

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2016/0361
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<b>Responsible Officer:</b>	Nick England
<b>Land to be developed (Address):</b>	Lot 502 DP 218045, 14 Yeats Avenue KILLARNEY HEIGHTS NSW 2087 Lot 503 DP 218045, 14 Yeats Avenue KILLARNEY HEIGHTS NSW 2087
<b>Proposed Development:</b>	Construction of dwelling house with pool and a boundary adjustment
<b>Zoning:</b>	LEP - Land zoned R2 Low Density Residential LEP - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Andrew Garth Toohey Caroline Helen Eales
<b>Applicant:</b>	Robert Ursino Design Pty Ltd

<b>Application lodged:</b>	15/04/2016
<b>Application Type:</b>	Integrated
<b>State Reporting Category:</b>	Residential - Single new detached dwelling
<b>Notified:</b>	03/05/2016 to 18/05/2016
<b>Advertised:</b>	Not Advertised, in accordance with A.7 of WDCP
<b>Submissions:</b>	1
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 755,500.00
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### 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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant

Council / Government / Authority Officers on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - C1 Subdivision

## SITE DESCRIPTION

<b>Property Description:</b>	<p>Lot 502 DP 218045 , 14 Yeats Avenue KILLARNEY HEIGHTS NSW 2087</p> <p>Lot 503 DP 218045 , 14 Yeats Avenue KILLARNEY HEIGHTS NSW 2087</p>
<b>Detailed Site Description:</b>	<p>The subject site consists of two (2) allotments located on the eastern side of Yeats Avenue.</p> <p>The site is irregular in shape with a frontage of 23.165m along Yeats Avenue and a depth varying between 33.59m and 66.04m. The site has a surveyed area of 1,824m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a dwelling house, carport and swimming pool.</p> <p>Surrounding development consists of residential dwellings. Garigal National Park is located to the east of the site.</p> <p>The site has a north-westerly aspect with a moderate slope. There are occurrences of rock outcrops and a number of significant trees on the site.</p>

Map:



## SITE HISTORY

Site history relevant to the proposed development includes the following:

PLM2015/0089: A prelodgement meeting was held on 6 August 2015, in respect to the subject application. The applicant was advised that the proposed subdivision was supported, however the proposed dwelling house would need to be re-designed to address matters in respect of front setback, building bulk and insufficient information to demonstrate compliance with the relevant Built Form controls and requirements of WDCP 2011.

## PROPOSED DEVELOPMENT IN DETAIL

The application consists of the following:

- Subdivision of existing two allotments to, in effect, adjust the boundaries of these allotments to result in two allotments, Lot 1 and Lot 2 with an area of 1,109.5m<sup>2</sup> and 714.5m<sup>2</sup> respectively;
- Demolition of existing awning on south elevation of existing dwelling;
- Removal of thirteen (13) trees; and
- Construction of new two story dwelling and swimming pool on proposed Lot 2.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

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

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, permits Council to request additional information and therefore consider the number of days taken in this assessment in</p>

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Section 79C 'Matters for Consideration'	Comments
	<p>light of this clause within the Regulations. However, no additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 79C (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 Warringah Development Control Plan section 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 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (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.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Urbanesque Planning Pty Ltd	Suite 16, 895 Pacific Highway PYMBLE NSW 2073

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

- *The windows on the south elevation of the proposed dwelling will have an adverse impact on the privacy of the adjoining dwelling at No.92 Rathowen Parade.*
- *The windows should be modified to have lower sill heights of at least 1.7m from the floor level and the proposed metal louvres on the windows should be angled at 45 degrees to reduce any potential for overlooking into the adjoining pool area of No.92 Rathowen Parade.*
- *Screen landscaping should be provided on the boundary between No.14 Yeats and No.92 Rathowen Parade.*

The matters raised within the submissions are addressed as follows:

- *The windows on the south elevation of the proposed dwelling will have an adverse impact on the privacy of the adjoining dwelling at No.92 Rathowen Parade.*

Comment:

In response to the matters raised in the submission, the applicant has amended the southern elevation to address these concerns. These amendments are adequate to address the privacy concerns of the adjoining dwelling.

- *The windows should be modified to have lower sill heights of at least 1.7m from the floor level and the proposed metal louvres on the windows should be angled at 45 degrees to reduce any potential for overlooking into the adjoining pool area of No.92 Rathowen Parade.*

Comment:

These amendments have been made, with the exception of the lower sill heights, which are set at 1.6m from the 1st floor level, rather than the requested 1.7m. Nonetheless, these amendments are considered adequate to address the privacy concerns of the adjoining property owner.

- *Screen landscaping should be provided on the boundary between No.14 Yeats and No.92 Rathowen Parade.*

Comment:

Sufficient landscaping has been provided in the original application to satisfy the objectives of WDCP 2000. The addition of screen landscaping along the side boundary with No.92 Rathowen Parade is not considered necessary, as the primary openings of the dwelling have been adequately designed to ensure sufficient visual privacy to adjoining dwellings.



## MEDIATION

No requests for mediation have been made in relation to this application.

## REFERRALS

Internal Referral Body	Comments
Development Engineers	<p>The submitted OSD design for the proposed new dwelling has not been designed in accordance with Council's Streamlined Method. Conditions to rectify this have been provided accordingly. The proposed driveway crossing has been assessed and is also satisfactory. The proposed subdivision plan is also satisfactory. As the proposed dwelling is positioned over the existing common boundary, a special condition requiring the new lots to be registered prior to release of any construction certificate for the new dwelling has also been included.</p> <p>No objection to approval, subject to conditions as recommended.</p> <p><b>Amended hydraulic design submitted 06/06/2016</b></p> <p>The revised stormwater design has been assessed and the issued conditions have been satisfied. As a result the drainage condition has been amended to suit.</p> <p>No objection to approval, subject to conditions as recommended.</p>
Landscape Officer	<p>The proposed development requires removal of a number of trees and rock across the site.</p> <p>Given that the lot has not previously been developed, any development for a residential dwelling will require significant alteration to the existing landscape of the site.</p> <p>In terms of the impact of the proposed works, no objections are raised to the tree removals proposed, subject to conditions.</p> <p>Rock outcrops to the rear are indicated for retention, which is supported.</p> <p>No objections to approval subject to conditions as recommended.</p>
Natural Environment (Biodiversity)	No objection to approval, subject to conditions as recommended.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

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External Referral Body	Comments
Aboriginal Heritage	The Aboriginal Heritage Office have no objection to the proposed development. subject to condition.
Integrated Development - NSW Rural Fire Service – head office	The NSW Rural Fire Service have no objection to the proposed development, subject to condition.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

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

A BASIX certificate has been submitted with the application (see Certificate No. 700733S dated 14 April 2016). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 1009041730 dated 14 April 2016).

The BASIX Certificate indicates that the dwelling house aspect of the application will achieve the following:

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

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

### SEPP (Infrastructure) 2007





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Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	600m <sup>2</sup>	Lot 1: 1,109.5m <sup>2</sup> Lot 2: 714.5m <sup>2</sup>	N/A N/A	Yes Yes
Height of Buildings:	8.5m	8.35m	N/A	Yes

## Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision - consent requirements	Yes
2.7 Demolition requires consent	Yes
4.1 Minimum subdivision lot size	Yes
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.9 Preservation of trees or vegetation	Yes
5.9AA Trees or vegetation not prescribed by development control plan	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	7.2m (south elevation)	N/A	Yes
B3 Side Boundary Envelope	4m (north)	No breach	N/A	Yes
	4m (south)	Breach of 6.3m (length) x 2.2m (height)	N/A	No
B5 Side Boundary Setbacks	0.9m (north)	0.9m (pool) 1.7m - 4.59m (dwelling)	N/A N/A	Yes Yes
	0.9m (south)	1.2m - 4.9m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	6.5m - 13.9m	N/A	Yes
B9 Rear Boundary Setbacks	6m	7m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	290.5m <sup>2</sup> or 40.6%	N/A	Yes

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

## Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes

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Clause	Compliance with Requirements	Consistency Aims/Objectives
B3 Side Boundary Envelope	No	Yes
R2 Side Boundary Envelope Exceptions	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
Side Setback Exceptions - R2	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
R2 - All other land in R2 Zone	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
All other land under R2	Yes	Yes
C1 Subdivision	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Residential accommodation - one or two dwellings	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
E1 Private Property Tree Management	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

## Detailed Assessment

### **B3 Side Boundary Envelope**

## Description of non-compliance

A breach of 6.3m (length) x 2.2m (height) is proposed on the south elevation of the proposal.

## 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 breach relates to an element of the layout for the ground and 1<sup>st</sup> floors which encapsulate the dwelling entry, stairs and associated void above. Viewed in the context of the entire south (side) elevation, the extent of the breach is minor. This side elevation is also well articulated, creating sufficient visual interest to ensure that the building is not visually dominant. The proposal is hence consistent with this objective.

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

### Comment:

The part of the building subject to the breach has no openings which will cause an adverse impact with respect to visual or acoustic privacy. The breach will not contribute to any adverse loss of solar access to the adjoining properties areas of private open space, when measured against the applicable controls of WDCP 2011.

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

### Comment:

The proposed development will have an adequate response to the topography of the site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **C1 Subdivision**

Component	Requirement	Proposed	Compliant
<b>Lot requirements</b>	R2 Low Density Residential zone requirements:  Proposed new allotments:	<u><b>Lot 1</b></u> Width: 6.37m - 51.89m Depth: 42.8 (south) and 66.04m (north) Building area: exceeds 150m <sup>2</sup>	No - Refer to discussion below this table

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	<p>a) Minimum width: 13 metres</p> <p>b) Minimum depth: 27 metres; and</p> <p>c) Minimum building area: 150m<sup>2</sup></p>	<p><b>Lot 2</b></p> <p>Width: 14.55 - 22.21m</p> <p>Depth: 33.59m (south) and 42.845m (north)</p>	Yes
<b>Access</b>	<p>Motor vehicle access to each residential allotment is required from a constructed and dedicated public road.</p> <p>Where access is proposed to a section of unconstructed public road, then the subdivision will need to provide legal, constructed access to the Council's satisfaction.</p> <p>Access for Council service vehicles, emergency vehicles and garbage collection vehicles must be provided.</p> <p>Driveways, accessways, etc, to allotments should have a gradient not exceeding 1:4 and allow for transitions at a minimum length of 1.5m and at a grade no steeper than 1:10.</p> <p>Driveways in excess of 200 metres will not be allowed for residential development.</p> <p>Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m.</p> <p>Passing bays should</p>	<p>Complies.</p> <p>Not applicable.</p> <p>Vehicular access provided to both allotments.</p> <p>Driveway gradient does not exceed 1:4.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Based on two (2) allotments proposed, minimum 3.5m driveway required. 4.47m wide</p>	<p>Yes.</p> <p>Not applicable.</p> <p>Yes</p> <p>Yes</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Yes</p>

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have regard to sight conditions and minimise vehicular conflict.

Vehicular ingress/egress points to internal lots may be used as passing/turning bays, subject to extension of a right-of-carriageway over the passing/turning bay.

Rights-of-carriageway should be located so as to accommodate all vehicle turning facilities.

Width of accessways are to be as follows:

Number of lots to be serviced	Width of clear constructed accessway (m)
1 - 5	3.5
6 - 10	5.0
in excess of 10	Access is to be provided by a private or public road constructed with a width that is in accordance with Council standard specifications for engineering works (AUSPEC 1)

Provision of services in rights of carriageway are as follows:

Number of lots to	Additional width to be
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driveway proposed.

Not applicable.

Not applicable.

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	<table><tr><td>be serviced</td><td>provided in Right of Carriageway (m)</td></tr><tr><td>Up to 3 lots</td><td>0.5</td></tr><tr><td>4 or more lots</td><td>1.0</td></tr></table>	be serviced	provided in Right of Carriageway (m)	Up to 3 lots	0.5	4 or more lots	1.0		
be serviced	provided in Right of Carriageway (m)								
Up to 3 lots	0.5								
4 or more lots	1.0								
<b>Design and construction</b>	<p>All roads, rights of carriageway, drainage design and construction is to be in accordance with Council's policy requirements including; AUSPEC 1 - Council's Specification for Engineering Works, Development Engineering Minor Works Specification, On Site Stormwater Detention (OSD) Technical Specification and Council's Water Sensitive Urban Design Policy. Additionally, internal roads must be designed in accordance with the relevant Australian Standards.</p> <p>Subdivision design needs to maximise and protect solar access for each dwelling by considering factors such as orientation, shape, size and lot width.</p>	Stormwater management plans have been provided.	Yes						
<b>Drainage</b>	Provision should be made for each allotment to be drained by gravity to a Council-approved drainage system. The topography of the land should not be altered to adversely affect the natural drainage patterns. Stormwater should drain directly to a Council-approved	Each allotment will be able to achieve gravity access to a Council-approved drainage system.	Yes						



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	drainage system and not via adjoining properties unless via a formalised interallotment drainage system. The proposed allotments are to be drained to the direction of the natural fall of the land. Interallotment drainage easements will be required through adjoining properties to adequately drain land to Council's downstream system.		
<b>Restrictions</b>	Any easement, right-of-carriageway, or other restriction that is placed on the title of any land as a requirement of the approval of the subdivision is to be protected by a positive covenant or like instrument with the Council nominated as a party.	Conditions are recommended in this respect.	Yes
<b>Environmentally constrained land</b>	<p>In areas subject to constraints such as flooding, tidal inundation, threatened species, landslip risk, bushfire or any other matter, adequate safe area for building, where the risk from hazard is minimised, is to be provided within an allotment.</p> <p>Where possible, lot boundaries should utilise natural land features such as creeks, escarpments and rock outcrops.</p>	The application is located on bushfire prone land and as such is Integrated development.	Yes
<b>Bushfire</b>	Subdivision should be designed to minimise the risk from potential bushfire. Asset protection zones should be contained within the	The NSW RFS have advised that they have no objection to the proposed development and have provided conditions of	Yes

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	property boundaries of the new subdivision.	development consent.	
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## Description of non-compliance

The width of Lot 1 will be 6.37m at its narrowest point, which is not consistent with the minimum 13m width. This non-compliance relates to the "access" portion of the allotment, accommodating the driveway to the existing house at No.14, with the majority of the allotment being consistent with the minimum width.

## Merit consideration

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

- *To regulate the density of development.*

### Comment:

The proposed subdivision is in effect a boundary adjustment, as the subject site currently consists of two allotments. In this respect, the density of development on the land and in the immediate vicinity will not change. The proposed variation will only apply to a minor portion of proposed Lot 1, with the proposed lot consistent with all the other numerical requirements of Part C1.

- *To limit the impact of new development and to protect the natural landscape and topography.*

### Comment:

The portion of the site that relates to the non-compliance is primarily for vehicle access and possesses no structures. In this respect the natural landscape and topography will be unmodified and the proposal is consistent with this objective.

- *To ensure that any new lot created has sufficient area for landscaping, private open space, drainage, utility services and vehicular access to and from the site.*

### Comment:

Sufficient area is provided for these functions.

- *To maximise and protect solar access for each dwelling.*

### Comment:

The proposed allotments will have sufficient dimensions to ensure that any existing and proposed development will not have an adverse impact on the solar access to adjoining dwellings.

- *To maximise the use of existing infrastructure.*

Comment:

The proposed boundary adjustment will take advantage of the existing vehicular access to the existing dwelling, consistent with this objective.

- *To protect the amenity of adjoining properties.*

Comment:

The proposed non-compliance with the minimum lot width is unlikely to result in any adverse amenity impact to any adjoining property.

- *To minimise the risk from potential hazards including bushfires, land slip and flooding.*

Comment:

The proposed allotment boundaries will result in no accentuation of any existing risk on the site, notwithstanding the variation proposed.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## POLICY CONTROLS

### Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 755,500		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 7,177
Section 94A Planning and Administration	0.05%	\$ 378
Total	1%	\$ 7,555

## 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;

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- 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 DA2016/0361 for Construction of dwelling house with pool and a boundary adjustment on land at Lot 502 DP 218045, 14 Yeats Avenue, KILLARNEY HEIGHTS, Lot 503 DP 218045, 14 Yeats Avenue, KILLARNEY HEIGHTS, 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA202 Revision A	12.04.2016	Robert Ursino Design
DA203 Revision A	12.04.2016	Robert Ursino Design
DA301 Revision A	12.04.2016	Robert Ursino Design
DA302 Revision A	12.04.2016	Robert Ursino Design
DA303 Revision A	12.04.2016	Robert Ursino Design
DA304 Revision A	12.04.2016	Robert Ursino Design
DA305 Revision A	12.04.2016	Robert Ursino Design
DA401 Revision A	12.04.2016	Robert Ursino Design
DA402 Revision B	16.06.2016	Robert Ursino Design
DA403 Revision A	12.04.2016	Robert Ursino Design
DA404 Revision A	12.04.2016	Robert Ursino Design

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DA501 Revision A	12.04.2016	Robert Ursino Design
DA502 Revision B	16.06.2016	Robert Ursino Design
DA503 Revision A	12.04.2016	Robert Ursino Design
DA504 Revision A	12.04.2016	Robert Ursino Design
DA702 Revision A	12.04.2016	Robert Ursino Design

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DAC001 Issue P1	06-04-16	at&l
DAC002 Issue P1	06-04-16	at&l
DAC003 Issue P1	06-04-16	at&l
DAC004 Issue P1	06-04-16	at&l
DAC005 Issue P1	06-04-16	at&l

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate No.700733S	14 April 2016	BASIX Certificate Centre
Geotechnical Assessment Ref.No.15-062.A	10 February 2016	Davies Geotechnical
Aboricultural Impact Assessment	December 2015	Bluegum Tree Care and Consultancy
Bushfire Risk Assessment	4 December 2015	BPAD

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
- d) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
L-01 Revision D	06-04-16	ecodesign

<b>Waste Management Plan</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
-	5 February 2016	Robert Ursino Design

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. (DACPLB01)

## 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	eServices Reference	Dated
NSW Rural Fire Service	Referral Response - NSW RFS	8 August 2016

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

## 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 (DACPLB09)

#### 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) 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.

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

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

(e) 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.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature 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) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) 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.

(l) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)

(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;

# NORTHERN BEACHES COUNCIL

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 sewerred 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.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

## FEES / CHARGES / CONTRIBUTIONS

### 5. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 755,500.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 7,177.25
Section 94A Planning and Administration	0.05%	\$ 377.75
Total	1%	\$ 7,555.00

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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 Northern Beaches Council's Development Contributions Plan.

## 6. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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, 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.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

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

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

### 7. **On-site Stormwater Detention Compliance Certification**

Drainage plans are to be provided detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and the concept drawing by AT&L, drawing number 15-350 DAC001, DAc002, DAC003, DAC004 and DAC005 Issue A dated 03/06/2016.

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

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

### 8. **Vehicle Crossings Application Formwork Inspection**

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

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

Reason: To facilitate suitable vehicular access to private property. (DACENC12)

9. **Vehicle Driveway Gradients**

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Minor Works Policy.

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

Reason: To ensure suitable vehicular access to private property. (DACENC13)

10. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: Safety. (DACENC19)

11. **Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors are to be used within Council land.

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

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENC05)

12. **Registration of Deposited Plan**

The proposed subdivision plan creating the two new lots is to be registered with the NSW Land and Property Information Department.

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

Reason: To ensure the lot for the proposed new dwelling is registered. (DACENCPC1)

13. **Tree protection**

(a) Existing trees which must be retained

All trees not indicated for removal on the approved plans, unless exempt or noxious under relevant planning instruments or legislation.

(b) Tree protection

- i) No tree roots greater than 50mm 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 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with the Arboricultural Impact Assessment dated December 2015 prepared by Bluegum Tree Care and Consulting and 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.

(c) Trees on public land

- i) This consent includes removal of 2 trees located in the Yeats Ave road reserve. Removal of these trees may only be undertaken by a Council authorized tree contractor.
  - ii) The list of currently authorized tree contractors shall be obtained from Council's Public Trees Section (Central) prior to removal.
- Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

## 14. **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. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures\*\*
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) \*\*
- (e) AS 4970 - 2009 'Protection of trees on development sites'\*\*\*
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*

\*\*Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

## 15. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if



further requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water.  
(DACPLC12)

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

### 16. **Vehicle Crossings**

The provision of one vehicle crossing 4.5 metres wide in accordance with Warringah Council Drawing No A4-3330/2 NH and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

### 17. **Layback Construction**

A layback 4.5 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

### 18. **Maintenance of Road Reserve**

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

Reason: Public Safety. (DACENE09)

### 19. **Trees Condition**

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLAEO3)

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

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

ii) Should any Aboriginal sites be uncovered during earthworks, 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 (DACLAEOG1)

21. **Weeds**

No noxious or environmental weeds, as listed on The Northern Beaches Council - Warringah website are to be imported on to the site.

Any noxious weeds or environmental weeds on the site are to be managed continuously, in accordance with the Noxious Weeds Act 1993.

Details demonstrating compliance is to be submitted to the Certifying Authority.

Reason: To ensure bushland management. (DACNEE02)

22. **Aboriginal Heritage**

If in undertaking excavations or works, any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

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

Reason: Aboriginal Heritage Protection. (DACAHE01)

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

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

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

OCCUPATION CERTIFICATE

24. **Authorisation of Legal Documentation Required for On-site Stormwater Detention**

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

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

Reason: To create encumbrances on the land. (DACENF01)

25. **Registration of Encumbrances for On-site Stormwater Detention**

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

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

Reason: To identify encumbrances on land. (DACENF02)

26. **Restriction as to User for On-site Stormwater Detention**

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

27. **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 Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Note:** The following Standards and Codes applied at the time of determination:

(a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage

(b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage

(c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

**28. On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a “work as executed” (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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

Reason: To ensure stormwater disposal is constructed to Council’s satisfaction.  
(DACENF10)

**29. Positive Covenant for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council’s standard requirements, (available from Warringah Council), at the applicant’s expense and endorsed by Warringah Council’s delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system.  
(DACENF12)

**30. Creation of Positive Covenant and Restriction as a User**

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the “Department of Lands”.

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

Reason: To identify encumbrances on land. (DACENF14)

**31. Required Planting**

Trees shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Min Pot Size
All trees	As indicated on Landscape Plan Dwg No. L-01 D dated 06-04-16 prepared by Ecodesign	As indicated on the landscape plan	As indicated on the landscape plan

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

Reason: To maintain environmental amenity. (DACLAF01)

**32. House / Building Number**

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

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

Reason: Proper identification of buildings. (DACPLF04)

## CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE

**33. Services**

All utilities/services and street lighting is to be installed by the applicant/developer. Certification is to be provided to Council stating the above requirement has been complied with.

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

Reason: Public safety and to ensure services have been provided for the newly created lots. (DACENH09)

**34. Stormwater Drainage and Utility Services Plan**

A plan of subdivision identifying the location of water, gas, telephone, electricity and stormwater drainage in relation to boundaries and/or relevant easements, prepared by a registered surveyor is to be submitted to Council.

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

Reason: To ensure that services have been provided with appropriate easements as required by the Conveyancing Act 1919. (DACENH10)

**35. Survey Plan - Construction Identification**

A declaration by a registered surveyor shall be provided to Council as evidence that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. In this regard any structures straddling across the proposed boundary alignment shall be removed. The declaration shall be in the form of a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor.

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

Reason: To ensure accurate location of buildings, access and services (DACENH12)

**36. Sydney Water Compliance Certification**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

Reason: To ensure compliance with the statutory requirements of Sydney Water.  
(DACENH13)

37. **Subdivision Certificate Application**

Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council. Nine copies of the final plan of subdivision are to be submitted. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council’s fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919. (DACENH24)

I am aware of Warringah’s Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

**Signed**

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**Nick England, Planner**

The application is determined under the delegated authority of:


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**Rodney Piggott, Development Assessment Manager**



# NORTHERN BEACHES COUNCIL

## ATTACHMENT A

Notification Plan	Title	Date
 2016/128418	Plans - Notification	13/04/2016

## ATTACHMENT B








Notification Document	Title	Date
 2016/137679	Notification Map	03/05/2016

# NORTHERN BEACHES COUNCIL

## ATTACHMENT C

Reference Number	Document	Date
 2016/128413	Plan - Survey	27/06/2015
 2016/128449	Pre-Lodgement Meeting Notes	14/10/2015
 2016/128416	Plan - Subdivision	07/04/2016
 2016/128441	Report - Bushfire	11/04/2016
 2016/128439	Report - Arboricultural	11/04/2016
 2016/128418	Plans - Notification	13/04/2016
 2016/128437	Report - Geotechnical	13/04/2016
 2016/128446	Report - Waste Management	13/04/2016
 2016/128427	Plans - Stormwater	13/04/2016
 2016/128421	Report Statement of Environmental	14/04/2016
 DA2016/0361	14 Yeats Avenue KILLARNEY HEIGHTS NSW 2087 - Development Application - New	15/04/2016
 2016/118490	DA Acknowledgement Letter - Robert Ursino Design Pty Ltd	15/04/2016
 2016/127776	Development Application Form	21/04/2016
 2016/127779	Applicant Details	21/04/2016
 2016/128431	Certification of Shadow Diagrams with Plans	22/04/2016
 2016/128434	Report BASIX and NatHERS Certificates	22/04/2016
 2016/128450	Plans - Master Set	22/04/2016
 2016/128423	Plans - External	22/04/2016
 2016/128425	Plans - Internal	22/04/2016
 2016/133790	Request further information	29/04/2016
 2016/134107	Letter for digital requirements	29/04/2016
 2016/134191	Referral to AUSGRID - SEPP - Infrastructure 2007	29/04/2016
 2016/134193	Aboriginal Heritage referral	29/04/2016
 2016/134195	Integrated referral to RFS head office CHQ attached	29/04/2016
 2016/137679	Notification Map	03/05/2016
 2016/137682	Notification Letter - DA - 6 Letters Sent	03/05/2016
 2016/145250	RFS response - 14 Yeats Avenue Killarney Heights	10/05/2016
 2016/151018	Superceded - Development Engineering Referral Response	16/05/2016
 2016/153981	Request for contact - 14 Yeats Avenue Killarney Heights	16/05/2016
 2016/157213	Submission - Urbanesque Planning Pty Ltd	18/05/2016
 2016/165870	Natural Environment Referral Response - Biodiversity	26/05/2016
 2016/176430	Attached civil stormwater drawings - 14 Yeats Avenue Killarney Heights	06/06/2016

# NORTHERN BEACHES COUNCIL

	2016/180827	Response Aboriginal Heritage Referral	09/06/2016
	2016/192620	Development Engineering Referral Response	17/06/2016
	2016/196473	Landscape Referral Response	22/06/2016
	2016/197735	Proposed amended plans - 14 Yeats Avenue Killarney Heights	22/06/2016
	2016/208840	Updated elevations - DA2016/0361- 14 Yeats Ave Killarney Heights	27/06/2016
	2016/208925	RFS response - 14 Yeats Avenue Kilarney Heights	28/06/2016
	2016/242066	Intreim Referral Response - NSW RFS	19/07/2016