

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/0004
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Responsible Officer:	Anais Sarkissian
Land to be developed (Address):	Lot 22 DP 7022, 31 Kooloorra Avenue FRESHWATER NSW 2096
Proposed Development:	Demolition works and construction of a dwelling house including swimming pool
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Hsiu-Hui Hsu Christopher James Hudson
Applicant:	Christopher James Hudson

Application Lodged:	18/01/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	27/05/2024 to 10/06/2024
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,838,815.20
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PROPOSED DEVELOPMENT IN DETAIL

The development application involves the demolition of existing structures and construction of a two-storey dwelling, including detached single garage and hardstand area, new driveway and vehicle crossing, swimming pool, spa, pond and associated landscaping.

Amended plans were submitted on 27 March 2024, which reduced the building bulk considerably.

Updated amended plans were submitted on 20 May 2024 following a flood study, increasing the floor levels and overall height of the dwelling by 390mm to comply with the flood engineer's requirements.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - D6 Access to Sunlight

SITE DESCRIPTION

Property Description:	Lot 22 DP 7022 , 31 Kooloora Avenue FRESHWATER NSW 2096
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the south-western side of Kooloora Avenue and the north-western side of Gore Street.</p> <p>The site is regular in shape with a frontage of 11.58m along Kooloora Avenue and a depth of 32.54m. The site has a surveyed area of 376.8m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a two storey detached dwelling house with attached single carport and single garage.</p> <p>The site has a relatively flat topography, sloping slightly from the south-west corner of the site down towards the north-east over approximately 1.5m in height.</p> <p>The site contains lawn areas, exempt tree species and</p>

shrubs.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by predominantly 1-2 storey detached dwelling houses, varying in architectural style and design. An attached dual occupancy development is located directly to the south-west, and a high-density residential flat building sits on the corner of Gore Street and Moore Road, approximately 35m south-west of the subject site.

Map:



SITE HISTORY

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

DA2007/430

Development Application for demolition of existing structures and construction of a double storey detached dwelling and associated works.

Approved 11 July 2007

CC405/07

Construction Certificate issued for the construction of a two storey dwelling.

Approved 30 October 2007

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)(iiiia) – Provisions of any planning agreement	None applicable.
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. Additional information was requested on 20 March 2024 in relation to setbacks and landscaped open space. Further additional information was requested on 4 April 2024 in relation to flooding and storm water.</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	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the

Section 4.15 Matters for Consideration	Comments
impacts on the natural and built environment and social and economic impacts in the locality	<p>Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 27/05/2024 to 10/06/2024 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 process council is in receipt of 2 submission/s from:

Name:	Address:
Withheld	FRESHWATER NSW 2096
Mr Darryl Clifford Smith	3 / 22 Marshall Street MANLY NSW 2095

The following issues were raised in the submissions:

- Roof line and eaves
- Building envelope
- Front setback and view loss
- Overshadowing
- Character of area

The above issues are addressed as follows:

- **Roof line and eaves**

The submissions raised concerns that the roof eaves extend to the boundary and are outside the building envelope. As such, it was noted that the eaves would be overpowering in appearance, detract from the streetscape.

Comment:

It is agreed that the initial design presented a dwelling with excessive visual bulk and scale that was inconsistent with other properties along the streetscape (refer Figures 1 & 3). However, the amended design strips back the built form to the common boundary and the Kooloora Avenue entry significantly, as evident in Figures 2 and 4 below. The Applicant submitted amended plans on 20 May 2024, which included a number of design improvements to address building bulk, including reducing the size of the eaves from having a 0.1m north-western setback to 0.5m.

The fact that the proposed eaves are wider than the eaves of the existing building does not warrant further design amendments or refusal of the application; there is no setback requirement for eaves, and are acceptable provided they are located wholly within the site boundary. It is considered unreasonable to request that the Applicant modify their design to reduce the size of the eaves within their own property. The amended eaves are not considered to detract from the streetscape and would have no negative impact on Ms Richards' house, particularly given her dwelling is separated by a garage and driveway.

Fig 1: Original design 3D perspective from cnr Gore St & Kooloora Ave facing west



Fig 2: Amended design 3D perspective from cnr Gore St & Kooloora Ave facing west



Fig 3: Original design 3D perspective from Kooloora Ave facing south



Fig 4: Amended design 3D perspective from Kooloora Ave facing south



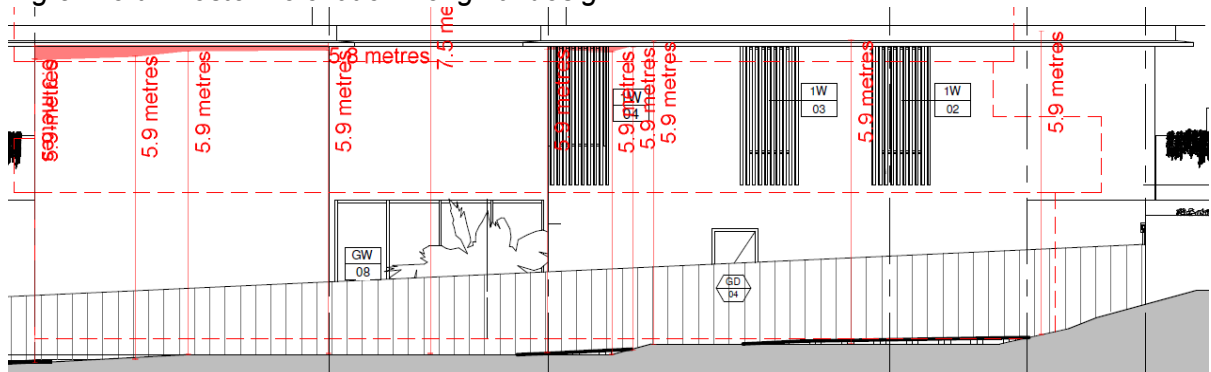
- **Building envelope**

Concern was raised that the building in many areas is outside the building envelope and suggested the design be modified such that the building is totally within the building envelope.

Comment:

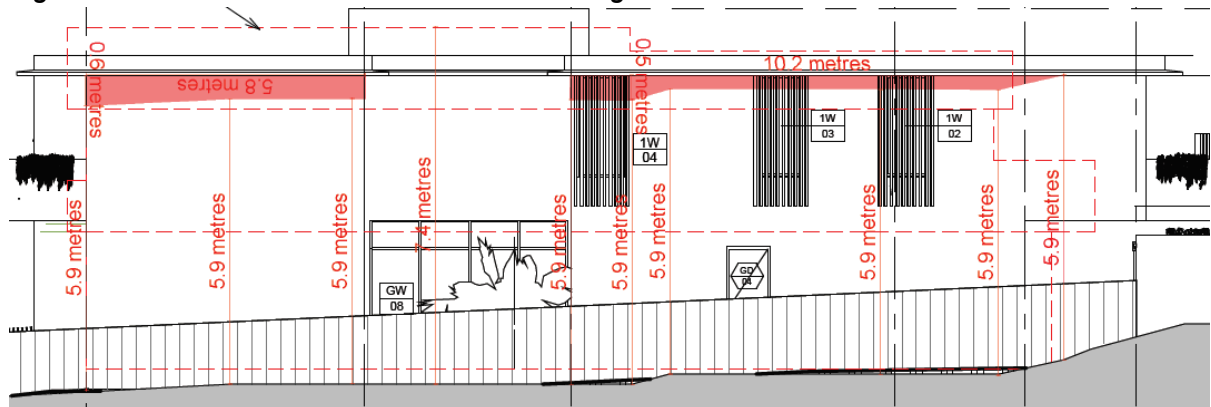
It is evident from the red shading that only a small portion of the north-western elevation is outside the building envelope, and it is noted that at this point of the building, the setback is compliant and there are no windows.

Fig 5: North-western elevation - original design



The development was amended and it is noted that the need to raise the building 390mm to satisfy the flood engineer's requirements meant that the building envelope encroachment also increased, notwithstanding no change in side setbacks. The building does not breach the envelope at any other point. Building envelope is assessed in further detail under Section B3.

Fig 6: North-western elevation - amended design



- **Front setback and view loss**

The submissions raised concerns that the roof line, blade wall and first-floor balcony at the Kooloora Avenue entry exceed the required setback of 6.5m from Kooloora Avenue, and that this will block views from adjoining properties.

Comment:

As evident from Figures 1-4 above, the amended design considerably reduces the protrusion of the roof and blade wall into the front setback area. The roof is not considered to block views, particularly given its raised height and flat design, as the ceiling height is higher than that existing and effectively opens up the view corridor for the adjacent neighbour (refer Figure 7 below, with the outline of the existing dwelling shown dashed red). A condition has been included within this consent to amend the design such that the blade wall at the first floor be removed and replaced with a 250mm x 250mm (max.) structural column. This further opens up the balcony and allows for views to be enjoyed from the adjoining property out to the ocean towards the ENE, east and ESE. It is important to note that the main building line at the first floor is set back a compliant 6.5m from the primary frontage to Kooloora Avenue, which is not dissimilar to the setback of the existing dwelling at 6.6m. With the removal of the blade wall, the only protrusion of the proposal into the front setback area at the first floor is the balcony, which is an unenclosed structure that is not parallel to the building line (refer Figure 8); the building at this level is otherwise compliant. The existing view corridor to #29 is thereby largely maintained, while minimising the trafficable area of the balcony, and thus privacy and overlooking impacts. In this way, regardless of the presence of the balcony, the view corridor is maintained to the entire front setback area. As such, the impact of view loss is not considered to be nominal.

Fig 7: North elevation showing proposed dwelling in the context of existing dwelling and #29

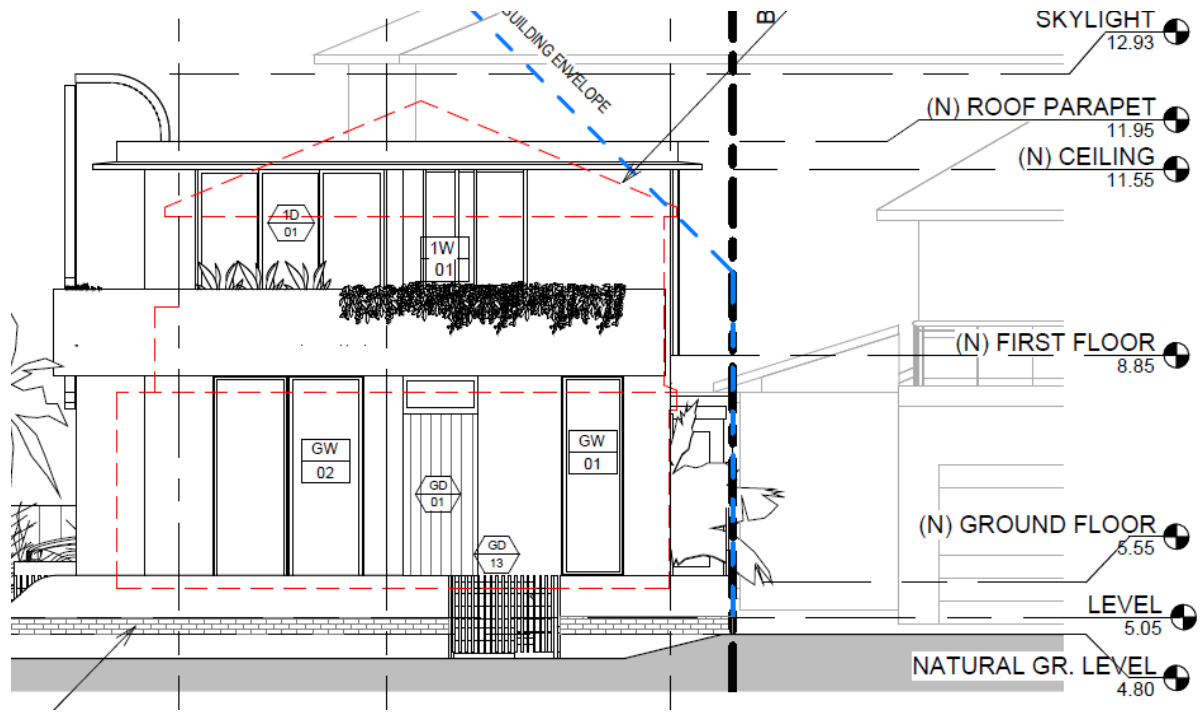
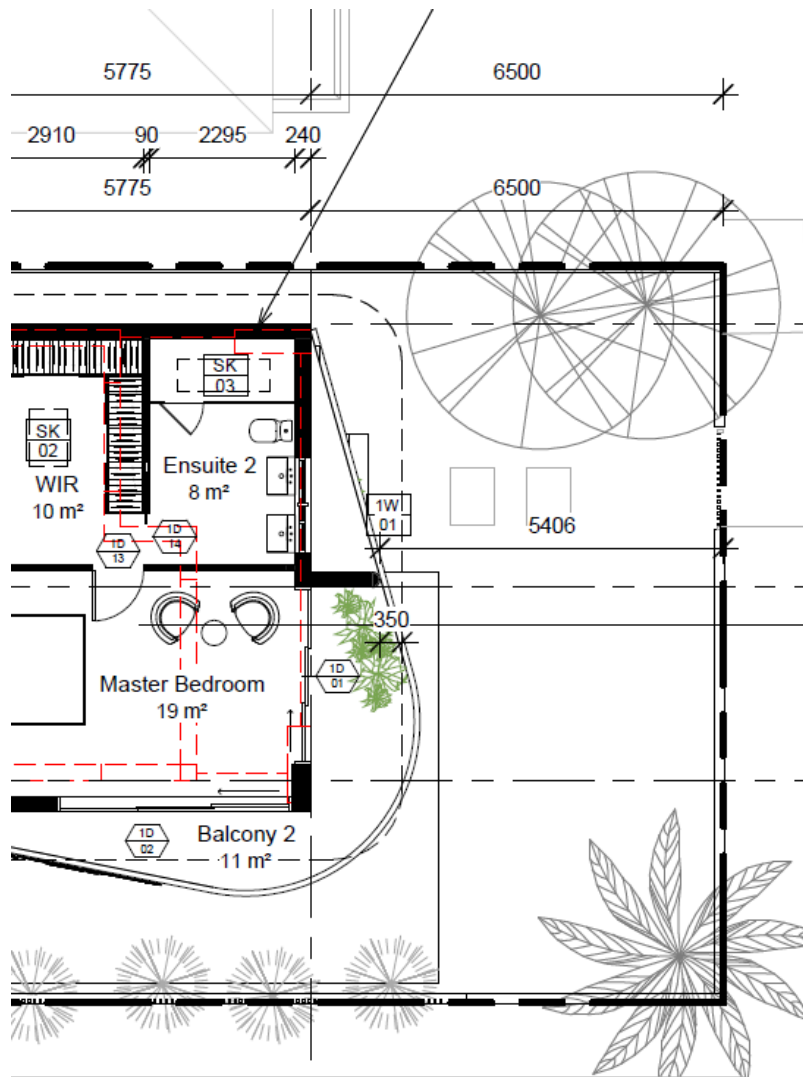


Fig 8: First floor plan



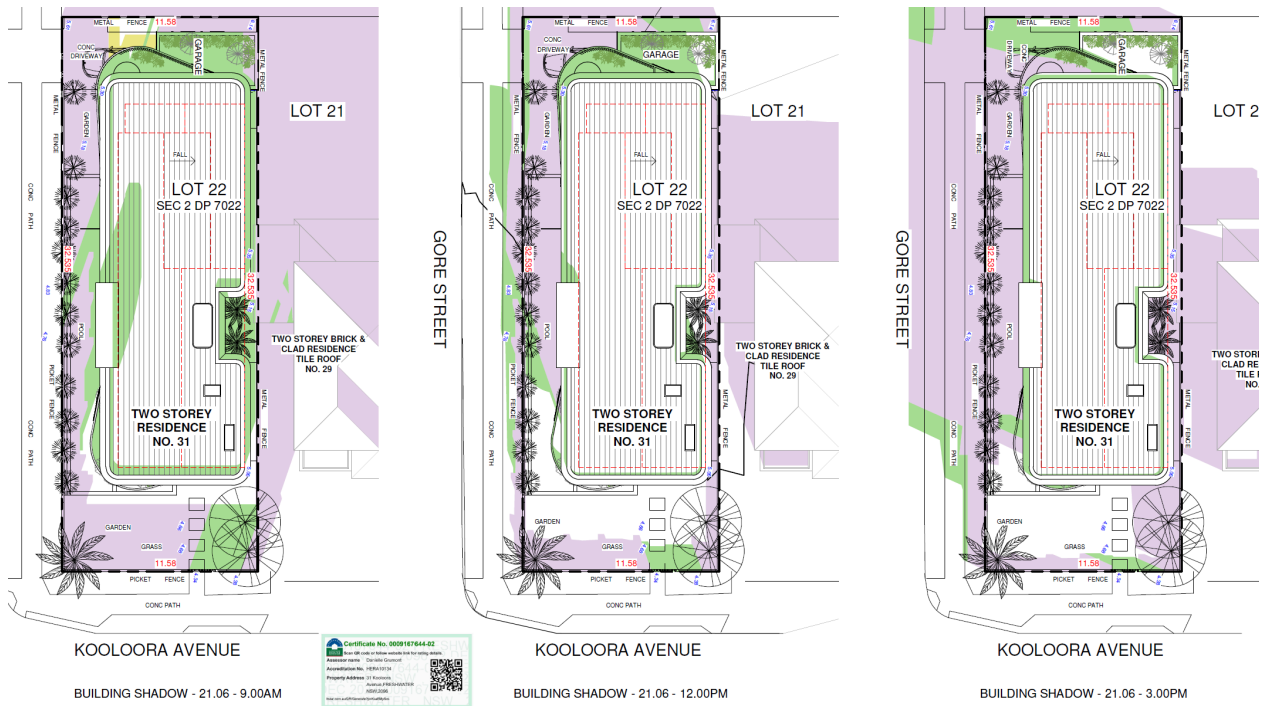
- **Overshadowing**

The submissions raised concerns that the large increased size of the building will result in significantly increased shadowing of adjoining properties.

Comment:

The shadow diagrams submitted with the application demonstrate that the proposal results in no additional overshadowing to adjoining properties, with the existing shadows cast by the current dwelling shown shaded purple and the additional overshadowing created by the proposal shown shaded green (refer Figure 9 below).

Fig 9: Shadow diagrams



- Character of area**

The submissions raised concerns that the proposal is overall not in keeping with the area.

Comment:

The character of the area and in particular, the character of Kooloora Avenue and Gore Street, is varied with different housing styles and typologies. It is considered that the proposal presents an innovative design that is in keeping with the low-density residential character of the area and well within the maximum height of buildings standard.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 (WLEP) and the following Warringah Development Control Plan 2011 (WDPC) controls (but not limited to):</p> <ul style="list-style-type: none"> • D1 Landscaped Open Space and Bushland Setting • E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed Vegetation <p>It is noted that there are no prescribed trees upon the property that are protected under the WDPC, and rather the existing species are exempt species that may be managed or removed without Council consent.</p> <p>Landscape Referral note that the landscape area calculated on plans includes areas under building structure to the south elevation that is</p>

Internal Referral Body	Comments
	<p>unable to receive adequate lighting to permit the establishment of lawn as proposed. Likewise the north elevation also protrudes over landscape area. This matter shall be assessed and determined by the Assessing Planning Officer.</p> <p>In terms of the landscape outcome, Landscape Referral note the Landscape Plan provides a landscape outcome, that subject to imposed conditions including the requirement to offset canopy loss, is able to satisfy the landscape intent of WDCP D1. A green roof is proposed upon the garage and conditions shall be imposed requiring adequate structural design as well as adequate landscape elements. There are planter areas on structure to the first floor and planting is represented on the Landscape Plan.</p> <p>Landscape Referral provide condition of consent should the development application be approved.</p>
NECC (Development Engineering)	<p>29/05/2024: Applicant has submitted flood study internal ref: TRIM 2024/363443. Council's Flood team has provided conditions internal ref: 2024/386137. these conditions have been incorporated in the assessment. No objections to approval subject to conditions as recommended. For Planner: Please include Flood Report by NB Consulting Engineers, Job No. 2404032, Issue A, Dated 17th May 2024 as part of DA approved documents.</p> <p>04/04/2024: Development Application is for the demolition of the existing structures and the construction of a new two storey dwelling, including a detached garage, new driveway, swimming pool and associated landscaping Access Site is corner property, existing vehicular access is from Kooloora Avenue and the proposed vehicular access is from Gore Street. A site security gate is proposed (refer stormwater plans) which swings towards the Gore street, any gate proposed must not swing open towards the street.</p> <p>Stormwater Total site area is less than 450sqm, site falls towards street, No OSD (On-site Stormwater Detention System) is required. Proposal is to discharge site stormwater to street kerb in Kooloora Avenue.</p> <p>The site is located within the basin of a remnant lagoon with a catchment discharging to Freshwater Beach, an overland flow study report is required.</p> <p>A Civil Engineer should be engaged to investigate and verify whether the subject property is affected by an overland flows during a 1 in 100</p>

Internal Referral Body	Comments
	<p>ARI storm event. The study shall include:</p> <ol style="list-style-type: none"> 1. The applicant is to submit a hydraulic report showing the 100 Year Average Recurrence Interval (ARI) stormwater flow over the subject site, prepared by a Chartered Professional Civil Engineer of Engineers Australia. All calculations are to be carried out in accordance with the guidelines provided in "Australian Rainfall and Run Off", a publication of the Institution of Engineers, Australia. All levels are to be shown in Australian Height Datum (AHD). 2. The 100 year ARI flood flow level must be established in AHD for the proposed future floor levels which shall be a minimum of 500 mm above the 100 year flood level. This is to ensure that the proposed future dwellings are protected in major storm events. 3. A Drains Model of the Freshwater catchment using sub-catchments, infiltration basins is to be created in the overland flow study report. Using the Drains model, the peak water level height within the infiltration basin for the critical storm event, considering tailwater effects, incoming catchment flows, outgoing absorption flows, and outgoing pipe flows is to be determined <p>The proposed development must comply with all requirements of Council's Water Management for Development Policy, Section 11, Overland Flow Flooding. Runoff from the developed site must not cause a detrimental effect on any property.</p> <p>Failure to comply with Clause C4 in Warringah DCP 2011</p>
Strategic and Place Planning (Heritage Officer)	<p>HERITAGE COMMENTS</p> <p>Discussion of reason for referral</p> <p>Include zoning of land and what heritage items are affected by the proposal</p> <p>This application has been referred as the property is in the vicinity of a number of local heritage items, listed in Schedule 5 of Warringah LEP 2011:</p> <p><i>Item I69 – Street trees – Kooloora Avenue, Freshwater</i></p>

Internal Referral Body	Comments			
	<p>Item I70 – House known as “Felicita”, 46 Kooloora Avenue, Freshwater^[JF1]</p> <hr/> <p>[JF1]Preference is to describe the items as they are in the schedule</p>			
	<p>Details of heritage items affected</p>			
	<p>Details of the heritage items in the vicinity, as contained within the heritage inventory are:</p> <p><u>Item I69 Street trees – Kooloora Avenue, Freshwater</u></p> <p><u>Statement of significance</u></p> <p>Socially significant as plantings by the local school. Although some are in poor health they are a prominent visual element in the Freshwater Beach area & are representative of seaside plantings & associated with recreation/holiday themes.</p> <p><u>Physical Description</u></p> <p>Norfolk Island Pines (22) along both sides of Kooloora Avenue, with an average height of 15 - 20 metres. Those in the western section of the street are in poorer condition, however most are not very healthy. Some have been removed. Planting is not regular.</p> <p><u>Item I70 – House known as ‘Felicita’, 46 Kooloora Avenue, Freshwater</u></p> <p><u>Statement of significance</u></p> <p>A rare example of a post-war functionalist dwelling in the Harbord area. Displays high integrity with much original fabric & detailing. Historically indicates the variety of post-war beach-side development</p> <p><u>Physical Description</u></p> <p>Two storey dwelling, brick on ground floor & fibro to 1st floor. Garage on ground floor with original decoration. Skillion roof. Front facade of extensive glazing with low projecting balcony with inclined handrails and posts Detail what heritage items are affected by the proposal and outline why these items are of heritage significance (include the Statement of Significance from the Heritage Inventory Sheet)</p>			
	<p>Other relevant heritage listings</p>			
	<table border="1"> <tr> <td data-bbox="523 2033 858 2116">SEPP (Biodiversity and Conservation)</td> <td data-bbox="858 2033 954 2116">No</td> <td data-bbox="954 2033 1437 2116"></td> </tr> </table>	SEPP (Biodiversity and Conservation)	No	
SEPP (Biodiversity and Conservation)	No			

Internal Referral Body	Comments		
	2021		
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	Consideration of Application		
<p>The proposal seeks consent for the demolition of the existing structures and the construction of a new two storey dwelling, including a detached garage, new driveway, swimming pool and associated landscaping.</p> <p>There are no heritage listed street trees adjacent to this property, therefore there will be no impact upon the heritage significance of this item.</p> <p>The heritage house at 46 Kooloora Ave is located on the opposite side of Kooloora Ave and set back from the street frontage. This separation means that while this proposal would have minimal visibility from the heritage house and therefore, it is considered it will not have an adverse impact upon the heritage significance of this item</p> <p>Therefore, no objections are raised on heritage grounds and no conditions required.</p> <p>Consider against the provisions of CL5.10 of WLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? N?A</p>			

External Referral Body	Comments		
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	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.		

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 (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. 1731681S dated 22 December 2023).

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

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.9m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	6m	N/A	Yes
B3 Side Boundary Envelope	5m (north-west)	Outside envelope	10.2% (0.6m)	No
	5m (south-west)	Within envelope	N/A	Yes
B5 Side Boundary Setbacks	0.9m (north-west)	0.9m	N/A	Yes
	0.9m (south-west)	0.9m (garage) 1.7m (balcony)	N/A	Yes
B7 Front Boundary Setbacks	Primary: 6.5m	4.5m (pond coping) 4.8m (balcony) 5.4m (blade wall) 6.5m (front building line)	30.8% (2m)	No

	Secondary: 3.5m	Nil (pool coping) 1.7m (balcony) 2m (main building line)	100%	No
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	40.6% (152.8m ²)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	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	Yes	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
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

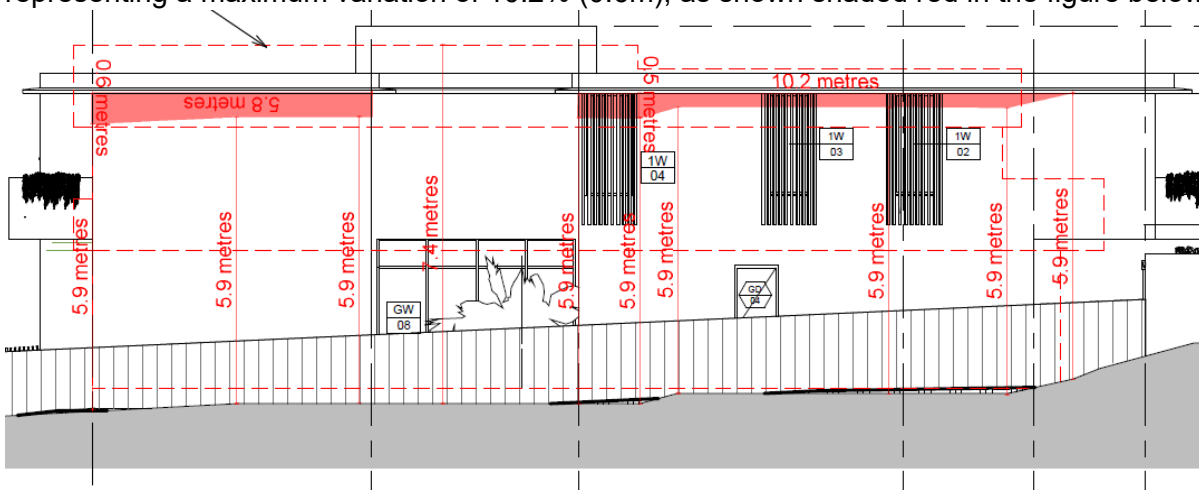
Detailed Assessment

B3 Side Boundary Envelope

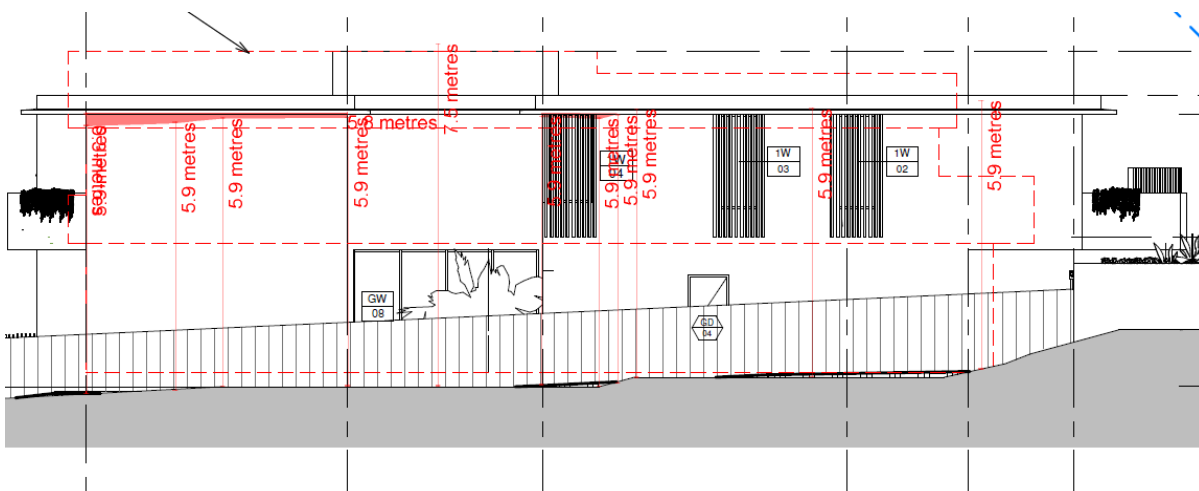
Description of non-compliance

Pursuant to Section B3 of the Warringah Development Control Plan 2011, buildings must be sited within a building envelope determined by projecting planes at 45 degrees from a height of 5m above ground level (existing) at the side boundaries.

The proposed dwelling presents an encroachment at the north-western elevation of 0.6m in vertical height for a horizontal length of 5.8m, and 0.5m in vertical height for a horizontal length of 10.2m, representing a maximum variation of 10.2% (0.6m), as shown shaded red in the figure below.



It is important to note that this envelope breach is largely a result of the need to increase the height of the floor levels and overall building height by 390mm to accommodate the flood engineer's requirements. The initial amended design had a negligible envelope breach of 5.1% (0.3m), as indicated in red below. It is also important to note that the proposal is compliant with the minimum side setback requirement of 0.9m. Furthermore, the only windows on the north-western elevation at the first floor are to the ensuite and study, and these are to be screened, as shown below, therefore not impacting on the privacy of the neighbouring dwelling.



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

Comment:

The initial design presented a dwelling that was considered to be excessive in bulk and scale; however, the amended design minimises the visual height and bulk of the development and is below the maximum height limit afforded to the site.

Original design 3D perspective



Amended design 3D perspective



- ***To ensure adequate light, solar access and privacy by providing spatial separation between buildings.***

Comment:

The proposal provides adequate separation from the two side boundaries as the dwelling adjoins driveways to both neighbouring properties.

- ***To ensure that development responds to the topography of the site.***

Comment:

The site is relatively flat; however, the development responds to the need to prevent overland flows during a flood event by increasing the floor levels of the dwelling, and hence increasing the building envelope breach.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of 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.

B7 Front Boundary Setbacks

Description of non-compliance

Pursuant to Section B7 of the Warringah Development Control Plan 2011, development is to maintain

a minimum setback of 6.5m to primary road frontages, and 3.5m to secondary road frontages.

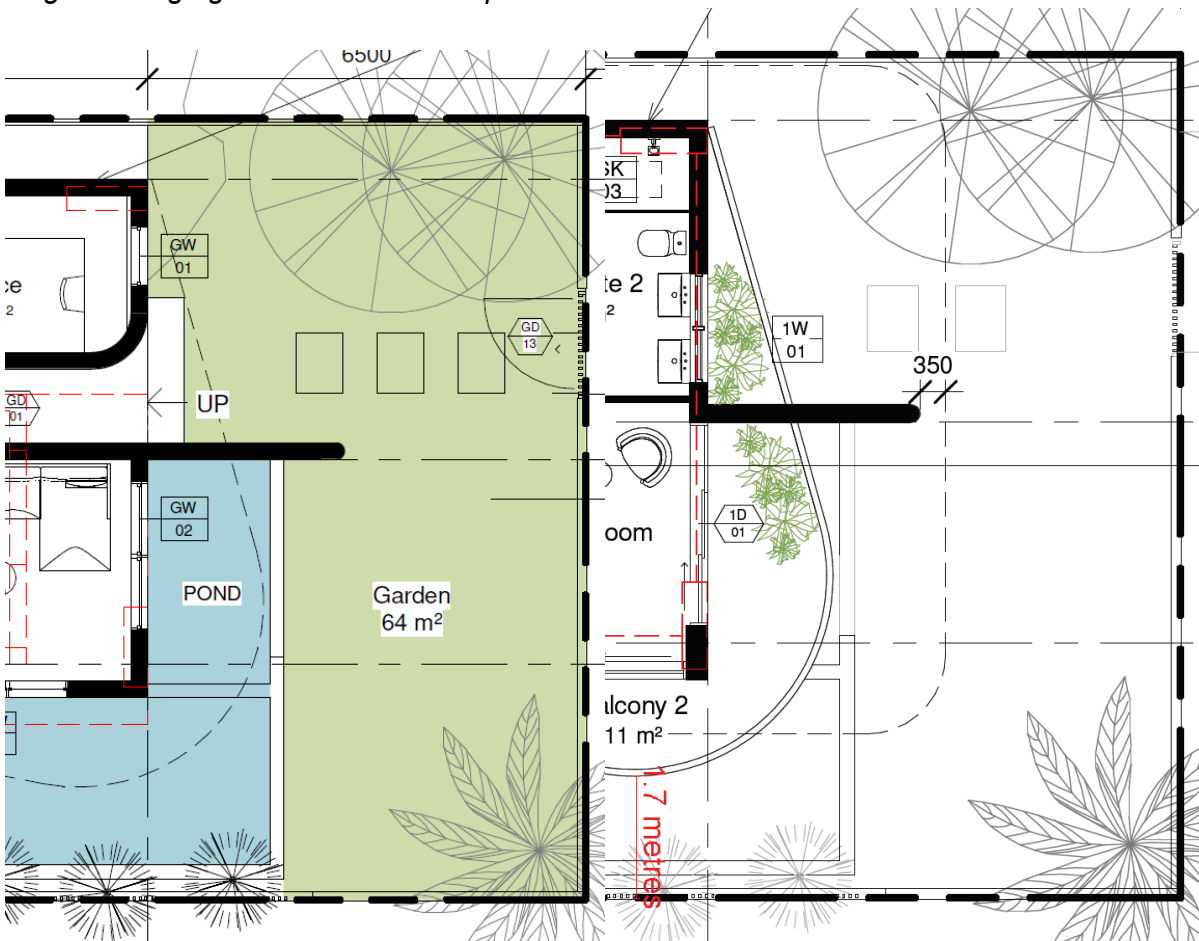
For this site, the primary road frontage is taken to be Kooloora Avenue and the secondary road frontage is Gore Street.

The proposed pond coping is setback 4.5m from Kooloora Avenue, the balcony on the first floor protrudes 1.7m into the front setback area, and the blade wall has a 5.4m front setback, presenting a maximum variation of 30.8% (2m) to the 6.5m minimum standard. However, the main building line is 6.5m from the front boundary.

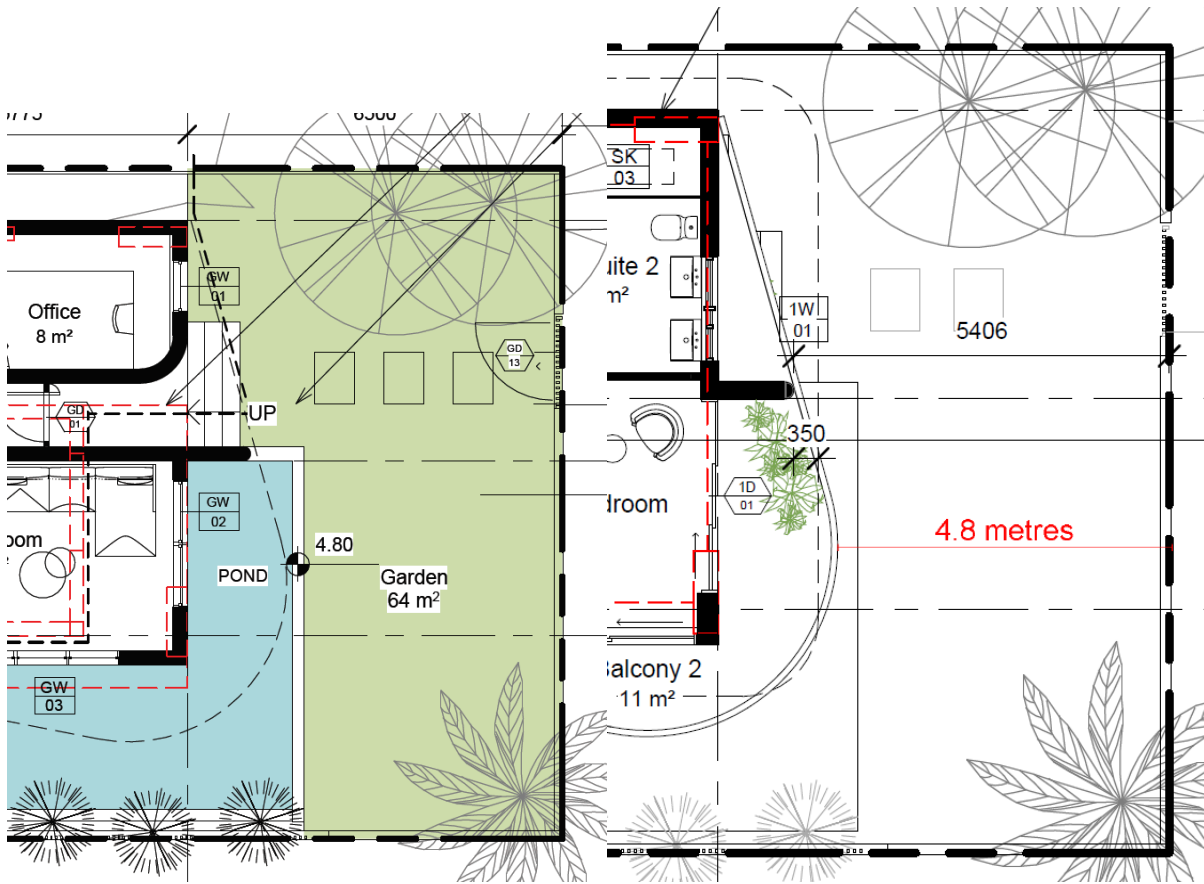
It is important to note that the blade wall was originally 3.6m from the front boundary, and has therefore been taken in by 1.8m with the amended design. The roof has also been brought back from the front boundary considerably, as evident in the plan extracts below. Furthermore, the balcony is not parallel to the front building line and therefore protrudes less into the front setback area towards the north-west of the dwelling.

It is also recognised that the lot width is relatively narrow, particularly being a corner lot, and as such, the siting of landscape features and private open space is limited.

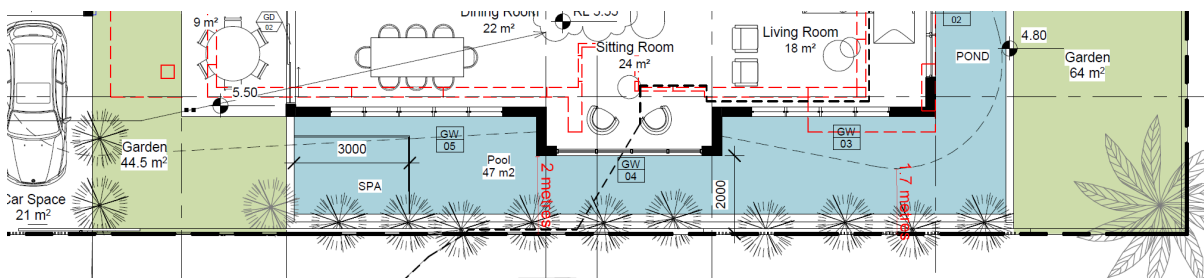
Original design ground and first floor plan



Amended design ground and first floor plan



The proposed pool coping has a nil setback from the secondary street frontage to Gore Street, and the first floor balcony has a 1.7m setback. The main building line is setback 2m from Gore Street, however, this is the skylight/void portion of the built form; the bulk of the building line to Gore Street is 3m from the boundary, as evident in the plan extract below. Additionally, the site does not directly face any other dwellings on this side, interfacing a public park and Freshwater Beach.



As mentioned above, it is important to note that the lot width is relatively narrow, particularly being a corner lot, and as such, the siting of private open space and the building footprint is somewhat limited.

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The main protrusions into the setback area are from the pool and balcony, which are unenclosed features. The bulk of the building has a larger setback to Gore Street and Kooloora Avenue, and openness is created through large windows and skylight features.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

The existing pattern and scale of buildings along Gore Street and Kooloora Avenue is varied, however the proposal maintains the visual continuity of landscape elements, with the pool complementing the public park and beach on the opposite side of Gore Street.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

The proposal improves the visual quality of the streetscapes and public spaces by incorporating landscape features and innovative design features.

- *To achieve reasonable view sharing.*

Comment:

The siting of the building with respect to the outlook to Freshwater Beach is such that the non-compliance with the setback to Gore Street does not impact on views enjoyed by the adjoining neighbour to the south-west. In terms of view sharing to 29 Kooloora Avenue, a condition has been included within this consent to remove the blade wall at the first floor to minimise view loss.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of 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.

D6 Access to Sunlight

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 that reasonable access to sunlight is maintained.*

Comment:

Given the nature of the site being a corner lot, the pool area is overshadowed most of the day; however, the front yard receives 3 hours solar access to at least 50% of the open space area. The proposal maintains reasonable access to sunlight for the neighbouring properties at 29 Kooloora Ave and 8 Gore St, as the proposal does not increase overshadowing to either

property's private open space area.

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

Comment:

The proposal incorporates a private open space area which wraps around the property, with grass and a garden to Kooloora Ave, pool and garden to Gore St and rooftop garden above the garage. As such, the proposal has been designed innovatively with respect to the corner lot and direct aspect to the public park and beach.

- *To promote passive solar design and the use of solar energy.*

Comment:

The proposal includes several solar panels on the roof as well as skylights to promote passive solar design and the use of solar energy.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of 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.

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 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$18,388 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,838,815.

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

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 DA2024/0004 for Demolition works and construction of a dwelling house including swimming pool on land at Lot 22 DP 7022, 31 Kooloora Avenue, FRESHWATER, 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
0000	C	Site and Roof Plan	R Squared Studios Pty Ltd	17 May 2024
1100	C	Proposed Ground and First Floor Plan	R Squared Studios Pty Ltd	17 May 2024
3000	C	(N) Elevations	R Squared Studios Pty Ltd	17 May 2024

3100	C	(N) Sections	R Squared Studios Pty Ltd	17 May 2024
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Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Door Schedule - 3200	C	R Squared Studios Pty Ltd	17 May 2024
Window Schedule - 3201	C	R Squared Studios Pty Ltd	17 May 2024
External Finishes - 4000	C	R Squared Studios Pty Ltd	17 May 2024
BASIX Certificate	1731681S	Green Future Group Pty Ltd	22 December 2023
Drainage Plan - SW01	A	BMY Consultants Pty Ltd	13 December 2023
Sediment & Erosion Plan - SW02	A	BMY Consultants Pty Ltd	13 December 2023
NatHERS Certificate	0009167644-02	R Squared Studios Pty Ltd	22 December 2023
Thermal Comfort & BASIX Assessment	A	Green Future Group Pty Ltd	22 December 2023
Landscape Plan	B	TCGD	20 December 2023
Waste Management Plan	-	No author	n.d.
Flood Risk Management Report	A - 2404032	NB Consulting Engineers	17 May 2024

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	30 January 2024

(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) 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 an 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 following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. 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.
- (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.), 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.
- (k) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished
- The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$18,388.15 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 \$1,838,815.20.

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 \$10,000 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. On Slab Landscape Planters

Details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections. The following soil depths are required to support landscaping: 300mm for groundcovers, perennials, grasses and lawn; and 600mm for shrubs where proposed.

Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

8. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent in accordance with AS/NZS 3500 and Council's Water Management for Development Policy, prepared by an appropriately qualified and practicing Civil or Hydraulic Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG), indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to street gutter in Kooloora Avenue.

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

Reason: To ensure appropriate provision for disposal of stormwater management arising from

the development.

9. Building Components and Structural Soundness

B1 - All new development below the Flood Planning Level of 5.55m AHD shall be designed and constructed from flood compatible materials.

B2 – The shelter in place refuge must be designed to ensure structural integrity up to the Probable Maximum Flood level of 7.50 m AHD, with the remainder of the new development designed to ensure structural integrity up to the Flood Planning Level of 5.55m AHD. The forces of floodwater, debris load, wave action, buoyancy and immersion must all be considered.

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 5.55m AHD, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

10. Emergency Response

E1 - The shelter-in-place refuge must:

a)	Have a floor level at or above the Probable Maximum Flood level of 7.50 m AHD; and
b)	Have a floor space that provides at least 1m ² per person; and
c)	Be intrinsically accessible to all people on the site, plainly evident, and self-directing, without reliance on electrical means.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

11. Vehicle Crossings Application

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing 3 metres wide in accordance with Northern Beaches Council Standard vehicle crossing profile and in accordance with Section 138 of the Roads Act 1993.

Note,

- driveways are to be in plain concrete only.

- any gate proposed must not swing open towards the street
- new vehicle crossing in Gore Street to be at least 1m away from existing power pole.
- reinstate redundant layback and vehicular crossings along frontage of site in Kooloora Avenue to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

12. Pools

The pool and pond coping is to be less than 150mm above natural ground level.

All electrical equipment associated with the pool (including pool pumps) is to be waterproofed and/or located at or above the Flood Planning Level of 5.55m AHD.

All chemicals associated with the pool are to be stored at or above the Flood Planning Level of 5.55m AHD.

Pool fencing shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area from the natural ground level up to the 1% AEP flood level of 5.55m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

13. Fencing

New fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area along any straight length, from the natural ground level up to the 1% AEP flood level. Openings shall be a minimum of 75mm x 75mm.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

14. Amendments to the approved plans

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

- Removal of the blade wall at the first floor. Any replacement structural column is to have maximum base dimensions of 250mm x 250mm.

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.

15. Boundary Identification Survey

A boundary identification survey, prepared by a Registered Surveyor, shall be provided in respect of the subject site.

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

Details demonstrating compliance are to be submitted to the 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.

16. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:

1. Council's relevant development control plan,
2. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

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

17. Car Parking

D5 - The floor level of the proposed garage shall be set at or above the 1% AEP flood level of 5.05m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

18. **Flood Effects Caused by Development**

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 5.05m AHD.

The flood storage compensation works, outlined in the Flood Risk Management Report by NB Consulting Engineers, Job No. 2404032, Issue A, Dated 17th May 2024, are to be completed in accordance with the report.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

19. **Floor Levels**

C1 - New floor levels within the development shall be set at or above the Flood Planning Level of 5.55m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

20. **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.

21. External Finishes to Roof

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

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

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

22. 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:

- o "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- o 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.

DURING BUILDING WORK

23. Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) any prescribed trees within the site,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites,
- ii) the following arboricultural requirements shall be adhered to unless authorised by an Arborist with minimum AQF level 5 qualifications: existing ground levels shall be maintained within the tree protection zone of trees to be retained; removal of existing tree roots at or >25mm (Ø) diameter is not permitted; no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained; and structures are to bridge tree roots at or >25mm (Ø) diameter,
- iii) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- iv) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken as complaint to AS4970-2009

Protection of trees on development sites.

Reason: Tree and vegetation protection.

24. 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.

25. 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:

- o Work Health and Safety Act;
- o Work Health and Safety Regulation;
- o Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- o Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)];
- o Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- o 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.

26. Demolition Works - Asbestos

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

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

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

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

27. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

28. **Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

29. **Landscape Completion**

Landscape works are to be implemented in accordance with the approved Landscape Plan, and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plan, unless otherwise imposed by conditions,
- c) an additional locally native tree, suited to coastal exposure, shall be installed within the front setback to Kooloora Avenue,
- d) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; generally selected from Northern Beaches Council's Native Plant Species Guide - Curl Curl Ward, or Council's Tree Guide; to achieve at least 6.0 metres height at maturity; planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and located either within garden bed or within a prepared bed within lawn,
- e) mass planting shall be installed at minimum 1metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- f) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
- g) where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

30. Stormwater Disposal

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

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

31. Reinstatement of Kerb

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces.

32. Building Components and Structural Soundness

B2 - A suitably qualified structural engineer is to certify the structural integrity of the shelter in place up to the Probable Maximum Flood level of 7.50 m AHD, and the remainder of the new development up to the Flood Planning Level of 5.55 m AHD. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

B3 - A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 5.55m AHD, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

33. Certification of Works as Executed

A suitably qualified engineer and/or registered surveyor is to certify that the completed works have been constructed in accordance with this consent and the approved plans with respect to the following:

- | | |
|----|---|
| 1. | Floor levels for ground floor, shelter in place refuge and garage are set at or above the |
|----|---|

2.	There has been no filling on the land other than what has been approved
3	The flood storage compensation works, outlined in the Flood Risk Management Report A, Dated 17th May 2024, have been completed in accordance with the report.
4.	Openings are provided in fencing where required for the free passage of flood waters

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

34. 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.

35. House / Building Number

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Proper identification of buildings.

36. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

37. Swimming Pool Requirements

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

- (a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and

relevant Australian Standards (including but not limited) to:

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

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

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

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

(e) Signage showing resuscitation methods and emergency contact

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

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To protect human life.

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

38. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

39. **Swimming Pool/Spa Motor Noise**

The swimming pool / spa motor shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

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

Signed



Anais Sarkissian, Planner

The application is determined on 14/06/2024, under the delegated authority of:



Adam Richardson, Manager Development Assessments