

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/1025
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Responsible Officer:	Charlotte Asbridge
Land to be developed (Address):	Lot 1 DP 128263, 58 Alexander Street COLLAROY NSW 2097 Lot 2 DP 653827, 58 Alexander Street COLLAROY NSW 2097 Lot 2 DP 604580, 22 Homestead Avenue COLLAROY NSW 2097 Lot CP SP 81259, 60 Alexander Street COLLAROY NSW 2097 Lot 2 SP 81259, 2 / 60 Alexander Street COLLAROY NSW 2097
Proposed Development:	Construction of a deck and other works in association with an existing attached dual occupancy development on No. 60 Alexander Street, with minor works on adjoining properties
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned SP1 Special Activities
Development Permissible:	Yes, under State Environmental Planning Policy (Housing) 2021
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	Owners Corporation Sp81259

Application Lodged:	04/08/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	15/08/2025 to 29/08/2025
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 123,790.48
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EXECUTIVE SUMMARY

This development application seeks consent for construction of an elevated deck within the rear yard of

an attached dual occupancy, including minor works within neighbouring properties.

The area of the proposed works has undergone a significant landslide in recent years and the proposed deck will allow the area to be accessible and safe for future occupation. The proposed deck is situated at a similar height to what the rear yard was, prior to the landslide and collapse of the retaining walls.

The existing attached dual occupancy use is prohibited within the R2 Low Density Residential zone under the Warringah Local Environmental Plan 2011 (WLEP 2011), however, the development is a permissible use via Clause 166 of the State Environmental Planning Policy (Housing) 2021.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) in accordance with Council's Management of Conflicts of Interest Guide, given the owner of the site at 2/60 Alexander Street, Collaroy is a current Council staff member involved in the exercise of Council's functions under the Environmental Planning and Assessment Act 1979.

Council received no submissions in response to the notification of the application.

The development involves non-compliances with the rear and side boundary setbacks under the Warringah Development Control Plan 2011 (WDCP), it being noted that the area of landslide also extends to and past the rear and side boundaries of the site. The proposal also involves non-compliance with the landscaped open space requirements of the WDCP, noting that the site has an existing and pre approved non-compliance with landscaping and deep soil requirements and does not propose the removal of any vegetation.

On balance, the proposal will enhance the useability of the site while rectifying the site instability issue. It is also adjoining the Collaroy Centre to the rear which has a very large landscape buffer between the residential premises and the recreation space of the Collaroy Centre. The report establishes that the proposed non-compliances are acceptable on merit.

In this regard, flexibility has been afforded to the numerical requirements of these controls, consistent with Section 4.15(3A)(b) of the Environmental Planning and Assessment Act 1979.

This report concludes with a recommendation that the NBLPP grant **approval** to the development application, subject to conditions.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for a new rear deck and balustrade at the rear of the dual occupancy development at No. 60 Alexander Street.

The deck is proposed to be of timber look alike aluminum to ensure that the proposal is of non-combustible materials due to the bush fire rating of the site.

The site has suffered from significant erosion in recent years and that the proposed deck finished floor level will be a similar level to the previous ground level prior to the erosion.

There is also minor encroachment of works onto the properties known as 58 Alexander Street and 22 Homestead Avenue, Collaroy due to the nature of the works and the need to stabilise the land post significant erosion. Owners consent has been provided from all associated properties.

At 58 Alexander Street, works involve removal of the damaged retaining wall along the the common

boundary.

At 22 Homestead Avenue, works involve the removal of the failed retaining wall and earth which moved downhill within the property of the Collaroy Centre following the landslide.

There will also be construction of a new balustrade to the existing deck / concrete paved area which extends 0.7m into 22 Homestead Avenue for a length of 3.6m as well as an anti-scour treatment on the earth below the proposed deck to prevent future run off as recommended within the lodged geotechnical report and addendum letter.

Note: No fill or new retaining walls are proposed.

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 Local Environmental Plan 2011 - 6.4 Development on sloping land

Warringah Development Control Plan - B9 Rear Boundary Setbacks

Warringah Development Control Plan - C6 Building over or adjacent to Constructed Council Drainage Easements

Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

Warringah Development Control Plan - E8 Waterways and Riparian Lands

Warringah Development Control Plan - E10 Landslip Risk

Warringah Development Control Plan - G10.1 Dual Occupancies and Semi-Detached Dwellings

SITE DESCRIPTION

Property Description:	<p>Lot 1 DP 128263 , 58 Alexander Street COLLAROY NSW 2097</p> <p>Lot 2 DP 653827 , 58 Alexander Street COLLAROY NSW 2097</p> <p>Lot 2 DP 604580 , 22 Homestead Avenue COLLAROY NSW 2097</p> <p>Lot CP SP 81259 , 60 Alexander Street COLLAROY NSW 2097</p> <p>Lot 2 SP 81259 , 2 / 60 Alexander Street COLLAROY NSW 2097</p>
Detailed Site Description:	<p>The subject site consists of 3 strata allotments (including lot 1, lot 2 and a CP) located on the southern side of Alexander Street, Collaroy. The subject site, 2/60 Alexander Street is legally known as Lot 2, SP 81259.</p> <p>The site is regular in shape with a frontage of 15.355m along Alexander Street and a depth of 28.975m - 29.44m. The total strata site has a surveyed area of 445.2m².</p> <p>The site is located within the R2 - Low Density Residential zone from WLEP 2011 and accommodates a stacked dual occupancy with dwelling 2 on the bottom and, dwelling 1 on the top.</p> <p>The site slopes significantly to the rear of the property by approximately 8m. It is also noted that the recent landslide / erosion has resulted in an even further slope to the lot at the rear. The site also slopes slightly from west - east and is located on one of the steepest streets on the Northern Beaches.</p> <p>The site has limited deep soil and does contain some non-native plants.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised mainly by detached dwellings. There is also the Collaroy Centre to the rear of the site which is a camp, conference and activity centre run by the Salvation Army Australia.</p>

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 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 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, 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 Matters for Consideration	Comments
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

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

A Bush Fire Report was submitted with the application that included that the bushfire attack level for the proposed works was BAL FZ. The proposal was therefore sent to the NSW RFS for comment. The recommendations of the RFS have been included as conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 15/08/2025 to 29/08/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>Supported subject to conditions</p> <p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> - Warringah DCP E2 Prescribed Vegetation - Warringah DCP E4 Wildlife Corridors - Warringah DCP E6 Retaining unique environmental features <p>The proposed development will take place in a previously disturbed area of the site, and will not impact any vegetation or significant environmental features.</p> <p>There are no concerns in relation to biodiversity, subject to conditions.</p>

Internal Referral Body	Comments
NECC (Development Engineering)	<p>Supported subject to conditions</p> <p>19/08/2025</p> <p><u>Council's Development Engineer raises no objection to this proposal subject to conditions.</u></p> <p>This proposal is for construction of a deck.</p> <p>Stormwater</p> <p>As the proposed deck is built over existing impervious area, the stormwater design is generally satisfactory subject to conditions.</p> <p>Planner confirms that owners consent covers the proposed scour protection beyond the site boundary.</p>
NECC (Riparian Lands and Creeks)	<p>Supported subject to conditions</p> <p>There are no Riparian Lands and Creel Officer objections to the proposal, subject to compliance with the recommended conditions.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p>Supported subject to conditions</p> <p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>
Rural Fire Service - Local Branch - EP&A Act, s4.14	<p>Supported subject to conditions</p> <p>The NSW RFS are supportive of the application, subject to conditions. Therefore, subject to approval, the conditions suggested by the RFS will be implemented.</p>

External Referral Body	Comments
Aboriginal Heritage Office	<p>Supported subject to conditions</p> <p>The Aboriginal Heritage Office (AHO) have reviewed the application and have provided the following comments.</p> <p><i>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</i></p> <p><i>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</i></p> <p><i>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, the Department of Planning, Industry and Environment (DPIE) and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</i></p> <p>Therefore, they are happy to support the application, subject to conditions.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

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

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

Comment:

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

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Warringah Local Environmental Plan 2011

Is the development permissible?	No
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Deck - 3.5m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

6.4 Development on sloping land

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and

Comment: The applicant has submitted a Geotechnical Assessment Report (followed by an addendum letter) prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective and therefore, Council is satisfied that the development has been assessed for the risk associated with landslides in relation to both property and life.

(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and

Comment: The applicant has submitted a Geotechnical Assessment Report (followed by an addendum letter) prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not cause significant detrimental impacts because of stormwater discharge from the development site.

(c) the development will not impact on or affect the existing subsurface flow conditions.

Comment: The applicant has submitted a Geotechnical Assessment Report (followed by an addendum letter) prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not result in adverse impacts or effects on the existing subsurface flow conditions.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B3 Side Boundary Envelope	East - 4m	Within Envelope	N/A	Yes
	West - 4m	Within Envelope	N/A	Yes
G10.1 R4 (Side Boundary Setbacks)	East - 1m	Nil	100%	No
	West - 2m	5.8m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	All works proposed are to the rear of the dwelling	N/A	N/A
B9 Rear Boundary Setbacks	6m	Nil	100%	No

D1 Landscaped Open Space (LOS) and Bushland Setting	40%	Previously Approved - 9.5% or 42.2sqm Existing - 2.4% or 10.8sqm Proposed at 2.4% however, will be conditioned to be 3.5% or 15.8sqm.	91.25%	No
G10.1 R10 (Deep Soil)	20% with min. 3m x 3m dimension	0%	100%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B7 Front Boundary Setbacks	N/A	N/A
B9 Rear Boundary Setbacks	No	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E8 Waterways and Riparian Lands	No	Yes
E10 Landslip Risk	Yes	Yes
G10.1 Dual Occupancies and Semi-Detached Dwellings	No	Yes

Detailed Assessment

B9 Rear Boundary Setbacks

Description of non-compliance

Subject to Section B9 'Rear Boundary Setbacks' of the WDCP, the subject site is required to have a rear setback of 6m. However, the proposal seeks consent to construct the elevated rear deck to the southern boundary with a nil setback. The proposed deck extends for a length of 7.4m along the rear boundary and is 24sqm in size. It is made of non-combustible timber look a like aluminum with a wired balustrade. It is noted that this area has suffered from a landslide in recent years and an elevated deck is the most practical solution to stabilising the land as opposed to importing fill and reconstructing a new retaining wall that previously gave way. The rear neighbour is also the Collaroy Centre which has a large landscape buffer between the private properties on Alexander Street as the useable facilities are sited closer towards Collaroy Beach. Due to this, the application will be assessed on its merits below.

Merit consideration:

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

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

Existing landscaped areas will be maintained and, any existing AstroTurf will be conditioned to be removed.

- *To create a sense of openness in rear yards.*

Comment:

The proposal will allow the rear yard to be useable and create a sense of openness.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

Privacy will be maintained between dwellings and, the proposal will positively impact the amenity of adjacent land through stabilising an area that has undergone a landslide.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

The existing pattern of buildings will be maintained and it is noted that many properties along Alexander Street also contain elevated decks within the rear garden. Therefore, the visual continuity of rear gardens and landscape features will remain.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

Privacy between dwellings will be maintained, especially with the Collaroy Centre which is positioned at a much lower topography with a large landscape buffer inbetween.

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 section 1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C6 Building over or adjacent to Constructed Council Drainage Easements

Online records indicate that there is a Council owned stormwater pipe within the subject site however, this is located towards the front of the property and is not within the proposed works area. Therefore, no further consideration of the pipes is required for the assessment of this application.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

Pursuant to Clause D1 of WDCP, the subject site is required to have 40% of the site as landscaped open space (LOS) with a minimum dimension of 2m. However, the proposal seeks to retain the existing deep soil on site which is equal to an LOS of 2.4% of the site or, 10.8sqm. It is noted that the site was previously approved with 42.2sqm of deep soil (9.5% LOS) although, it has been used as non deep soil area (AstroTurf) for many years. The existing AstroTurf area is equal to 29sqm and the proposed deck is 24sqm. The proposed deck area is a more appropriate response to remediating the area that has suffered from a landslide as opposed to importing fill to the site and reconstructing a retaining wall which may fail again under adverse weather conditions. The additional AstroTurf area which is proposed to be retained (5sqm) will be conditioned to be deep soil and therefore the site will have an LOS of 3.5% or 15.8sqm.

Merit consideration

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

- *To enable planting to maintain and enhance the streetscape.*

Comment:

Planting along the streetscape will remain in place which includes many palm trees.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

No indigenous vegetation, topographical features of wildlife habitat will be impacted.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

All existing plants are proposed to remain which mitigate the bulk of the current dwelling.

- *To enhance privacy between buildings.*

Comment:

The proposal will not result in any unreasonable privacy impacts.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The proposed deck will allow for the occupants to have additional usable outdoor area for recreational activities.

- *To provide space for service functions, including clothes drying.*

Comment:

Services such as clothes drying will remain.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

The proposal will not have an adverse impact on stormwater flow and infiltration.

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.

E8 Waterways and Riparian Lands

A Waterways Impact Statement has not been provided as part of the application however, Council's Riparian Lands and Creeks and, Bushland and Biodiversity Officers have assessed the application and are satisfied that, subject to conditions, the development will be unlikely to cause unreasonable impacts on the surrounding natural features. As such, the proposal is consistent with the objectives of the control and a waterway impact statement is not required in this instance.

E10 Landslip Risk

The proposal seeks consent to construct an elevated deck over a portion of the rear yard which has suffered from a landslide in recent years from adverse weather conditions and an unstable retaining wall. Due to the nature of the proposal and the recent site instability, a geotechnical report has accompanied the development application. The entirety of the site is also mapped as being Landslip Risk - Class E which is of high risk to land instability as currently shown. Due to the nature of the proposal and the submitted geotechnical report (and addendum letter), Council can be satisfied that the requirements of Clause E10 of WDCP have been met. Suitable conditions have also been imposed to ensure that any construction works, subject to approval, will be done in accordance with the construction methods outlined within the geotechnical report and addendum letter.

G10.1 Dual Occupancies and Semi-Detached Dwellings

Requirement			Proposed	Compliant
Site Layout	R1	Semi-detached dwellings and Dual occupancy (attached) – Both dwellings are to be oriented towards the street frontage.	No proposed physical change to existing stacked dual occupancy.	N/A
	R2	Dwellings with a street frontage to have a front door directly visible from the street.	No proposed physical change to existing stacked dual occupancy.	N/A
Setbacks and Height	R4	The minimum setback for all buildings and structures to side boundaries is 1m on one side and 2.5m on the other. This may be averaged across each boundary, provided the minimum setback width is 1m and the total combined width of both setbacks is at least 3.5m.	The proposed deck has a side setback of 5.8m to the west and, a nil setback to the east. As the landslide happened to the eastern boundary of the lot and, resulted in damage to the retaining wall of the eastern boundary, works to the eastern boundary are required in order to make the rear yard safe for occupancy.	No - see discussion.

Building and Landscape Design	R7	Windows to the principal living area of the proposal and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 (that is, to at least 50% of the glazed area of those windows).	The proposal will not impact on existing solar access to the subject site and adjoining sites.	Yes
	R9	Minimum tree planting rates are to be in accordance with Table 1 of G10.1. Existing prescribed trees may be counted towards the total number of required trees.	All existing trees are to be retained	Yes
	R10	The deep soil percentage as identified in Table 2 of G10.1 is to be demonstrated.	20% of the site is required to have a deep soil area with minimum dimensions of 3m x 3m. The proposal seeks consent for 0% deep soil area with these dimensions which is as existing.	No - see discussion.

Description of non-compliance

The proposal for alterations and additions to an existing dual-occupancy (which is currently a permissible use under the Housing SEPP 2021) must conform to the new development controls, as relevant. The proposal seeks consent for an elevated deck within the rear of the property which has a nil side setback to the east. The proposal also seeks to retain the existing deep soil on site and will be conditioned to ensure that no AstroTurf is to remain therefore, resulting in an LOS calculation of 3.5% (as per D1 of the DCP) which equates to an LOS calculation of 0% with regards to R10 of this control as none of the proposed landscaped areas have a 3m dimension. The proposal will therefore be assessed against its merits below.

Merit consideration

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

- *O1 To control the bulk and scale of new development consistent with the desired future character of the locality through building articulation, modulation, stepping of the built form and limitations on the number of storeys.*

Comment:

There is no proposed built form change to the existing stacked dual occupancy.

- *O2 To ensure sufficient tree planting and deep soil areas are provided to maintain and improve landscape setting, biodiversity, and canopy cover, and reduce the visual impact of buildings.*

Comment:

Whilst the site contains minimal deep soil areas, and a 0% deep soil area with regards to the minimum dimensions set out in requirement 10, the site does contain various plants which reduces the visual impact of the building. It is noted that the proposed deck will not be visually prominent to any neighbouring properties (particularly to the Collaroy Centre which is positioned well away from the subject site) and that the existing landscaped setting will be maintained.

- *O3 To ensure development provides a clear sense of address to the street and is compatible with the existing streetscape.*

Comment:

There is no proposed built form change to the existing stacked dual occupancy.

- *O4 To minimise the amenity impacts of development on adjoining and neighbouring properties.*

Comment:

The proposal will increase the amenity of adjoining properties (particularly to the east and south) as the proposal will help to stabilise the land post landslide. It is also noted that the dwelling at 58 Alexander Street is positioned well away from the western shared boundary.

- *O5 To ensure that car parking is not visually dominant on the site or in the streetscape.*

Comment:

There is no proposed built form change to the existing stacked dual occupancy nor parking arrangements.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

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

A monetary contribution of \$ 619 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 123,790.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- 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

PLANNING CONCLUSION

This proposal, for the construction of an elevated rear deck within the rear yard of an attached dual occupancy (and minor works within neighbouring properties), has been referred to the Northern Beaches Local Planning Panel (NBLPP) in accordance with Council's Management of Conflicts of Interest Guide, given the owner of the site at 2/60 Alexander Street, Collaroy is a current Council staff member involved in the exercise of Council's functions under the Environmental Planning and Assessment Act 1979.

No submissions have been received in response to the public notification.

The critical assessment issues include; non-compliance with the rear setback, side setback and landscaped open space provisions of the WDCP 2011. As detailed in the report, the non-compliances have been assessed and are acceptable on merit. It is further noted that many of these non-compliances are either existing or, are a result of the site constraints regarding the previous landslide and instability of the subject area which must be remediated for safe occupation.

Overall, the development is a high quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment.

The proposal will allow for the subject and adjoining sites to have increased amenity due to the remediation of land following a landslide.

The proposal has therefore been recommended for approval.

REASON FOR DETERMINATION

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

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2025/1025 for Construction of a deck and other works in association with an existing attached dual occupancy development on No. 60 Alexander Street, with minor works on adjoining properties on land at Lot 1 DP 128263, 58 Alexander Street, COLLAROY, Lot 2 DP 653827, 58 Alexander Street, COLLAROY, Lot 2 DP 604580, 22 Homestead Avenue, COLLAROY, Lot CP SP 81259, 60 Alexander Street, COLLAROY, Lot 2 SP 81259, 2 / 60 Alexander Street, COLLAROY, subject to the conditions printed below:

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA010	DA01	Proposed Site Plan	MDP Architecture	2025-04-09
DA020	DA01	Existing Site Plan / Demolition Plan	MDP Architecture	2025-04-09
DA101	DA01	Lower Ground Floor	MDP Architecture	2025-04-09
DA201	DA01	North Elevation	MDP Architecture	2025-04-09
DA202	DA01	South Elevation	MDP Architecture	2025-04-09
DA203	DA01	East Elevation	MDP Architecture	2025-04-09
DA204	DA01	West Elevation	MDP Architecture	2025-04-09
DA301	DA01	Sections	MDP Architecture	2025-04-09
DA930	DA01	Material Board	MDP Architecture	2025-04-09

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Geotechnical Report	2020-097	Crozier Geotechnical Consultants	June 2020
Geotechnical Addendum Letter	2020-097	Crozier Geotechnical Consultants	22 July 2025

Bushfire Report	250520	Bushfire Hazard Solutions	21 January 2025
Waste Management Plan	N/A	Lodged by Applicant	Lodged on 28/07/2025

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

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	14/08/2025
NSW RFS	RFS Referral Response (DA20250811003208-Original-1)	21/08/2025

(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.

3. **Prescribed Conditions**

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

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

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

4. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
- i) Long Service Levy - Payment should be made to Service NSW (online or in person) or directly to the Long Service Corporation. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.

- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$618.95 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$123,790.48.

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

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

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

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

6. **Security Bond**

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

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

inspection).

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

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

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Stormwater Disposal from Low Level Property

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

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

8. Amendments to the approved plans

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

- The area to the west of the proposed deck and to the east of the existing concrete slab is to be deep soil area. No AstroTurf or hard surfaces are consented to within this 5sqm area.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

9. Boundary Identification Survey

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

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

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

10. Compliance with Standards

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

Standards.

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

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

11. **Sydney Water "Tap In"**

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

Please refer to the website www.sydneywater.com.au 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. **Sediment and Erosion Controls**

For developments that include more than 2500sqm of disturbance:

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

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

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

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),
- Existing and proposed drainage patterns with stormwater discharge points,

- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,
- Type of erosion control measures to divert and slow run-off around and within the site.

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

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

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

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

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

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

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

DURING BUILDING WORK

13. **Wildlife Protection**

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

Reason: To protect native wildlife.

14. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or

watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

15. 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.

16. Handling of asbestos during demolition

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
- Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.

Reason: To ensure that the removal of asbestos is undertaken safely and professionally.

17. Geotechnical Requirements

All recommendations (if any) included in the Geotechnical Report and addendum letter referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

18. Survey Certificate

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

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

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

19. Maintenance of Sediment and Erosion Controls

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

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

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log

book or inspection test plan (ITP) must be undertaken by the site supervisor:

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

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

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

20. Waste Management During Development

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

21. Aboriginal Heritage

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Planning, Housing and Infrastructure.

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the Department of Planning, Housing and Infrastructure.

Reason: Aboriginal Heritage Protection.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

22. Stormwater Disposal

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

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

23. Geotechnical Certification Prior to Occupation Certificate

A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction and that they are satisfied that development referred to in the development consent has been constructed in accordance with the intent of the Geotechnical Report and addendum letter referenced in Condition 1 of this consent.

Written certification is to be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

24. 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 Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure bushland management.

25. Waste Disposal Verification Statement

On completion of demolition work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and
- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within 14 days of completion of the demolition work.

Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

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

26. Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

27. Geotechnical Recommendations

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report and addendum letter referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.