

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/0900
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<b>Responsible Officer:</b>	David Auster
<b>Land to be developed (Address):</b>	Lot 1 DP 1230126, 4 Cambridge Avenue NARRAWEENA NSW 2099
<b>Proposed Development:</b>	Demolition works and construction of a dwelling house including swimming pool
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Genevieve Alleyne Uren Samuel Neil Bowden Newsom Robert Francis Maloney
<b>Applicant:</b>	Robert Francis Maloney

<b>Application Lodged:</b>	12/08/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Single new detached dwelling
<b>Notified:</b>	24/08/2020 to 07/09/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	5
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 787,586.00
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### PROPOSED DEVELOPMENT IN DETAIL

The subject development application seeks consent for the demolition of existing structures and the construction of a two-storey dwelling house, swimming pool and associated civil and landscaping works. This application has been lodged in conjunction with a separate development application (DA2020/0941) for another separate dwelling on the same site, and parts of the assessment relate to both dwellings, such as the view loss assessment.

The development under this application is to occur within Lot 1 of the subdivision approved by Development Consent No. DA2018/0130 (this subdivision has yet to be registered).

The layout of the dwelling is as follows:

Ground floor:

- A double-garage and foyer/hallway is to be located at the front of the dwelling.
- Areas towards the front of the ground floor will contain a bedroom (in addition to an ensuite bathroom), laundry and powder room).
- Areas towards the rear of the ground floor will contain a large open plan kitchen, living area and lounge room.
- Northeast parts of the ground floor will provide direct access via bi-fold doors to a large deck area.

First floor:

- The front (i.e. western) part of the first floor will contain two bedrooms and a bathroom.
- Eastern areas of this level will include a master bedroom (including a walk-in-robe and bathroom) within the southeast part of this level and an open plan living area on the northeast side of this level.

Site:

- Driveway access is to be provided from a right of carriageway within the southwest part of the site that was approved as part of the earlier subdivision approval.
- A partially-inground swimming pool and partly-elevated coping is proposed within the southeast part of the site. The remainder of the site is to be landscaped.

## **ASSESSMENT INTRODUCTION**

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

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

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B3 Side Boundary Envelope  
 Warringah Development Control Plan - C3 Parking Facilities  
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting  
 Warringah Development Control Plan - D7 Views  
 Warringah Development Control Plan - D8 Privacy

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 1230126 , 4 Cambridge Avenue NARRAWEENA NSW 2099
<b>Detailed Site Description:</b>	<p>The subject site is identified as 4 Cambridge Avenue, Narraweena (Lot 1, DP 1230126) and consists of a single allotment located at the end of Cambridge Avenue, on the northeast side of the cul-de-sac turning head.</p> <p>The area within the site that is the subject of this application is identified as Lot 1 within a two-lot subdivision approved by Development Consent No. DA2018/0130, however that subdivision has yet to be registered.</p> <p>The site is an irregularly-shaped allotment with a curved frontage of 9.15 metres along the Cambridge Avenue turning head; the maximum depth of the site is 52.52 metres. The site is generally oriented in an east-west direction, has a surveyed area of 1,411m<sup>2</sup>. The site is located atop of a ridge and therefore has variable slopes; the front of the site has a notable north-to-south (i.e. side-to-side) slope with a maximum fall of approximately 7.2 metres, while areas towards the rear of the site fall away in both directions, with the maximum fall of 3.3 metres occurring towards the northeast,</p> <p>The site is located within the R2 Low Density Residential zone under WLEP 2011; all surrounding allotments are also R2-zoned.</p> <p>The site is mapped as containing a landslip hazard (Area B, denoting flanking slopes of 5-25%), however the site is not mapped as containing any other significant affectations. The site not identified as containing a heritage item or being within a heritage conservation area; the site is also not in close proximity to a heritage item.</p> <p>Development on the site consists of a single-storey detached dwelling that is located towards the rear of the site, a carport, shed and paved areas. There are a number of trees also located around the site.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p>

Development on adjoining site and within surrounding residential-zoned areas consists predominately of low-density residential development (i.e. detached and associated development).

Map:



## SITE HISTORY

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

- 21 November 2017: Development Application No. DA2017/0579 refused. The application proposed a residential subdivision of one (1) Lot into two (2) Lots, including demolition, site works, construction of a driveway and carparking structure.
- 28 June 2018: Development Application No. DA2018/0130 approved for a Torrens Title of one lot into two lots, demolition of the existing dwelling and construction of a driveway. The approval for this subdivision included 'envelopes' shown on the approved plans, and condition 38 requiring a positive covenant to be registered on title requiring future dwelling houses to fall entirely within these envelopes. The condition requires that Northern Beaches Council shall be nominated as only party able to release, vary or modify such covenant. As such, the previous condition of consent does not prevent Council from approving the new applications should they not fall within the nominated envelopes.

The positive covenant was required primarily to ensure that a reasonable sharing of views was maintained, and also to ensure other amenity impacts arising out of new housing would not be unreasonable. The two dwellings now applied for do not fall wholly within the previously approved envelopes. The two storey elements of the proposals are generally within the envelope areas shown on the approved subdivision plans, although the proposed heights are significantly higher than the previously approved envelopes. Issues arising out of this variation are assessed throughout this report.

- 7 April 2020: Prelodgement meeting PLM2020/0065 was held with Council to discuss the



possibility of modifying condition 38 in the subdivision consent. The notes made the following comments:

*Condition No.38 was applied in this development consent, for the purpose of ensuring the built form is consistent with the pattern and scale of surrounding development and responds to the site constraints and the amenity of adjoining properties. A review of the subject condition has been undertaken, and based on the circumstances, the approved footprints and building envelopes on the site are valid. No deletion or modification of these can be supported.*

*The footprints and envelopes were necessary to ensure the amenity of the property to the west, No.3 Cambridge Avenue. The site's topography constrains all development to the north-east corner of the land, which results in a potential impact to the view corridor to the east currently enjoyed by No.3. These envelopes were necessary in justifying the subdivision of the land, hence removal of them through a proposed modification to delete the condition cannot be supported.*

*There is no impediment on an application for dwelling houses being lodged, if those dwelling houses happen to be outside of both the envelope and the footprint. Council could retain the discretion to approve such an application, despite any restriction to user (or other instrument) on the land, if it were convinced the impacts of the development were acceptable. However, based on the background of how these footprints and envelopes came to be applied on the land, it very unlikely that any application would be successful.*

Despite the comments above, the assessment in this report has found that the impacts of the proposed dwellings are generally contained to a reasonable level, and approval is recommended.

- 12 August 2020: Subject Development Application lodged.
- 18 August 2020: Development Application No. DA2020/0941 lodged. The application proposes demolition works and the construction of a dwelling house on Lot 2 of the subdivision as approved by Development Consent No. DA2018/0130.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) –	Warringah Development Control Plan applies to this proposal.

Section 4.15 Matters for Consideration'	Comments
Provisions of any development control plan	
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to landscaping and stormwater issues.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will have a detrimental social impact in the locality considering the character of the proposal.</p>

Section 4.15 Matters for Consideration'	Comments
	(iii) <b>Economic Impact</b> The proposed development will have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 24/08/2020 to 07/09/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 5 submission/s from:

Name:	Address:
Ms Danielle Susan Steedman	5 Cambridge Avenue NARRAWEENA NSW 2099
Alexander David Hayes	5 Cambridge Avenue NARRAWEENA NSW 2099
Mr Clifton Bradeley Hall	1 Cambridge Avenue NARRAWEENA NSW 2099
Mr John William Patrick Benson	9 Rowena Road NARRAWEENA NSW 2099
Ms Natalie Mary Morton	3 Cambridge Avenue NARRAWEENA NSW 2099

The following issues were raised in the submissions and are summarised below:

- The increased volume of vehicular traffic both during demolition/construction and thereafter, given the length of the Avenue which is approximately 50 metres in total. More off-street parking must be provided. Heavy vehicle access over the life of the works will degrade the road surface, potentially damage the kerb and guttering (hence drainage) and disrupt access and amenity for existing residents and/or their visitors. A development of the scale proposed will lead to trade vehicles requiring parking in the avenue for extended periods each work day further restricting the turning circle at the end of the Avenue.
- Council trees obscure vision of vehicles entering the street from No 3 and No 4. Removal of the

trees should be considered.

- The placement of multiple bins for collection at the kerb will reduce available on-street parking.
- The proposal is an over-development of the existing small sized building block.
- The proposed development will result in a substantial loss of privacy for neighbouring dwellings in Cambridge Avenue and Rowena Avenue. Such impacts are mitigated by the existing dwelling as a single storey structure.
- Conditions are requested to mitigate visual privacy impacts on 9, 11 and 13 Rowena Road.
- The site is unusual in that it impacts a semi-circle of houses underneath it. The positive covenant restricting the building envelope and other planning restrictions are to protect all residents.
- The submitted information regarding view loss do not seem accurate. Statements regarding the level of impact are disputed. Height poles are requested.
- An earlier approval for subdivision included a positive covenant regarding building height restrictions. It is requested that this be considered to require that future development comply with legal height limitations.
- Impacts on views from adjoining sites will adversely affect property values and amenity.
- The development and required large construction equipment will adversely affect the environment in terms of soil erosion, wildlife and landfall from the carriageway.
- The proposed driveway may adversely affect Tree 23 (*Angophora costata*). An arboricultural report was not submitted and the submitted driveway plan does not depict any trees. More detail should be provided.
- Engineering information including stormwater connections are not available on Council's website.
- The development is not consistent with the objectives of the R2 zone.
- The submitted survey plan depicts the 'natural watercourse (now piped)' commencing within 5 Cambridge Avenue, but does not indicate that the watercourse extends into the boundaries of No. 4 Cambridge Avenue. Confirmation is required as to how the proposed stormwater will be connected into the easement without accessing the adjoining site.
- The driveway will utilise a crossing that already services 3 and 5 Cambridge Avenue. The crossing has a width of three metres at the street and would service four dwellings, which could result in increased vehicular conflict. The crossing should be upgraded with an appropriate width to enable safe and convenient vehicular access.

A response to the matters raised within the submissions are as follows:

- The increased volume of vehicular traffic both during demolition/construction and thereafter, given the length of the Avenue which is approximately 50 metres in total. More off-street parking must be provided. Heavy vehicle access over the life of the works will degrade the road surface, potentially damage the kerb and guttering (hence drainage) and disrupt access and amenity for existing residents and/or their visitors. A development of the scale proposed will lead to trade vehicles requiring parking in the avenue for extended periods each work day further restricting the turning circle at the end of the Avenue.

Comment:

Council's Development Engineers were consulted on this issue, and did not believe a construction traffic management plan was necessary in this instance, given the circumstances of the site. The proposal requires the subdivision to be completed prior to construction of the dwellings on site. The subdivision includes construction of the driveway. Given the size of the site and width of the road enabling turning and parking area, the issue is not likely to result in unreasonable impacts. There will inevitably be some impacts on the surrounding area during construction, as there is with construction of most new dwellings anywhere. However, the circumstances of the site and surrounding road network are not particularly unusual or have any particular circumstance that would require greater measures in this regard. After construction,



each of the new dwellings will have two car spaces on site, in accordance with the minimum requirements for parking.

- Council trees obscure vision of vehicles entering the street from No 3 and No 4. Removal of the trees should be considered.

Comment:

The locations of street trees are not in a location that is likely to obscure the vision of vehicles entering/leaving the subject site, noting that the driveway crossover/layback point is to remain unchanged by the proposal. Separate removal of the trees on Council land is not relevant to the subject application.

- The placement of multiple bins for collection at the kerb will reduce available on-street parking.

Comment:

The proposal is for a single residential dwelling; noting that DA2020/0941 also proposes a single dwelling, the approval of the subject DA and DA2020/0941 will not result in a significant number of bins being placed within the street for collection. Noting both the location of the site at the end of a cul-de-sac and the location of driveway crossover points within this part of Cambridge Avenue, it is considered unlikely that the placement of bins within the road corridor will notably reduce on-street parking availability within Cambridge Avenue.

- The proposal is an over-development of the existing small sized building block.

Comment:

This assessment found that the proposal attains a relatively high level of compliance with applicable development standards and controls; impacts associated with the proposal are also considered to be reasonable and acceptable in this specific instance. The proposal is not considered to be an overdevelopment of the approved allotment.

- The proposed development will result in a substantial loss of privacy for neighbouring dwellings in Cambridge Avenue and Rowena Avenue. Such impacts are mitigated by the existing dwelling as a single storey structure.

Comment:

The proposal is designed to respect the privacy of surrounding sites. Subject to conditions, the proposal will not significantly nor adversely affect the visual privacy of surrounding allotments (including Lot 2 within the approved subdivision). Refer to the assessment of DCP Part D8 (Privacy) for further comment and assessment.

- Conditions are requested to mitigate visual privacy impacts on 9,11 and 13 Rowena Road.

Comment:

Conditions are recommended to mitigate potential visual privacy impacts on sites to the north and east of this site. Refer to the assessment of DCP Part D8 (Privacy) for further comment and assessment.

- The site is unusual in that it impacts a semi-circle of houses underneath it. The positive covenant restricting the building envelope and other planning restrictions are to protect all residents.

Comment:

This planning assessment has considered the issues and constraints that are specific to this site/area. Noting that the subdivision of the site has not occurred, it is not known if the covenant

(which is the subject of conditions under Development Consent No. DA2018/0130) has yet been formalised. Regardless, the building envelopes and heights which are the subject of the covenant were considered; the breaches of the approved building envelopes are considered to be acceptable given the relatively high level of compliance that is obtained with the applicable built form controls, and that impacts on surrounding sites are relatively minor and generally acceptable in the context of residential development in the R2 zone.

- The submitted information regarding view loss do not seem accurate. Statements regarding the level of impact are disputed. Height poles are requested.

Comment:

The applicants were requested to erect height poles for both new dwellings. These height poles were erected and certified prior to site inspections being carried out to assess view impacts. An accurate view assessment has been carried out. In summary, the proposal is considered to result in a reasonable sharing of views (see discussion under clause D7 Views in this report).

- An earlier approval for subdivision included a positive covenant regarding building height restrictions. It is requested that this be considered to require that future development comply with legal height limitations.

Comment:

Noting that the subdivision of the site has not occurred, it is not known if the covenant (which is the subject of conditions under Development Consent No. DA2018/0130) has yet been formalised. While the height of the proposed dwelling is greater than that of the approved building envelope, it is still considerably less than the maximum building height standard, and has been found to not have an excessive nor unreasonable impact on surrounding sites. The building envelopes were put in place in large part to ensure that no unreasonable view loss occurred as a result of development of the subdivided lots. The new dwellings now proposed, while not wholly consistent with those previous building envelopes, have been found to maintain a reasonable sharing of views. As such, the proposal is supported.

- Impacts on views from adjoining sites will adversely affect property values and amenity.

Comment:

Refer to the assessment of DCP Part D7 (Views) for a detailed assessment of view impacts. To summarise, the proposal will not have an unreasonable level of impact on views from surrounding sites. Issues regarding property values are not a matter for consideration under S4.15 of the Act.

- The development and required large construction equipment will adversely affect the environment in terms of soil erosion, wildlife and landfall from the carriageway.

Comment:

Matters regarding construction are subject to conditions of consent. If such conditions are satisfied, then the works should not have any foreseeable impacts on the natural environment.

- The proposed driveway may adversely affect Tree 23 (*Angophora costata*). An arboricultural report was not submitted and the submitted driveway plan does not depict any trees. More detail should be provided.

Comment:

The original arborist report provided with the subdivision was provided. Council's Landscape Officer has assessed the proposal and is satisfied in this regard. The driveway was approved as

part of the subdivision application, which included conditions to retain trees as per the arborist report, which states that tree 23 will be protected.

- Engineering information including stormwater connections are not available on Council's website.

Comment:

A check of Council's website noted that engineering information was available. Regardless, Council's Development Engineer has concluded that the submitted information is satisfactory, subject to conditions.

- The development is not consistent with the objectives of the R2 zone.

Comment:

The proposal is consistent with the objectives of the R2 zone, and is therefore in the public interest.

- The submitted survey plan depicts the 'natural watercourse (now piped)' commencing within 5 Cambridge Avenue, but does not indicate that the watercourse extends into the boundaries of No. 4 Cambridge Avenue. Confirmation is required as to how the proposed stormwater will be connected into the easement without accessing the adjoining site.

Comment:

The stormwater connection to the adjacent Council pipe on 5 Cambridge Avenue was part of the approval of the subdivision. The Notice of Determination for the subdivision application includes conditions requiring creation of an inter allotment drainage system for all lots to drain to Council drainage system. Council's Development Engineers were consulted, and have not yet received any application to connect into the existing easement in this regard. This will need to be carried out prior to issue of any construction certificate for the subdivision.

- The driveway will utilise a crossing that already services 3 and 5 Cambridge Avenue. The crossing has a width of three metres at the street and would service four dwellings, which could result in increased vehicular conflict. The crossing should be upgraded with an appropriate width to enable safe and convenient vehicular access.

Comment:

As a result of the approved subdivision, the existing driveway crossover would accommodate vehicular movements from four (4) dwellings, an increase of one (1) dwelling. While vehicular movements will increase, such an increase is not significant; the direction of movements across the crossover would not be altered by the proposal and the layout of the existing access arrangement is such that vehicular conflict is unlikely to occur. It is noted that no issue was raised by Council's Development Engineer in their assessments of this proposal and the approval of the subdivision under Development Consent No. DA2018/0130.

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	<u>Additional information comment 14/05/2021</u> Provision of the Arborist's Report and clarification regarding the driveway are noted.

Internal Referral Body	Comments
	<p>No objections are raised to approval subject to conditions as recommended.</p> <p><u>Original Comment</u> The plans indicate works adjacent to trees on and adjacent to the site for the driveway, dwelling and swimming pool.</p> <p>No Arborist's Report was sighted with the application.</p> <p>An Arborist's report prepared by a Consulting Arborist with minimum qualification AQF Level 5 is required to be provided to address impacts on existing trees on and adjoining the site. Significant trees on the site and trees adjoin the site should be retained.</p> <p>At this stage the proposal is not able to be supported with regard to landscape issues.</p> <p>If additional information is provided, further assessment can be undertaken.</p>
NECC (Development Engineering)	<p>Development Engineering has no objection to the application. However, the new lot ( Lot 1) has not been created. As such, the DA consent shall not be activated prior the creation of the new lot.</p> <p>Please note that the applicant also proposed to amend the building footprint in the new lot which was approved in DA 2018/0130. It mean the DA 2018/0130 may need to be modified.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid who provided an undated response on 8 September 2020 stating that the proposal is acceptable, subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the

application hereunder.

## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. The assessment of Development Application no. DA2018/0130 (for subdivision of the site) also confirmed that there was no information to suggest that the site has become contaminated. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1028594S, dated 28 July 2020). The BASIX Certificate is supported by NatHERS Certificate (see Certificate No. 000491530, dated 19 June 2020).

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

Commitment	Required Target	Proposed
Water	40	47
Thermal Comfort	Pass	Pass
Energy	50	51

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

### SEPP (Infrastructure) 2007

#### Ausgrid

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

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

Comment:



The proposal was referred to Ausgrid. An undated response was received on 8 September 2020 which confirmed that no objections are raised, subject to conditions.

## Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	600m <sup>2</sup>	N/A		N/A
Height of Buildings:	8.5m	7.64	N/A	Yes
:	N/A			N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A			N/A

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	N/A
5.3 Development near zone boundaries	N/A
5.8 Conversion of fire alarms	N/A
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

## Warringah Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	6.4m	N/A	Yes
B2 Number of storeys	N/A			N/A
B3 Side Boundary Envelope	N: 4m	5.09m	27.25%	No
	S: 4m	Within envelope (from approved subdivision boundary)	N/A	Yes
B4 Site Coverage	N/A			N/A

B5 Side Boundary Setbacks	N: 0.9m	1.5m	N/A	Yes
	S: 0.9m	1.4m (from subdivision boundary)	N/A	Yes
B7 Front Boundary Setbacks	6m	38m	N/A	Yes
B9 Rear Boundary Setbacks	6m	Deck: 6m Building line: 8m Pool: 900mm (Coping)	N/A	Yes
B11 Foreshore Building Setback	N/A			N/A
B12 National Parks Setback	N/A			N/A
B13 Coastal Cliffs Setback	N/A			N/A
B14 Main Roads Setback	N/A			N/A
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (279.88m <sup>2</sup> )	Incl. access handle: 34.7% (242.9m <sup>2</sup> ) Excl. access handle: 42.06% (242.9m <sup>2</sup> )	13.25% N/A	No

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: 38/40 x 100 = 95 then 100 - 95 = 5% variation)

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management		
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

### Detailed Assessment

#### **B3 Side Boundary Envelope**

The plans propose a breach along the entire length of the first floor on the dwelling's northern elevation; there is no breach of the envelope proposed on the southern side elevation of the dwelling.

The size of the breach varies and largely reflects the sloped topography of the site; the minimum and maximum sizes of the breach are as follows:

- The minimum size of the breach will be 220mm at the western end of the first floor, and
- The maximum size of the breach will be 1.06 metres at the western end of the first floor.

With regard to the objectives of the control, the location and the building envelope breach are positioned within a part of the building that will not be evident from the public domain, due both to the significant front setback and development on adjoining rear allotments obscuring the development from Rowena Road; the development is also unlikely to be less evident from surrounding allotments as a result of horizontally stepping the dwelling's northern elevation and features (such as the deck) increasing building articulation on the dwelling's rear elevation. It is also submitted that the design of the dwelling has accounted for the topography of the site, by stepping the northern elevation of the ground floor away from the periphery of the building.

Being located on a side building elevation that is oriented to the north, the variation will have a negligible impact on solar access; throughout the day, any additional shadow will be largely self-internalised on the dwelling's northern elevation and/or contained within site boundaries. As the breach would affect only the upper parts of windows on the northern elevation (noting that the side-facing window for the rear living area has raised sill heights), there will also be no unreasonable visual privacy impacts as a result of the variation. The variation is also unlikely to significantly nor unreasonably affect views as the height of the roof above the noncompliant section of the northern elevation has been reduced, and the western part of the northern elevation (i.e. the area closest to sites from which view-loss objections have been received) also contains the smallest part of the breach.

With regard to the above, the objectives of the control will be satisfied despite the proposed noncompliance. The variation is therefore considered to be acceptable and supportable on merit.

### **C3 Parking Facilities**

The proposed width of the garage is 5.5 metres, which equates to 71.4% of the frontage of the dwelling. The noncompliance is a consequence of the irregular design of the dwelling, the footprint of which follows that of the irregularly-shaped allotment on which it is proposed. Despite the variation, the objectives on the control will be satisfied. Adequate car parking facilities (i.e. in terms of provision and design) will be provided. Further, the significant (i.e. 38.8 metre) front setback of the garage at the end of a cul-de-sac is such that the garage will not dominate, nor will it significantly affect, the Cambridge Avenue streetscape.

As such, the variation is considered to be acceptable and supportable on merit.

### **D1 Landscaped Open Space and Bushland Setting**

If the access handle (approved as part of the original subdivision of the site), then 42.06% of the site would consist of landscaped area (inclusive of minimum dimensions), thereby satisfying the requirements of the control.

If however the access handle were to be included, then only 34.7% of the site would be landscaped; this constitutes a 36.98m<sup>2</sup> variation to the control. If Council were to consider the proposed landscaped area as a noncompliance, then it is submitted that the proposal would still satisfy the objectives of the control as follows:

- A significant amount of space would still be provided on the site for the establishment and growth of vegetation, including larger vegetation and trees.
- Sufficient landscaping space would be provided between the dwellings and boundaries (including the internal boundaries of the approved subdivision).
- Sufficient space would be provided for outdoor recreation facilities and other functions such as clothes drying.
- A sufficient amount of pervious space would be provided for rainwater infiltration, noting that Council's Development Engineer has not raised any concerns with the proposed stormwater arrangements, subject to conditions.

With regard to the above, the proposed variation (if the access handle were to be included) is considered to be acceptable and supportable on merit.

### **D7 Views**

This view loss assessment has been carried out in relation to the two development applications (DA2020/0900 and DA2020/0941), that have been lodged concurrently, and relate to a new dwelling on each of the two new lots to be created under (DA2018/0130). Height poles were erected for both dwellings prior to site inspections being carried out.

#### Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To allow for the reasonable sharing of views.*

#### Comment:

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

### **1. Nature of the views affected**

*"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. 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, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".*

#### Comment to Principle 1:

A submission regarding view loss was received from the owners of number 3 Cambridge Avenue. The views affected from number 3 are long distance views of the Pacific Ocean, Dee Why Lagoon, and the entrance of the lagoon to the ocean with surrounding beach and dunes. The view is not a 'whole view' being partially filtered and obscured by existing development and trees, but is considered highly valuable.

There are also heavily filtered views from number 1, although number 1 did not object to view loss. Number 2 may have impacted views, but did not make a submission, and access was not gained to the dwelling. The dwelling at number 2 is situated at the very rear of the site, and it is likely a view corridor will be maintained to the north of the development from that dwelling. Further, the dwellings at both 1 and 2 are significantly higher than the dwelling at number 3, and will retain views over the proposed new dwellings.

### **2. What part of the affected property are the views obtained**

*"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".*

#### Comment to Principle 2:

The views from number 3 are standing views, obtained across the side boundary of number 3 and 4. From number 1, the views are heavily obscured by existing trees, but are available both sitting and standing.

### **3. Extent of impact**

*"The third step is to assess the extent of the impact. This should be done for the whole of the 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 the 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".*



#### Comment to Principle 3:

From number 3, the view will be impacted in different ways from different parts of the dwelling. From the front deck, the view of the Lagoon entrance will be lost. From the windows in the dwelling, the Lagoon entrance will be retained, though other parts of the wider view will be lost. Much of the existing view will be retained to an extent between the two proposed new dwellings (under this application and DA2020/0941) as one moves from the front deck, through the house, to the rear. However, the whole existing view will be significantly affected by the two developments, when viewed from any single location in the dwelling. Given these considerations, the impact is considered 'moderate' in the context of these principles, but is not to the extent to be considered 'severe'.

From number 1, the view is so heavily obscured as is, that the impact is considered 'minor'. What views are available will be generally maintained over the new dwellings.

#### **4. Reasonableness of the proposal that is causing the impact**

*"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all 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."*

#### Comment to Principle 4:

Both new dwellings are largely compliant with the relevant built form controls affecting views, including the overall height of buildings control. The proposed northern dwelling (DA2020/0900) includes a breach of the side boundary envelope control on the northern side. This breach is worst at the rear of the building, and decreases to almost no breach at the front (the front is facing the neighbours that will experience view loss). As such, requiring compliance with this control would not necessarily have any significant impact on the views. Further to this, the view to be retained is through the corridor between the two new dwellings. The northern side of the northern dwelling will have little impact on the existing views, given the existing vegetation in this area that almost entirely obscures the view currently in this area.

Similarly, the proposed southern dwelling (DA2020/0941) includes minor non-compliance with the side boundary envelope and wall height controls on the southern side of that dwelling, as the land falls away. Again, these non-compliances do not impact on the view corridor to be retained between the dwellings, but occur in a location where the existing views are already blocked by the dwelling behind at 15 Rowena Road to the rear of the subject site. The non-compliances do not therefore impact on the views.

A further consideration is the comparison between the potential for development of the existing site (pre-subdivision). The subdivision of the site was considered acceptable in part because it enabled a view corridor to be created between two new dwellings on site. The existing dwelling on the site is part single, part two storey, and could be developed by alterations and additions up to a height of 8.5m, in which case it would likely obliterate the existing views. The two dwellings now proposed create a significant view corridor that will enable much of the existing view to be retained from the neighbours to the west, albeit in a way that different parts of the

existing view will be visible from different parts of the neighbouring properties.

Given these considerations, the proposal is considered to maintain a reasonable sharing of views. The non-compliant elements proposed do not generally impact on views, and the view corridor created between the two new dwellings is significant, and will enable the retention of the most valuable parts of the view from different parts of the neighbouring property. It is not recommended that design changes be required.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

Given that the proposal is considered to maintain a reasonable sharing of views, the proposal is considered to be sufficiently innovative.

- *To ensure existing canopy trees have priority over views.*

Comment:

Canopy trees are not proposed for removal to gain or retain views.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **D8 Privacy**

No concerns are raised with regard with to views obtained from the front or sides of the dwelling towards adjoining sites (including the other allotment within the approved subdivision) due to window placement and design, which includes high-sill windows for living areas. A condition is recommended to increase the heights of privacy screens for all deck/walkway areas on the northern side of the dwelling to 1.7 metres above respective finished floor levels.

Given their proximity to the rear boundary, no issue is raised with the rearward views of the ground floor deck/living rooms and the first floor living room.

Concern is however raised with regard to the height of pool coping and its proximity to the rear boundary; the dimensions of landscaped area and the 1.8 metre height of the fence may not be sufficient to preserve privacy to the rear of the site (i.e. 13 Rowena Road). A condition is therefore recommended to move the pool and coping at least 600mm towards the dwelling (i.e. away from the rear boundary), with screen landscaping with a mature height of at least two metres to be implemented within the resultant 1500mm wide space between the relocated coping and the rear boundary (height of the landscaping is to be capped at 2.7 metres to prevent potential impacts on the view corridor between the proposed dwelling and dwelling proposed by DA2020/0941).

If conditions are satisfied, then approval of the development would not result in significant nor adverse visual privacy outcomes.

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

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2019**

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

A monetary contribution of \$7,876 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$787,586.

## **CONCLUSION**

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

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

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

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

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

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

## **RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2020/0900 for Demolition works and construction of a dwelling house including swimming pool on land at Lot 1 DP 1230126, 4 Cambridge Avenue, NARRAWEENA, subject to the conditions printed below:

## DEFERRED COMMENCEMENT CONDITIONS

### 1. Deferred Commencement

Evidence required to satisfy these conditions must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

### 2. Subdivision Certification

The subject land lot 1 of DP 1230126 shall be subdivided under a subdivision application. The applicant must provide Council with evidence that the creation of proposed Lot 1 in order to activate the consent.

Reason: To ensure the proposal is permissible development on the site.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 3. Approved Plans and Supporting Documentation

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

#### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Notes and BASIX Commitments (Job. No. 19-0131, Drawing No. N1)	28.07.2020	Sally Gardner Design and Draft
Window & Door Schedules (Job. No. 19-0131, Drawing No. N2)	28.07.2020	Sally Gardner Design and Draft
Roof Plan (Job. No. 19-0131, Drawing No. A1)	28.07.2020	Sally Gardner Design and Draft
First Floor Plan (Job. No. 19-0131, Drawing No. A2)	28.07.2020	Sally Gardner Design and Draft
Ground Floor Plan (Job. No. 19-0131, Drawing No. A3)	28.07.2020	Sally Gardner Design and Draft
Elevation Sheet 1 (Job. No. 19-0131, Drawing No. A4)	28.07.2020	Sally Gardner Design and Draft
Elevation Sheet 2 (Job. No. 19-0131, Drawing No. A5)	28.07.2020	Sally Gardner Design and Draft
Sections Sheet 1 (Job. No. 19-0131, Drawing No. A6)	28.07.2020	Sally Gardner Design and Draft

Sections Sheet 2 (Job. No. 19-0131, Drawing No. A7)	28.07.2020	Sally Gardner Design and Draft
Cross Section, Cross Section West, Cross Section Pool, Long Section Pool (Job. No. 19-0131, Drawing No. A8)	28.07.2020	Sally Gardner Design and Draft
Site Plan & Calculations (Job. No. 19-0131, Drawing No. S1)	28.07.2020	Sally Gardner Design and Draft
Site Management, Sediment & Erosion Control (Job. No. 19-0131, Drawing No. S2)	28.07.2020	Sally Gardner Design and Draft

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Stormwater Management Plan, 4A Cambridge Avenue, Narrabeena (Drawing No. Sheet-4)	20.07.2020	Taylor Consulting
Stormwater Management Details, 4A & 4B Cambridge Avenue, Narrabeena (Drawing No. Sheet-6)	20.07.2020	Taylor Consulting
Subdivision Driveway Plan 4 Cambridge Avenue, Narrabeena (Drawing No. Sheet-1)	20.07.2020	Taylor Consulting
Subdivision Driveway Long-Sections & Details 4 Cambridge Avenue, Narrabeena (Drawing No. Sheet-2)	20.07.2020	Taylor Consulting
Inter-Allotment Drainage Plan & Long-Section 4 Cambridge Avenue, Narrabeena (Drawing No. Sheet-3)	20.07.2020	Taylor Consulting

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate No. 1028594S	28.07.2020	Sally Gardner Design and Draft
Preliminary Geotechnical Assessment (Ref. J2735)	02.06.2020	White Geotechnical Group

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
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In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	Undated

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

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

5. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a 'dwelling house'.

A 'dwelling house' is defined as:

*A building containing only one dwelling.*

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

6. **Prescribed conditions (Demolition):**

(a) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (ii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

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

(ii) in the case of work to be done by an owner-builder:

- A. the name of the owner-builder, and
- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

(c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

Reason: Legislative Requirement.

## 7. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,

- (ii) in the case of work to be done by an owner-builder:
  - A. the name of the owner-builder, and
  - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

## 8. **General requirements (Demolition):**

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

- (e) The applicant shall bear the cost of all works that occur on Council's property.
- (f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy. )
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

## 9. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

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

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

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

    - (i) Swimming Pools Act 1992
    - (ii) Swimming Pools Amendment Act 2009
    - (iii) Swimming Pools Regulation 2018
    - (iv) Australian Standard AS1926 Swimming Pool Safety



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

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

## FEES / CHARGES / CONTRIBUTIONS

### 10. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$7,875.86 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$787,586.00.

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

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

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

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

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

### 11. **Security Bond**

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

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

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

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

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

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

### **12. Amendments to the approved plans**

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

A. Screens and balustrades on the northern side of the following features:

- The deck on the northeast side of the dwelling,
- The walkway connecting the deck to the family area, and
- The utility deck,

are to be modified as follows:

- All decks are to be at least 1.7 metres above respective finished floor levels.
- The screens are to consist of fixed louvres with a maximum spacing of 20mm.
- All screens are to be constructed of durable materials and finished in colours that match the remainder of the dwelling.

B. The swimming pool and coping are to be moved towards the west (i.e. towards the dwelling) to provide separation of at least 1500mm between the pool coping and the rear boundary of the site (i.e. the common boundary of the site and 13 Rowena Road). Screen landscaping capable of achieving a minimum mature height of at least two (2) metres is to be established within the 1500mm wide space area between the rear boundary fence and pool coping; the height of such landscaping screening shall be maintained at a maximum height of 2.7 metres for the life of the development.

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

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

### **13. Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in

respect of the subject site.

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

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

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

14. **On-site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850, and generally in accordance with the concept drainage plans prepared by Taylor Consulting, drawing number Sheet-4, dated 20/07/2020.

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

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

15. **Compliance with standards (Demolition):**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to Council prior to the commencement of demolition works.

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

16. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

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

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

17. **External Finishes to Roof**

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

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

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

**18. Sydney Water "Tap In"**

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

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

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

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

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

**19. Waste Management Plan**

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

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

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

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

**20. Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: i) A separate permit or development consent may be required if the branches or

roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

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

Reason: Tree protection.

## 21. **Pre-Construction Dilapidation Report**

A dilapidation report, including photographic surveys must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical external condition of the following areas:

- o 3 Cambridge Avenue, Narraweena, and
- o The adjoining Cambridge Avenue road reserve, including (but not necessarily limited to) the driveway crossover and associated access points to 3 and 5 Cambridge Avenue, kerbs and gutters to the front of the site and any drainage infrastructure to the front of the site.

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

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

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

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

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

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

## 22. **Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected including:
  - i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
  - ii) all trees and vegetation located on adjoining properties,
  - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
  - i) tree protection shall be in accordance with Australian Standard 4970-2009

Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,

- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with Project Arborist,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by Project Arborist on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with Project Arborist including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must:
  - i) be in place before work commences on the site, and
  - ii) be maintained in good condition during the construction period, and
  - iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

**Note:** All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking or removal of any tree(s) is prohibited.

**Reason:** Tree and vegetation protection.



23. **Road Reserve**

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

Reason: Public safety.

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

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

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

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

25. **Demolition Works - Asbestos**

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

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

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal 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.

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

26. **Survey Certificate**

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

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

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

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

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

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

**28. Waste Management During Development**

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

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

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

**29. Protection of rock and sites of significance**

a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

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

**30. Condition of Retained Vegetation - Project Arborist**

Prior to the issue of any Occupation Certificate a report prepared by the project arborist shall be submitted to the Certifying Authority assessing the health and impact on all existing trees required to be retained including the following information:

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

Reason: Tree protection.

**31. Post-Construction Dilapidation Report**

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

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

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

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

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

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

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

**33. Removal of All Temporary Structures/Material and Construction Rubbish**

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

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

Reason: To ensure bushland management. (DACPLF01)

**34. House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

**35. Waste Management Confirmation**

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

generally in accordance with the approved Waste Management Plan.

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

36. **Swimming Pool Requirements**

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

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

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

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

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

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

(e) Signage showing resuscitation methods and emergency contact

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

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

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

Reason: To protect human life (DACPLF09)

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

**Signed**



**David Auster, Planner**

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



**Anna Williams, Manager Development Assessments**