

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0941
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Responsible Officer:	David Auster
Land to be developed (Address):	Lot 1 DP 1230126, 4 Cambridge Avenue NARRAWEENA NSW 2099
Proposed Development:	Demolition works and construction of a dwelling house on proposed Lot 2
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Genevieve Alleyne Uren Samuel Neil Bowden Newsom Robert Francis Maloney
Applicant:	Robert Francis Maloney

Application Lodged:	18/08/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	25/08/2020 to 08/09/2020
Advertised:	Not Advertised
Submissions Received:	4
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 753,997.00
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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 (DA2020/0900) 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 2 of the subdivision approved by Development Consent No. DA2018/0130 (this subdivision has yet to be registered).

Given the irregular shape of the approved allotment and areas containing significant slopes towards the south, the proposed dwelling will be a one/two storey design that is situated towards the northern side of the side.

The layout of the dwelling is as follows:

Ground floor:

- The western part of the ground floor will be a single storey element.
- The western-most part of the ground floor will contain an entry with a long hallway that runs the entire length of the southern side of the single-level part of the building. Adjacent to the entry will be a bedroom and ensuite bathroom, a two-car garage (to be accessed via a right of way easement on approved Lot 1 to the north) and a second entry foyer, with a deck/entryway to be located between this foyer and the northern boundary.
- Within the two-storey part of the dwelling, western parts of the ground floor will contain two bedrooms, a bathroom and stairs to the first floor.
- The rear part of the ground floor will contain a laundry and a large open-plan living area that includes a kitchen/walk-in-pantry, dining area and family room. A covered deck/alfresco area will be provided on the northwest side of the dwelling, and will be accessed from the family and kitchen areas via sliding doors.

First floor:

- The front (i.e. western) part of the first floor will contain a bedroom and powder room (a void will be located above part of the ground floor foyer).
- The centre of this level will contain a retreat room.
- The rear section of this level will contain a bedroom with an ensuite bathroom and walk-in-robe.

Site:

- Driveway access is to be provided from a right of carriageway within approved Lot 1 (i.e. driveway access will be obtained via the 'side' from the northern boundary).
- The remainder of the site is to contain landscaped area.

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 - B1 Wall Heights
 Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - B9 Rear Boundary Setbacks
 Warringah Development Control Plan - D7 Views
 Warringah Development Control Plan - D8 Privacy

SITE DESCRIPTION

Property Description:	Lot 1 DP 1230126 , 4 Cambridge Avenue NARRAWEENA NSW 2099
Detailed Site Description:	<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 2 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 1,411m². 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>

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.

Detailed Description of Adjoining/Surrounding Development

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: Development Application No. DA2020/0900 lodged. The application proposes demolition works and the construction of a dwelling house on Lot 1 within then subdivision approved by Development Consent No. DA2018/0130.
- 18 August 2020: Subject Development Application lodged..

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 Matters for Consideration'	Comments
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 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&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. / This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability 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

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 25/08/2020 to 08/09/2020 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 4 submission/s from:

Name:	Address:
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
Ms Danielle Susan Steedman Alexander David Hayes	5 Cambridge Avenue NARRAWEENA NSW 2099

The following issues were raised in the submissions and each have been addressed below:

- There are presently 12 residences in Cambridge Avenue. There will be an increased volume of vehicular traffic during demolition, construction and occupation. Give the approximate 50 metre length of the Cambridge Avenue, more off-street parking must be provided. Construction vehicles will degrade the road surface, potentially damage the kerb and guttering (with subsequent drainage issues) and disrupt access and amenity for existing residents and/or their visitors.
- Street trees obscure vision of vehicles entering the street from No 3 and No 4. Clearing of the footpath should be considered.
- The development will adversely affect the availability of legal visitor car parking at the kerb, which is already limited to less than one car per residence. 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.
- The development will adversely affect existing waste collection services, thereby further reducing car parking availability due to multiple waste bins being placed at the kerb for collection.
- The proposal is an over-development of the existing small sized building block which is less than half the original block, with a single-story house and pool. The house can and most certainly will be increased to two story in the foreseeable future.
- The garage has a bedroom and bathroom placed on the western side of the garage in the proposed construction; this appears to be a granny flat and this section of the building will be easily converted to this.
- Cambridge Avenue was originally designed to cater for 11 dwellings, the proposed development will result in an increase to now 14 dwellings serviced via a mere 50 metre length roadway.
- The proposed development will result in a substantial loss of privacy by residents of existing neighbouring dwellings in both Cambridge Avenue and Rowena Avenue.
- The two storey house will tower over the back of 9 Rowena Road, with an entertaining deck on the ground floor and picture windows on the second floor looking straight into the master bedroom, bathroom and office of this site at a distance of about 25 metres.
- The proposal will cause permanent noise, light and privacy issues.
- The dwelling has been sited as close to the rear boundary as possible to maximise water views. It could easily be sited more towards the front of the property.
- The design does not mitigate the privacy and amenity issues this double development will clearly cause to 9, 11 and 13 Rowena Road. The submitted information concentrates on arguing for increased water views and threatening Council with circumventing controls through a CDC application.
- A high boundary fence extending along the northern boundary should be erected to screen views, light and noise directly into adjoining sites; privacy screens on the second floor windows should also be provided.
- The submitted view-loss assessments do not seem accurate. Such information it makes the view look more distant than what they are, the impact from the entertaining terrace of 3 Cambridge Avenue will be severe and is disputed that the proposal will allow all properties to enjoy fair and equitable access to water views due to significant impacts on views; the proposed view corridor will only permit views from the southern terrace of 3 Cambridge Avenue. Height poles are requested. The builder is required to comply with legal height limitations.
- Impacts on views will adversely affect the values and amenity of surrounding sites.
- An arborist report was not submitted.
- Tree 12 (*Angophora costata* – Sydney red gum) is located immediately adjacent to the driveway; there is concern over the potential impact of the construction of and location of the driveway on this tree. This application has not been supported by an arborist report. The submitted driveway plan does not depict any trees.
- The proposal of subdivision, topography, lot density and layout is not consistent with the R2 Low Density Residential Zone.

- The survey plan submitted with the application, depicts the 'natural watercourse (now piped)' commencing within property boundaries at 5 Cambridge Avenue. The survey plan 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 our 5 Cambridge Avenue.
- 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.

The matters raised within the submissions are addressed as follows:

- There are presently 12 residences in Cambridge Avenue. There will be an increased volume of vehicular traffic during demolition, construction and occupation. Give the approximate 50 metre length of the Cambridge Avenue, more off-street parking must be provided. Construction vehicles will degrade the road surface, potentially damage the kerb and guttering (with subsequent drainage issues) and disrupt access and amenity for existing residents and/or their visitors.

Comment:

A compliant number of onsite car parking spaces are proposed as part of this application. 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.

- Street trees obscure vision of vehicles entering the street from No 3 and No 4. Clearing of the footpath 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 development will adversely affect the availability of legal visitor car parking at the kerb, which is already limited to less than one car per residence. 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:

A compliant number of onsite car parking spaces is already provided. The proposal will not physically reduce the number of car parking spaces on the site.

- The development will adversely affect existing waste collection services, thereby further reducing car parking availability due to multiple waste bins being placed at the kerb for

collection.

Comment:

The proposal is unlikely to result in more than three (3) additional bins being placed within the road reserve for collection. Such an increase is unlikely to have a significant impact upon on-street car parking availability.

- The garage has a bedroom and bathroom placed on the western side of the garage in the proposed construction; this appears to be a granny flat and this section of the building will be easily converted to this.

Comment:

The floor plans do not suggest that any part of the dwelling could be used as a separate domicile. A condition is nonetheless included regarding the approved use of the site. Any future proposal seeking to convert a part(s) of the dwelling to contain a secondary dwelling will be subject to a separate assessment.

- The proposal is an over-development of the existing small sized building block which is less than half the original block, with a single-story house and pool. The house can and most certainly will be increased to two story in the foreseeable future.

Comment:

This planning assessment has found that the proposed development is suitably-sized for the site. A swimming pool is not proposed. As the structure is already proposed to be a two-storey structure, it is unclear if the submission is referring to the single-storey section on the western side of the site. This assessment can only consider what has been submitted and is unable to comment upon the likelihood of a future proposal increasing the size of this section, and any such future proposal will be subject to a merit assessment at that point.

- Cambridge Avenue was originally designed to cater for 11 dwellings, the proposed development will result in an increase to now 14 dwellings serviced via a mere 50 metre length roadway.

Comment:

Noting that this allotment was approved by a separate approval, the creation of two allotments constitutes a net gain of one dwelling. This is not expected to put an unreasonable load upon existing local infrastructure.

- The proposed development will result in a substantial loss of privacy by residents of existing neighbouring dwellings in both Cambridge Avenue and Rowena Avenue.

Comment:

This planning assessment has found that, subject to conditions, the proposed development will not have an unreasonable impact on the visual privacy of surrounding sites.

- The two storey house will tower over the back of 9 Rowena Road, with an entertaining deck on the ground floor and picture windows on the second floor looking straight into the master bedroom, bathroom and office of this site at a distance of about 25 metres.

Comment:

The location and floor level of the ground floor deck is such that it is unlikely to adversely affect the visual privacy of allotments to the rear. The setback of the first floor is compliant with DCP requirements; rear-facing windows on this level are associated with a bedroom, therefore overlooking of sites to the rear is not expected to be significant nor unreasonable.

- The proposal will cause permanent noise, light and privacy issues.

Comment:

As a single dwelling house, the likely use of the proposed development is consistent with the surrounding area and is not one that is expected to adversely affect the amenity of the surrounding area. A condition is recommended that would require all construction to be in accordance with Australian Standards, which would include those related to light spill.

- The dwelling has been sited as close to the rear boundary as possible to maximise water views. It could easily be sited more towards the front of the property.

Comment:

Apart from the rear deck, the proposed development complies with rear setback requirements. While it is not possible to comment upon alternative design options, constraints associated with the shape, width and topography of western parts of the site are such that significant building works are unlikely to be possible within that area.

- The design does not mitigate the privacy and amenity issues this double development will clearly cause to 9, 11 and 13 Rowena Road. The submitted information concentrates on arguing for increased water views and threatening Council with circumventing controls through a CDC application.

Comment:

Subject to conditions, the development is unlikely to have significant privacy and amenity impacts on sites to the east. It is understood that references to complying development relates to views, however as the proposal is not complying development, the discussion of such considerations are irrelevant to this assessment.

- A high boundary fence extending along the northern boundary should be erected to screen views, light and noise directly into adjoining sites; privacy screens on the second floor windows should also be provided.

Comment:

An extra-high rear boundary fence is not proposed; it is likely that such a structure would also have adverse impacts on the amenity of both the subject site and adjoining sites and would therefore be unlikely to be supported if proposed.

- The submitted view-loss assessments do not seem accurate. Such information it makes the view look more distant than what they are, the impact from the entertaining terrace of 3 Cambridge Avenue will be severe and is disputed that the proposal will allow all properties to enjoy fair and equitable access to water views due to significant impacts on views; the proposed view corridor will only permit views from the southern terrace of 3 Cambridge Avenue. Height poles are requested. The builder is required to comply with legal height limitations.

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).

- Impacts on views will adversely affect the values and amenity of surrounding sites.

Comment:

Impacts on property values are not relevant to the considerations of S4.15 of the Act. This assessment has found that the proposal will maintain a reasonable sharing of views, and will not unreasonably affect the amenity of surrounding sites.

- An arborist report was not submitted.

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.

- Tree 12 (*Angophora costata* – Sydney red gum) is located immediately adjacent to the driveway; there is concern over the potential impact of the construction of and location of the driveway on this tree. This application has not been supported by an arborist report. The submitted driveway plan does not depict any trees.

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 a specific condition in relation to tree 12, to ensure the driveway is constructed to retain it.

- The proposal of subdivision, topography, lot density and layout is not consistent with the R2 Low Density Residential Zone.

Comment:

Matters regarding subdivision, topography and density are not relevant to this application. The proposed site layout is consistent with zone requirements, noting that the proposal generally satisfies applicable standards and controls and that the proposed dwelling will be situated within a largely landscaped setting.

- The survey plan submitted with the application, depicts the 'natural watercourse (now piped)' commencing within property boundaries at 5 Cambridge Avenue. The survey plan 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 our 5 Cambridge Avenue.

Comment:

To complete once engineer comments are received.

- 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	<p><u>Additional information comment 14/05/2021</u></p> <p>The Arborist's Report submitted is noted. The plans indicate that one exempt tree s (T5 <i>Cupressus</i> sp.) is required to be removed to enable construction of the new dwelling.</p> <p>No objections are raised to approval subject to conditions as recommended.</p> <p><u>Original comment</u></p> <p>The plans indicate works adjacent to trees on and adjacent to the site for the driveway and dwelling.</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 2) has not been created. As such, the DA consent shall not be activated prior to 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 DA2018/0130. It means the DA2018/0130 may need to be modified.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. An undated response was received on 9 September 2020 which confirmed that no objections are raised, subject to conditions.

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.1031897S, dated 28 July 2020). The BASIX Certificate is supported by an NatHERS Certificate (see Certificate No. 04943734, dated 21 June 2020).

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

Commitment	Required Target	Proposed
Water	40	46
Thermal Comfort	Pass	Pass
Energy	50	50

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 9 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 ²	N/A		N/A
Height of Buildings:	8.5m	7.54m	N/A	Yes
Rural Subdivision:	N/A	N/A		N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A		N/A

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
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	7.6m	5.5%	No
B2 Number of storeys	N/A			N/A
B3 Side Boundary Envelope	N: 4m	Within envelope	N/A	Yes
	S: 4m	600mm	10.3%	No

B4 Site Coverage	N/A			N/A
B5 Side Boundary Setbacks	N: 0.9m	Min. 1.1m (to building line)	N/A	Yes
	0.9m	Min. 1.7m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	17.004m	N/A	Yes
B9 Rear Boundary Setbacks	6m	5.4m (to deck) 6m (to building line)	10% N/A	No
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% (284.56m ²)	60.95% (433.6m ²)	N/A	Yes

***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: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	N/A	N/A
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	No	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D8 Privacy	No	Yes
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
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

B1 Wall Heights

Whilst the building is mostly compliant with this control, the southwest-most section of the two-storey part of the dwelling will breach the wall height control by 400mm (i.e. a 5.5% variation to the control). The noncompliance is caused largely by a change in topography resulting in a steep slope within that part of the site.

As the section affected by the noncompliance is located significantly behind the front building line (which itself is located a significant distance from the front boundary), and as such will not have a notable nor detrimental impact on the streetscape. The breach of the control is also not significant, and will not result in a building height or scale that will be above local tree canopies. Despite the noncompliance at the front of the second floor element, the ceiling RL will be carried through to the rear of the building (noting that areas further towards the rear of the site are compliant with this control due to the more level topography in such areas); the noncompliant section will therefore not have any impact on views, noting that additional views would not be gained if enforcement of the control was applied.

Further, this assessment has found that the variation will have no significant nor unreasonable impacts on surrounding sites in terms of visual privacy or view loss impacts. Allowance of the variation will not require excessive excavation of the natural landform, and will enable continuation of a regular roof design.

With regard to the above, the objectives of the control will be satisfied. Given the relatively small part of the dwelling that would be affected by the noncompliance, stepping of the building platform to achieve compliance is also considered to be unreasonable in this instance. As such, the variation is considered to be acceptable and supportable in this specific instance.

B3 Side Boundary Envelope

Parts of the upper section of the first floor's southern elevation will breach the building envelope. As a

result of the considerable variation in ground heights along the southern site boundary and a rock outcrop towards the southeast side of the site, the maximum sizes of the breach are as follows:

- Southwest side of the first floor: Maximum 110mm
- Southeast side of the first floor: Maximum 600mm

Centre sections of the first floor will comply with the building envelope due to the increasing size of the southern side setback within that part of the site.

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 (noting that the larger variation will be at the rear of the building), due both to the significant front setback and development on adjoining rear allotments obscuring the development from Rowena Road; the breaches are also unlikely to be discernable from the site adjoining the southern boundary (i.e. 5 Cambridge Avenue) due to both the variable setbacks and the topographical changes along the southern boundary (i.e. the highest apparent points of the dwelling will actually be compliant, while areas with lower heights (particularly at the eastern end) will have the greatest level of noncompliance).

Despite the envelope noncompliance, the proposal will comply with solar access requirements on June 21. 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 visual privacy impacts as a result of the variation. The variation is also unlikely to significantly nor unreasonably affect views; as the greatest point of noncompliance is on the southeast side of the dwelling, it will not be visible from sites to the northeast, regardless of compliance is obtained with the control.

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.

B9 Rear Boundary Setbacks

The rear setback of the dwelling's proposed rear building line complies with the control, and will therefore not be discussed further.

The covered alfresco area that is proposed at the rear of the building will however breach the rear setback control by 600mm (i.e. a 10% variation to the control). Despite this breach, the relatively consistent levels of the proposed rear setback area are such that the location of the alfresco area is unlikely to overlook other sites and therefore result in adverse visual privacy outcomes. A sufficient amount of landscaped area will still be provided, noting that landscaped area across the site significantly exceeds minimum requirements. Being located both towards the rear and on the northwest side of the dwelling, the noncompliant rear setback will also not result in any adverse impacts with regard to view loss or overshadowing.

As such, the objectives of the control are satisfied. The proposed rear setback variation is therefore 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 single storey, and could be developed by alterations and additions up to a height of 8.5m, in which case it would likely entirely 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

The design of the dwelling is such that visual privacy would be mostly maintained to surrounding sites (including approved Lot 1 to the north). Concern is however raised regarding a large floor-to-ceiling window that is located on the southern side of the entry foyer; given the size/height of the window, the associated floor levels and the slope towards the south, views from this window would direct views to the adjoining site to the south (i.e. 5 Cambridge Avenue). A condition is therefore recommended that will require that the entire window either be screened or contain obscure glazing to prevent views to the adjoining site. Provided that this condition is satisfied, the proposal will not have foreseeable adverse impacts on surrounding sites.

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 \$7,540 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$753,997.

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 DA2020/0941 for Demolition works and construction of a dwelling house on proposed Lot 2 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 the proposed Lot 2 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	
Notes and BASIX Commitments (Job No. 19-0201, Drawing No. N1)	22.06.2020	Sally Gardner Design and Draft
Window and Door Schedules (Job No. 19-0201, Drawing No. N2)	22.06.2020	Sally Gardner Design and Draft
Roof Plan (Job No. 19-0201, Drawing No. A1)	22.06.2020	Sally Gardner Design and Draft
First Floor Plan (Job No. 19-0201, Drawing No. A2)	22.06.2020	Sally Gardner Design and Draft
Ground Floor Plan (Job No. 19-0201, Drawing No. A3)	22.06.2020	Sally Gardner Design and Draft
Elevation Sheet 1 (Job No. 19-0201, Drawing No. A4)	22.06.2020	Sally Gardner Design and Draft
Elevation Sheet 2 (Job No. 19-0201, Drawing No. A5)	22.06.2020	Sally Gardner Design and Draft
South Eastern Elevation, Southern Elevation (Job No. 19-0201, Drawing No. A6)	22.06.2020	Sally Gardner Design and Draft
Sections Sheet 1 (Job No. 19-0201, Drawing No. A7)	22.06.2020	Sally Gardner Design and Draft
Sections Sheet 2 (Job No. 19-0201, Drawing No. A8)	22.06.2020	Sally Gardner Design and Draft
Cross Section at Entry, Cross Section at	22.06.2020	Sally Gardner Design and

Garage (Job No. 19-0201, Drawing No. A9)		Draft
Site Plan and Calculations (Job No. 19-0201, Drawing No. S1)	22.06.2020	Sally Gardner Design and Draft
Site Management, Sediment and Erosion Control (Job No. 19-0201, Drawing No. S2)	22.06.2020	Sally Gardner Design and Draft

Engineering Plans		
Drawing No.	Dated	Prepared By
Inter-Allotment Drainage Plan & Long-Section (Sheet 3)	20.07.2020	Taylor Consulting
Stormwater Management Plan - 4B Cambridge Avenue, Narrabeena (Sheet 5)	20.07.2020	Taylor Consulting
Stormwater Management Details - 4A & 4B Cambridge Avenue, Narrabeena (Sheet-6)	20.07.2020	Taylor Consulting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1031897S	28.07.2020	Sally Gardner Design and Draft
Preliminary Geotechnical Assessment (Ref. 2747)	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.

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)

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:

- o 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 \$7,539.97 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 \$753,997.00.

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

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

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

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

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

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).

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:

- The window on the southern side of the ground floor foyer (i.e. window W7) is to be screened and/or fitted with obscured glass to a height of at least 1.8 metres above the respective finished floor level. Any such screen shall be constructed of durable materials and finished in a colour(s) that are consistent with the remainder of the dwelling.
- A privacy screen is to be erected on the northern side (i.e. the elevation addressing approved Lot 1) of the rear deck (i.e. the side of deck adjoining the kitchen and open plan living area). Such a screen will have a minimum height of at least 1.7 metres above the respective finished floor level, will consist of fixed louvres with maximum spacing of 20mm, be constructed of durable materials and finished in a colour(s) that are consistent with the remainder of the dwelling.

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- 5, 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 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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. Protection of Landscape Features and Sites of Significance

All natural landscape features including natural rock outcrops, natural vegetation, soil and watercourses are to remain undisturbed during demolition, excavation and construction works except where affected by works detailed on approved plans.

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.

Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

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 indicated for removal on the approved plans, 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 the 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 the 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 the 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, the 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.

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

29. 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.

30. 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.

31. **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)

32. **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.

33. **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.

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