Engineer, certifying:
 - (i) the stormwater drainage system
 - (ii) the car parking arrangement and area
 - (iii) any related footpath crossing works
 - (iv) the proposed basement pump and well system
 - (v) the proposed driveway and layback, and/or
 - (vi) other civil works, have been constructed in accordance with the approved plans and conditions of consent.
 - (b) A "Works-as-executed" plan of the engineering and/or drainage works.

Where Council is not the Principal Certifying Authority, two copies of the above documents are to be provided to Council prior to issue of any Occupation Certificate.

3. A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*, is to be forwarded to Council or the Private Certifying Authority with the Occupation Certificate.
4. All existing and /or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
5. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.
6. Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.
7. An Accredited Bushfire consultant is to provide a certification to the Principal Certifying Authority confirming that; A) the requirements of the NSW Rural Fire Service have been complied within relation to any potential risk to dwellings or occupants within the development from bushfire in landscaped areas in or adjoining the creekline corridor or other natural bushland areas in or adjoining the site. The listed requirements of the Rural Fire Service, reference number D15/0460 DA15022395875 AH, dated 16 March 2015 must be satisfied.

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8. Prior to the issue of an Occupation Certificate, a suitably qualified professional is to certify that the as-built development is consistent with the recommendations/requirements of the Bushfire Risk Assessment Report prepared by Bushfire Planning Services Pty Ltd dated 4 February 2015.
9. The stormwater drainage system must be constructed and completed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards must be provided.
10. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
11. Prior to the commencement of construction works, all tree protection recommendations in particular the establishment of tree protection zone fencing as specified in the approved Arborist Report (Naturally Trees, 11 June 2015) are to be certified by the consulting arborist as being adequate and in accordance with the specifications of AS 4970 ~ 2009 Protection of Trees on Construction Sites. Certification is to be provided to the certifying body prior to the issue of the Occupation Certificate. Documented evidence of a qualified arborist having supervised the works in proximity to trees being retained and ensuring that all tree protection measures are adopted as specified in the approved arborist report is required. This documentation is to be provided prior to the issue of the Occupation Certificate.
12. The applicant shall submit documentation to the Accredited Certifier from the licensed builder that has carried out the installation of the solid fuel heater confirming that:
 - a) The domestic solid fuel heater complies with the NSW Environmental Protection Authority "Environmental Guidelines for Selecting, Installing and Operating Domestic Solid Fuel Heaters".
 - b) Any indoor domestic solid fuel heater complies with the following Australian Standards:
 - i) AS2918:2001 Domestic Solid Fuel Burning Appliances – Installation
 - ii) AS3869:1999 Domestic Solid Fuel Burning Appliances – Design and Construction
 - iii) AS4013:1999 Domestic solid fuel burning appliances - Method for determination of flue gas emission
 - c) The indoor domestic solid fuel heater carries a metal compliance plate in accordance with the Australian Standard for pollution emissions.
 - d) The model of indoor domestic solid fuel heater which has been installed complies with the current Australian Standards.
 - e) The installation of the indoor domestic solid fuel heater complies with the requirements of the Building Code of Australia.
 - f) The installation of the indoor domestic solid fuel heater has been carried out by a licensed builder.
 - g) The minimum discharge height of the chimney is one metre above any structure within a 15 metre horizontal radius.