



DEVELOPMENT ASSESSMENT REPORT

Planner:	Nick Keeler
Address / Property	Lot 2414 DP 752038 (No.19) Morgan Road BELROSE
Description:	Construction of a dwelling house
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Development Application No:	DA2020/0392
Application Lodged:	24 April 2020
Plans Reference:	DA01, DA02, DA03, DA04, DA05, DA06, DA07 Revision A
Amended Plans:	N/A
Applicant:	Muri Design
Owner:	David & Landi Conway
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Locality:	B2 Oxford Falls Valley
Category:	Housing - Two
Variations to Controls (CI.20/CI.18(3)):	Yes
Referred to DDP:	No
Referred to NBLPP:	No
Land and Environment Court Action:	No
SUMMARY	
Submissions:	Nil (0)
Submission Issues:	N/A
Assessment Issues:	Housing Density; Front Setback; Rear and Side Setback.
Recommendation:	Approval
Attachments:	Nil

LOCALITY PLAN (not to scale)



Subject Site:

Lot 2414 in DP 752038 (No.19) Morgan Road, Belrose

Public Exhibition:

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 13 December 2005). As a result, the application was notified to three adjoining land owners and occupiers for a period of 14 calendar days commencing on 1 May 2020 and being finalised on 15 May 2020.

SITE DESCRIPTION

The land is located on the unformed road reserve of Morgan Road, accessed by an informal access from the sealed portion of Morgan Road to the south of the site.

The site is regular in shape, 20.115m in width on the north and south boundaries and 35m in length on the east and west boundaries.

The site is currently undeveloped, and cleared of vegetation. Adjoining development consists of residential dwellings, with the closest dwelling being approximately 50m to the north.

SITE HISTORY

The following site history is relevant to the proposed application:

- A special lease was originally granted over the whole of Portion 173 for the purpose of a poultry farm, being Special Lease 48.957 commencing on 1 May 1951 to 31 December 1964;
- A request was made by the then owner (Bradbury Griggs) for the part conversion of Special Lease 48.957 to subdivide Portion 173 and create Portion 2414 (the subject lot). The conversion was completed on 18 July 1962 with the purpose being to provide a subdivided allotment to accommodate a dwelling;
- A title was registered for the property being Volume 13299 Folio 123 on 6 May 1977, being Lot 2414 in DP 752038.
- The site has remained undeveloped since 6 May 1977.
- Development Application DA2011/0628 for "Construction of a dwelling house" was granted consent on 23 April 2012.
- Development Application DA2016/1291 for "Construction of a dwelling house and swimming pool" was granted consent on 27 June 2017.

PROPOSED DEVELOPMENT

The application consists of the erection of a two-storey dwelling house with triple garage and alfresco on vacant land including a detached carport to be used for visitor parking.

AMENDMENTS TO THE SUBJECT APPLICATION

No amended plans were provided.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979 (EPA Act 1979); and

b) Environmental Planning and Assessment Regulations 2000.

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Northern Beaches Community Participation Plan. As a result, the application was notified to three adjoining land owners and occupiers for a period of 14 calendar days commencing on 1 May 2020 and being finalised on 15 May 2020.

As a result of the public exhibition process, no submissions have been received.

MEDIATION

Has mediation been requested by the objectors?	No
Has the applicant agreed to mediation?	N/A
Has mediation been conducted?	N/A

LAND AND ENVIRONMENT COURT ACTION

Not applicable.

REFERRALS

External Referrals

Referral Body	Comment
Ausgrid	No objection, subject to condition.
NSW Rural Fire Service	No objection, subject to condition.
NSW Department of Planning, Industry and Environment	The NSW Department of Planning, Industry and Environment have issued concurrence to the application, as required by the Housing Density control of the B2 Oxford Falls Valley locality.

Internal Referrals

Referral Body	Comment
Development Engineers	Road and assets comments are noted and the relevant conditions will be imposed in relation to vehicle access consistent with the previous Development Application approval. The proposal is therefore supported, subject to conditions.
Environmental Investigations (Solid Fuel/Oil Heater)	Chimney included in the design for a new dwelling. Installation of a solid fuel heater will need to be done to Australian Standards.

	<p>The proposal is therefore supported, subject to conditions.</p>
<p>Health and Protection (unsewered lands)</p>	<p>Review of the on-site sewage management system proposed for a 5-6 bedroom (7-10 person) dwelling at 19 Morgan Road Belrose.</p> <p>Environmental health find the proposal to be unacceptable for a number of reasons:</p> <ol style="list-style-type: none"> 1. Envirotech went into liquidation under ASIC as of 10 June 2020 - proposed system can no longer be attained 2. Pump-out systems are not appropriate domestic wastewater management solutions due (historically) to the high ongoing costs and consequential failures of these systems by way of effluent diversion illegally above ground 3. The scale of the house / number of bedrooms / potential system users is too large for the site –to safely treat and dispose- due to the lack of soil volume needed for nutrient uptake, evapotranspiration and pathogen reduction 4. On-site treatment and disposal will require the addition of soil to the land 5. There has been no on-site sewage treatment and disposal system proposed. <p>The proposal will not be recommended for approval until:</p> <ul style="list-style-type: none"> • plans have been amended to dramatically reduce the number of bedrooms commensurate to the size and geography of the land parcel • a wastewater report including a proposal to safely dispose treated sewage on-site has been prepared and submitted to Council by a 'suitably qualified wastewater consultant'. <p>Recommendation</p> <p>REFUSAL</p> <p><u>Revised comments 23/07/2020</u></p> <p>The following points are as a result of a wastewater report analysis by environmental health, and must be addressed by the applicant (recommended to be answered by a suitably qualified and experienced qualified wastewater consultant) prior to stringent conditions being included in a potential recommendation for approval:</p> <ol style="list-style-type: none"> 1. What is the collection well to be used for? Potable water or wastewater overflow? 2. Proposal to have separate greywater and blackwater. However, the documents provided show only a two tank AWTS. How does the applicant propose to separate blackwater and greywater? What mechanisms / tanks will be used?

3. According to NSW greywater reuse policy, (underground) water tanks and wastewater tanks must be 15 m apart. In the diagram provided with the wastewater report, a water tank and the wastewater tanks are located in the same area. Are the tanks to be located above or below ground?
4. Master and working plans differ from wastewater report diagram –water tank and wastewater tank locations need to be finalised so it is clear what and where water management reuse items / mechanisms are being installed.
5. Where were bore holes / soil samples made on site?
6. Soil DLR has been maximised (at 30) -therefore minimizing the overall size of the absorption beds according to report calculations. Realistically, the DLR is lower and thus the size of the primary beds need to be increased according with the number of people using the system (set conservatively at 7).
7. Acidic soils found across the site -a limiting factor. What effect will this have on soil permeability and clay dispersion within a typical wastewater solution. An Emerson Aggregate Test may need to be done on existing soils. Does gypsum need to be added for effective evapotranspiration and nutrient absorption to occur?
8. What is the proposed depth of the pressure-dosed absorption beds? Depth to bedrock is a concern at 600 mm. According to the Sydney Catchment Authority – *Designing and Installing On-site Wastewater Systems*, usually there must be a soil buffer of at least 300 mm between the bottom of the absorption bed and bedrock. In this case, a pressure dosed bed would likely be within 100 mm of bedrock and result in wastewater dispersal rather than evapotranspiration.
9. Once construction is completed, will there be enough exposure of sunlight to have effective evapotranspiration via a raised pressure-dosed absorption beds?
10. Setbacks are below the (AS/NZS) guidelines with respect to property boundaries and dwelling location to disposal areas. Applicant will need to consider either reducing or modifying the footprint of the buildings to enable re-location of the absorption beds away from property boundaries and other hard structures.
11. How will the reserve areas be used? What are the diversion mechanisms and when will the water divert?

Environmental Health again recommend refusal as the wastewater proposal is not commensurate with the scale of

	<p>development on a highly constrained site. Thus, not complying with even the minimum requirements of any guideline.</p> <p>Recommendation</p> <p>REFUSAL</p> <p><u>Revised comments 24/08/2020</u></p> <p>Review of the latest on-site wastewater management report - updated system information. The proposal now includes a nutrient-reducing wastewater management system including a "Fuji Clean CE1500EX" that, although not meeting minimum setback distances, will minimise the likelihood of environmental pollution/offsite migration of treated effluent.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
Landscape Officer	<p>No significant landscape features are indicated to be affected by the proposed works. The DA is considered acceptable with regard to the relevant controls relating to landscape issues, subject to conditions.</p> <p>The proposal is therefore supported, subject to conditions.</p>
Natural Environment (Biodiversity)	<p>The entire lot has been previously cleared and contains limited biodiversity value. A previous flora & fauna assessment (Footprint Green 2011) did not locate any threatened species on the subject site. The lot is surrounded by good quality native bushland, and this must be protected during construction and also ongoing. The entire lot is to be managed as an Inner Protection Area, and the APZ cannot extend beyond the site boundary.</p> <p>The proposal is therefore supported, subject to conditions.</p>
Road Reserve	<p>The Bushfire Report is factually incorrect in relation to Access and Egress. The access road is NOT Council owned and is NOT maintained by Council. It is an unformed Crown Road. Further, it may not have been designed to cater for heavy vehicles, although it is apparent that some minor maintenance work has been undertaken since the last development application. The track is NOT 6m wide and averages 4-5m wide and fire fighting vehicles may find it difficult to pass.</p> <p>Whilst there is no impact on existing Council road assets, the proposed development will need to ensure measures are in place to ensure adequate, safe vehicle access to the property can be achieved.</p> <p>The Department of Planning Industry and Environment - Crown Lands is the road authority for Crown Public Roads. Any works on a crown public road must be approved by Crown Lands. The conditions from earlier DA's are recommended for inclusion in this DA.</p>

	<p>Council File references: 2012/010465 - crown road status from DOL 2012/085039 - discussion of access and management of Crown Roads</p> <p>From previous referral:</p> <p>It is understood that vehicle access to the subject site and No. 23 Morgan Road is obtained via an unformed road (not constructed to Council standards). The unformed road is a Crown road which is owned by NSW Land and Property Management Authority (LPMA) . In accordance with Roads Act 1993, the owner of No. 19 Morgan Road is entitled to access between their property and the crown road. As such, Roads Asset has no objection to the proposed development regarding the vehicle access.</p> <p>The applicant may need to rectify the unformed road to improve the accessibility to their property. Please note that it is not Council's responsibility for any development/ maintenance on a crown road. If any works of a crown road are needed, the cost of such works may be need to be borne by the owner who has a right to use or benefit of the crown public road.</p> <p>An approval must be obtained from LPMA prior to undertake any works on the crown road. Also, there is no current arrangement to transfer the ownership of the unformed road from LPMA to Council. In general, it is unlikely Council would accept an unformed road which does not meet Council's minimum standards.</p> <p>As such the conditions of the earlier development application are appropriate (DA2011/0628).</p> <p>The proposal is therefore supported, subject to conditions.</p>
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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 4.15 of 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	See discussion on “Draft Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been address via a condition of consent.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter has been address via a condition of consent.</p> <p>Clause 93 of the EPA Regulation 2000 requires the consent authority to consider the fire safety upgrade of development. This matter has been address via a condition of consent.</p> <p>Clause 50(1A) of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation is not necessary for this application.</p> <p>Clause 54 and 109 of the EPA Regulations 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations.</p> <p>Clause 143A of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a CC. This is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) 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 'Matters for Consideration'	Comments
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 “Public Exhibition” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen that would justify the refusal of the application in the public interest.

The proposal has been considered against the relevant matters for consideration under Section 4.15 of the EP&A Act 1979. 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 any conditions contained within the Recommendation.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft State Environmental Planning Policy (Remediation of Land)

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 vacant for an extended period of time. The proposed development for construction of a dwelling house is not considered a contamination risk.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No 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. 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.

State Environmental Planning Policy - BASIX

A BASIX certificate has been submitted with the application. All required BASIX commitments have been noted on the application plans. Furthermore a condition of consent has been imposed requiring compliance with the requirements of the applicable BASIX certificate.

State Environmental Planning Policy - Infrastructure

Clause 45 of SEPP Infrastructure 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 5m 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 5m of an overhead electricity power line

The proposal was referred to Ausgrid. A standard response has been received and the recommendations have been included as a condition of consent.

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

Desired Future Character (DFC)

The subject site is located in the B2 Oxford Falls Valley Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

“The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.”

The proposed development is defined as “housing” under the WLEP 2000 dictionary. “Housing” is identified as Category 2 development in this locality.

Clause 12(3)(a) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Locality’s DFC statement.

Accordingly, an assessment of consistency of the proposed development against the locality’s DFC is provided hereunder:

Requirement: “Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.”

Comment:

The proposal is subject to an existing allotment approved in 1962 and created in 1977 (both pre-dating WLEP 1985 and 2000) for the purposes of accommodating a dwelling and has since remained undeveloped. This application seeks to construct a detached dwelling on the already created allotment which will result in a low intensity, low impact use. The development is unlikely to create an undesirable precedent which would result in an increase in intensity and impact in the future due to the current limitations on subdivision under WLEP 2000.

Notwithstanding, the application was referred to the Secretary of the NSW Department of Planning, Industry and Environment for concurrence with regards to this matter.

The site is not located on a ridge top or in a place which will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

In this regard, while the development does not satisfy the density criteria of this part of the Desired Future Character statement it does satisfy the requirement for a low intensity, low impact new detached style housing which will not have any impact upon the skyline.

As such, the development is considered to satisfy this statement.

Requirement: “The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.”

Comment:

The proposal has been designed to achieve consistency with this requirement of the DFC. The site does not contain any significant vegetation and appropriate conditions have been imposed so as to ensure the natural landscape and vegetation will be protected during and post construction.

Requirement: “A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.”

Comment:

This requirement is not applicable to the subject application, given it is not located in close proximity to Forest Way or Wakehurst Parkway. Further, the site is not visible from the streetscape of Morgan Road, nor is any fencing proposed as part of this application.

Requirement: “Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.”

Comment:

Relevant conditions of consent have been imposed to ensure consistency and compliance with this requirement.

As detailed above the proposed development is considered to be consistent with the Locality’s DFC statement.

Built Form Controls (Development Standards)

The following table outlines compliance with the Built form Control of the above locality statement:

Built Form Compliance Table				
Built Form Standard	Required	Proposed	Comment	Compliance
Height of Buildings	8.5m (Ridge) 7.2m (Ceiling)	8.46m (Ridge) 6.3m (Ceiling)	-	Yes Yes
Housing Density	1 dwelling per 20 hectares	1 dwelling per 711.2m ² of site area on the existing allotment, however the existing <i>parcel</i> of land is 20.19 hectares.	Refer to commentary on Housing Density further in this report.	No
Front Setback	20m (North)	2m – Carport 11.4m – Garage 17.7m - Dwelling	Variation of up to 90% (18m)	No
	20m (East)	Nil – Entrance steps 2.6m – Balcony 4.5m - Dwelling 5.2m – Garage 13.7m - Carport	Variation of up to 100%	No

Built Form Compliance Table				
Built Form Standard	Required	Proposed	Comment	Compliance
Side Setback	10m (South)	1.5m – Dwelling 2.0m - Alfresco	Variation of up to 85% (8.5m)	No
	10m (West)	0.9m – Carport 1.0m – Alfresco 5.5m – Dwelling 6.1m - Garage	Variation of up to 91% (9.1m)	No
Landscaped Open Space	30% (213.4m ²)	40.1% (285.4m ²)	LOS calculation is inclusive of areas with a minimum dimension of 2m.	Yes

The proposed development fails to satisfy the Locality’s Housing Density, Front Setback and Side Setback Built Form Controls. Accordingly, further assessment is provided against the provisions of Clause 20(1) hereunder.

Clause 20(1) stipulates:

“Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.”

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

(i) General Principles of Development Control

The proposal is generally consistent with the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).

(ii) Desired Future Character of the Locality

The proposal is consistent with the Locality’s Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “Desired Future Character” in this report for a detailed assessment of consistency).

(iii) Relevant State Environmental Planning Policies

The proposal has been considered consistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under ‘State Environmental Planning

Policies'). Accordingly the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

Description of variations sought and reasons provided:

Housing Density Built Form Control

Description of non-compliance

Built Form Standard	Required	Proposed
Housing Density	1 dwelling per 20ha of site area.	1 dwelling per 711.2m ² of site area.

Merit consideration

The site is a subdivided allotment, which at 711.2m², does not comply with the Housing Density Built Form Control which requires a density of one dwelling per 20ha.

However, exception (a) to this Built Form Control states that:

(a) Where this standard would prevent the erection of one dwelling on an existing parcel of land, being all adjacent or adjoining land held in the same ownership on 8 March 1974 and having a combined area of not less than 2 ha

Council's records ("Existing Parcels Map") demonstrate that the subject land was part of an existing parcel of land on the appointed date, which incorporates the following allotments of land:

- Lot 2414 in DP 752038 (the land subject to this application); and
- Lot 173 in DP 752038 (adjoining land to the south and west in the ownership of the Crown)

An excerpt from the map is shown below, see land marked "Griggs" numbered 4-3-90:



Both these allotments have a combined area of approximately 20,195m² or 20.19 hectares. Therefore, as the existing parcel exceeds 2 ha in area, the application for the proposed dwelling qualifies for this exception.

This application seeks to construct a detached dwelling on the already created allotment which will result in a *low intensity, low impact use*. The development is unlikely to create an undesirable precedent which would result in an increase in intensity and impact in the future due to the current limitations on subdivision under WLEP 2000. Notwithstanding, the application will be referred to the Secretary of the NSW Department of Planning, Industry and Environment for concurrence concerning this matter.

Front Setback Built Form Control

Description of non-compliance

Given the site is a corner allotment, it contains two (2) frontages, that being the northern and eastern boundaries. The proposed dwelling is setback 17.7m from the northern boundary and 4.5m from the eastern, which represent variations of 43 and 77.5%, respectively. Other elements of the proposal are sited within the front setback area as well, including the carport, garage and entrance steps.

It is noted however, that due to the size of the allotment, compliance with the numeric requirements are not feasible in this instance and would render the site undevelopable.

Merit consideration

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

- *Create a sense of openness.*

The proposed dwelling is appropriate in terms of bulk and scale, given it remains within the maximum allowable building height and provides sufficient spatial separation between buildings. The site is also surrounded by dense vegetation such that any building within the allotment will be screened from view from adjoining and surrounding properties. The vegetation also provides a visual buffer to soften the built form of the development. In turn, the proposal is considered to create and provide a sense of openness.

The development satisfies this objective.

- *Provide opportunities for landscaping.*

The proposal provides in excess of the minimum required landscaped open space within the site, providing a total of 40.1% (285.4m²) of LOS. This calculation includes only those areas with a minimum dimension of 2m, thereby when including all landscaped areas within the site the total area increases to 44.4% (316.1m²). Such provision is considered to provide sufficient opportunities for landscaping.

The development satisfies this objective.

- *Minimise the impact of development on the streetscape.*

The subject site is located off an unsealed roadway which is bound by dense bushland. This road is Crown Land and is typically utilised by the one property whose property access is also obtained via such roadway. In this regard, the subject site remains unseen as viewed from the public domain of Morgan Road, and therefore the development will bear no impact upon the nearby streetscape. The development will be visible to those traveling along the unsealed road, however as only one other property is thought to regularly utilise such stretch, in conjunction with the appropriate bulk and scale of the building, no unreasonable impacts are considered to arise as a result of the development.

The development satisfies this objective.

- *Maintain the visual continuity and pattern of buildings, front gardens and landscape elements.*

The site is located in an area predominantly occupied by dense bush land. The nearest dwelling is located approximately 48m to the north-west and is concealed from view by bush land and the topography of the neighbouring property at No. 23 Morgan Road. In this context, the front setbacks of the development do not have any adverse impact upon the visual continuity and pattern of buildings, front gardens and landscape elements.

The development satisfies this objective.

- *The provision for corner allotments relates to street corners.*

The corner allotment provision refers to sites adjacent to Forest Way or Wakehurst Parkway and does not apply to this site.

As detailed above the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1), in addition the proposal is considered to be consistent with the underlying objectives of the Front Setback Built Form Control. It is for these reasons that the variation to the Front Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

Rear and Side Setback Built Form Control

Description of non-compliance

A 1.5m to 2m setback is proposed on the southern side setback and a 0.9m to 6.1m side setback on the western side setback. This represents a variation to the minimum 10m side setback of up to 91% of the control.

Note: The area and dimensions of the existing allotment are such that the strict imposition of the required side setback provisions along the southern and western boundaries would render the site undevelopable.

Merit consideration

- *Ensure that development does not become visually dominant by virtue of its height and bulk.*

The development proposes the construction of a two-storey detached dwelling. The scale of the dwelling is considered to be sufficient to avoid a dominant appearance and any adverse visual impact upon the roadway or surrounding space of the bushland. The side setbacks proposed are considered to be sufficient for the scale of the building and are consistent with the side setbacks required for detached dwelling development in urbanised, low density areas.

The development satisfies this objective.

- *Preserve the amenity of the surrounding land.*

Given the location of the site within a dense bushland setting and the two-storey scale of the development, it is considered that the development will not have any significant adverse impact on adjoining properties with respect to privacy, solar access or view loss.

The development satisfies this objective.

- *Ensure that development responds to site topography.*

The development does not propose excavation works which will significantly impact upon the existing topography. The site will be levelled at the base of the dwelling and surrounding landscaped area to the west and south resulting in a maximum cut of 0.3m along the southern boundary which is not considered to have any significant impact upon the topography.

The development satisfies this objective.

- *Provide separation between buildings.*

The site is located within a dense bushland environment with the nearest buildings being located approximately 48m to the north-west. Given the large lot sizes in the immediate area, any future development will result in expansive side setbacks which are required by this Control. In this context the proposed side setbacks will not have any adverse impact upon building separation.

The development satisfies this objective.

- *Provide opportunities for landscaping.*

As discussed, sufficient areas of landscaped open space is provided on the site to meet the requirements of this control.

The development satisfies this objective.

- *Create a sense of openness.*

The development involves the construction of a two- storey dwelling within an area which is occupied by dense bushland. The surrounding allotments have variable areas but are significantly larger than the existing property, which is an anomaly. In this context, the side setbacks will not have any significant impact upon the openness of the area now or in the future if and when surrounding properties are developed.

The development satisfies this objective.

As detailed above the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1), in addition the proposal is considered to be consistent with the underlying objectives of the Rear and Side Setback Built Form Control. It is for these reasons that the variation to the Rear and Side Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

1 General Principles Of Development Control

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are considered of specific relevance in the assessment of the application. These are discussed below:

General Principles	Comments	Complies
CL48 Potentially Contaminated Land	Council records indicate that the subject site has been vacant for a significant period of time with no prior conflicting land uses. 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 continued residential land use.	Yes
CL51 Front Fences and Walls	No fencing is proposed as part of this application.	N/A
CL56 Retaining Unique Environmental Features on Site	The site has been cleared of any significant vegetation.	N/A
CL62 Access to sunlight	The proposed development will not result in any unreasonable shadow impacts upon adjoining or surrounding properties.	Yes
CL63 Landscaped Open Space	Sufficient areas of landscaped open space are provided on the site to achieve this Principles.	Yes
CL64 Private open space	The private open space areas provided as part of the proposed development is sufficient to meet this objective.	Yes
CL65 Privacy	The windows, doors and other openings on the dwelling have been designed to satisfy this Principle. Reasonable amenity is considered to be protected and provided for the dwelling occupants and those of adjoining and surrounding properties.	Yes
CL70 Site facilities	Sufficient facilities have been provided to satisfy this objective.	Yes

General Principles	Comments	Complies
CL71 Parking facilities (visual impact)	The proposed parking facilities have been designed in a manner that will comply with this Principle.	Yes
CL72 Traffic access & safety	Vehicular access is sufficient to satisfy this Principle.	Yes
CL74 Provision of Carparking	Four (4) on-site parking spaces are provided, which satisfy this requirement.	Yes
CL75 Design of Carparking Areas	Council's development engineer has reviewed the proposal having regard to provision of vehicle movement and safety and have raised no objection. It is considered the proposal satisfies this requirement.	Yes
CL76 Management of Stormwater	Council's development engineer has reviewed the proposal having regard to provisions of stormwater management and have raised no objection subject to conditions.	Yes
CL78 Erosion & Sedimentation	Complies, subject to conditions.	Yes

Other Relevant WLEP 2000 Clauses

Schedule 8 - Site analysis

Site Analysis	A site analysis was provided.
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Schedule 17 - Carparking Provision

Carparking Provision	Five car spaces have been provided, to comply.
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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 \$8,200 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$820,000.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan 2000; 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 DFC of the B2 Oxford Falls Valley Locality
- Consistent with the purpose 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 DA2020/0392 for Construction of a dwelling house on land at Lot 2414 DP 752038, 19 Morgan Road, BELROSE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
1904 DA01 Rev A	09/04/2020	Muri Architects & Interior Designers
1904 DA02 Rev A	09/04/2020	Muri Architects & Interior Designers
1904 DA03 Rev A	09/04/2020	Muri Architects & Interior Designers
1904 DA04 Rev A	09/04/2020	Muri Architects & Interior Designers
1904 DA05 Rev A	09/04/2020	Muri Architects & Interior Designers
1904 DA06 Rev A	09/04/2020	Muri Architects & Interior Designers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1083479S	14/04/2020	GAT and Associates
NatHERS Certificate No. 0004760237	14/04/2020	GAT and Associates
Bushfire Risk Assessment Report (Ref: 1371)	09/02/2020	Ronald Coffey

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan - 19 Morgan Rd, Belrose	Undated	Unnamed

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.

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	13/05/2020
NSW Rural Fire Service	RFS Referral Response	12/05/2020

(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 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.

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) 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 2008
 - (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.

5. Certificate of Compliance

Provide Council a certificate from an appropriately qualified person indicating the solid fuel heating system is compliant with all relevant legislation, Building Code of Australia, Australian Standards, Specifications and manufacturer requirements.

Reason: To ensure the system operates in a legislatively compliant manner.

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$8,200.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$820,000.00.

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.

7. 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.

8. Construction, Excavation and Associated Works Security Bond (Road works)

The applicant is to lodge a bond with Council of \$2000 as security against any damage to Morgan Road as a result of the works as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

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

9. Vehicle access Crown Road Reserve

No consent is granted for any works on the Crown road reserve that adjoins the land subject to this consent.

Prior to the issue of the Construction Certificate, the applicant is to provide written evidence to the Certifying Authority from the owner/road authority of the road reserve that it is satisfied with any proposed vehicular access to the subject site.

Reason: To satisfy the road authority and land owner requirements.

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 Certifying Authority prior to the issue of the Construction Certificate.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

11. Tree protection

- (a) Existing trees which must be retained
 - i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
 - ii) Trees located on adjoining land
- (b) Tree protection
 - i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
 - ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.
 - iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
 - iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
 - v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

12. Bushland Protection Fencing

Prior to the commencement of any onsite building works, the entire lot boundary between the natural bushland zone adjoining and the subject site shown on Plan Number DA01 (Muri Architects April 2020) marked clearly on the ground. All construction access to lot is to be from the eastern boundary adjoining the unformed road.

A temporary 2.0 metre steel mesh fence is to be erected on the surveyed boundary between the natural bushland zone and the construction area for the duration of construction work.

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

Reason: To ensure that the vegetation adjoining the lot and within the road reserve is protected during and after construction.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. 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.

14. 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.

15. 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.

16. Works within the crown road reserve subject to Part 5 Assessment

If any works are required to the unsealed roadway within the Crown Road reserve for vehicle access, the applicant shall comply with the requirements of Part 5 of the Environmental Planning and Assessment Act 1979 for environmental impact assessment.

Reason: To ensure the environmental integrity of the flora and fauna within and adjacent to the roadway

17. Protection of rock and sites of significance

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

Reason: Preservation of significant environmental features.

18. Protection Fencing

Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans and these conditions of consent. Protection measures are to be maintained for the duration of the works. Protection fencing that is no longer required is to be removed once all works are completed.

Reason: Environmental Protection

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

19. Installation of solid/fuel burning heaters

Installation work must be carried out by an appropriately experienced and qualified person and in accordance with the relevant provisions of AS2918:2001 – Domestic Solid Fuel Burning Appliances – Installation.

Reason: To ensure the installation is compliant with legislated requirements.

20. Certification of solid fuel burning heaters

A certificate from an appropriately qualified person indicating the system is compliant with all relevant legislation, Building Code of Australia, Australian Standards, Specifications and manufacturer requirements is to be submitted to Council prior to the operation of the solid fuel heater.

Reason: To ensure the system operates in a legislatively compliant manner.

21. Wastewater System Installation

Prior to the issuing of any interim / final occupation certificate, a s68 (Local Government Act 1993) approval to 'Operate a system of sewage management' must be obtained from Council, the wastewater management system must be installed as proposed in the wastewater reports and related documents prepared by Kerry Flanagan Wastewater dated August 2020.

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

Reason: To ensure the wastewater management system has been installed, activated and able to effectively operate.

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

22. Maintenance of solid fuel heaters

The owner/occupier shall ensure servicing of the heater is maintained according to the manufacturer's specifications.

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

23. Operation of solid fuel burning heaters

You are requested to take all practicable measures to prevent the likelihood of causing smoke and/or odour nuisances. Such measures should include:

- Using dry seasoned hardwood
- Storing wood in a dry well ventilated place
- Having a hot and well oxygenated fire
- Ensuring that the chimney flue is clean
- Checking the chimney at different stages of the fire to see if there is any smoke.

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

24. Control of Weeds

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Reason: Weed management.

25. No Planting Environmental Weeds

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

26. Works to cease if item found

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

27. Dead or Injured Wildlife

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

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

"I am aware of Council's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest"



Date 02/09/2020

Nick Keeler, Planner



Date 02/09/2020

Anna Williams, Manager Development Assessment