

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0291
Responsible Officer:	Catriona Shirley
Land to be developed (Address):	Lot 101 DP 1034467, 12 Patey Street DEE WHY NSW 2099
Proposed Development:	Demolition works and construction of a dwelling house and secondary dwelling
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:	Alan Charles Lewis Elizabeth Dorothy Lewis Sophie Amanda Lewis Joel Alexander Lewis
Applicant:	Joel Alexander Lewis
Application lodged:	28/03/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	04/04/2019 to 18/04/2019
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval
Estimated Cost of Works:	\$ 720,000.00

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant

- Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 6.2 Earthworks

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - B7 Front Boundary Setbacks

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

Warringah Development Control Plan - D8 Privacy

Warringah Development Control Plan - D13 Front Fences and Front Walls

SITE DESCRIPTION

Property Description:	Lot 101 DP 1034467 , 12 Patey Street DEE WHY NSW 2099
Detailed Site Description:	<p>The site is legally described as Lot 101 in Deposited Plan 1034467, and known as 12 Patey Street, Dee Why. The site is located within the R2 Low Density residential zone of the Warringahs Local Environment Plan 2011.</p> <p>The property is regular in shape and has an area of 487.5m². The property has a front boundary of 13.88m, a western rear boundary of 13.88m and northern and southern side boundaries of 35.125m. The property displays a moderate slope from the rear to the front boundary.</p> <p>The property forms the front part of a battle-axe shaped allotment with a right-of-carriage way along the southern side of the site. There is a concrete driveway that extends to the rear of the site along the southern boundary. The driveway leads to a concrete parking area for No.12A Patey Street. The driveway comprises 70.2m² of the site area, therefore the site has an effective area available for development of 417.28m².</p> <p>The streetscape character of Patey Street is varied with residential dwelling housing and Delmar Private Hospital facilities. The residential dwelling houses are a mixture of one and two stories, of varying ages, within landscaped settings. Delmar Private Hospital adjoins the southern side boundary of the subject site and encompasses a relatively large area of land to the south and south-east.</p>

Map:



SITE HISTORY

A search of Council's records has revealed the following relevant development applications:

- Development application DA2018/1832 for Alterations and additions to a dwelling house including secondary dwelling was withdrawn from Council on the 28/01/2019.
- Development application DA2001/1288 for a new two (2) storey dwelling, a swimming pool and demolition of existing structures was approved by Council on the 30/11/2001.
- Development application DA6000/8206 for a subdivision of 1 Lot Into 2 Lots was approved by Council on the 12 October 1999.

PROPOSED DEVELOPMENT IN DETAIL

The development application seeks approval for demolition of the existing structures onsite, and the construction of a new principal dwelling and an attached secondary dwelling.

The following works are proposed:

External

- Demolition of all structures
- New driveway
- Associated Landscaping

Garage/ basement Level

- Basement garage
- Storage spaces

Ground floor level - principal dwelling

- Entry and internal access stairs
- Four (4) bedrooms
- Three (3) bathrooms
- Laundry / bathroom
- Balcony at the rear

First floor - Principal dwelling

- Open plan dining / family / living / kitchen
- Office
- Bathroom
- Decking areas to the front and rear

Ground floor level - attached secondary dwelling

- Entry and internal stairs
- Two (2) Bedrooms
- Decking area

First floor – secondary dwelling

- Open plan kitchen / living room
- Decking area
- Bathroom

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	None applicable.
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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 4.15 Matters for Consideration'	Comments
	<p>Clauses 54 and 109 of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p>Clause 92 of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p>Clauses 93 and/or 94 of the EP&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>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

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 the relevant Development Control Plan.

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
NECC (Development Engineering)	<p><u>Stormwater:</u></p> <p>In accordance with Council's Water Management Policy Section 9.1, Onsite Stormwater Detention (OSD) shall be provided for the development. The provision of an OSD system shall be conditioned.</p> <p>No objections are raised to the proposed development, subject to conditions.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>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.</p>

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 (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

Division 2: Secondary dwellings

Clause 19: Definition

Development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

Note: The standard instrument defines secondary dwelling as follows:

"secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling."*

Comment:

The proposed use is defined under WLEP 2011 as "secondary dwelling " and satisfies this definition.

Clause 20: Land to which this Division applies:

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but <i>only if</i> development for the purposes of a dwelling house is permissible on the land:	

(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or (d) Zone R4 High Density Residential, or (e) Zone R5 Large Lot Residential.	Consistent. The site is located within the R2 Low Density Residential zone and, as such, the proposed use is permissible with consent under WLEP 2011.
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Clause 21: Development to which this Division applies

Requirement	Comment
This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.	Consistent. The development involves the construction of a secondary dwelling, as defined by the Standard Instrument. Therefore, this Division applies.

Clause 22: Development may be carried out with consent

Development to which this Division applies may be carried out with consent.

Requirement	Comment
(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	The site contains a single dwelling house and the proposed secondary dwelling is attached to the dwelling house.
(3) A consent authority must not consent to development to which this Division applies unless: (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and (b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.	The floor area is 60sqm, which is the figure required to comply for a secondary dwelling. There is four (4) parking spaces to be provided on the site.
(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds: (a) site area if: (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or (ii) the site area is at least 450 square metres. (b) parking if no additional parking is to be provided on the site.	This application does not propose any subdivision of the existing allotment.

Note: A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

Clause 24: No subdivision

Requirement	Comment
A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	Consistent. This application does not propose any subdivision of the existing allotment.

Conclusion

The proposal satisfies the assessment criteria and requirements for approval under SEPP ARH.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1004671M_02 and 27 March 2019). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 1004671M_02 and 27 March 2019).

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

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

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

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

The proposal was referred to Ausgrid. 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.

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	Complies
Height of Buildings:	8.5m	7.6m	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

6.2 Earthworks

The proposal includes extensive cut of the site and significant excavation below the new dwelling house.

The proposed works have been assessed by a qualified Engineering Geologist and the application is accompanied by a Geotechnical Investigation Report (White Geotechnical Group, dated 22 October 2018). The recommendations within the Geotechnical Investigation report are included as conditions of the consent.

To ensure the stability of the site and potential damage to the neighbouring sites as a result of works, it is conditioned that a dilapidation survey is to be undertaken to ensure the protection of the adjoining properties and so any identified damages can be rectified accordingly.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	6.9m	-	Yes
B3 Side Boundary Envelope	5m North	encroachment in the shape of a diminishing triangle, of up to 0.3m	6%	No

		for a length of 6.4m		
	5m	No encroachment	-	Yes
B5 Side Boundary Setbacks	0.9m North	1.0m Ground Floor 1.0m - 1.3m First Floor	- -	Yes Yes
	0.9m South	2.0m Ground Floor 2.0m - 2.33m First Floor	- -	Yes Yes
B7 Front Boundary Setbacks	6.5m	5.4m Balcony 6.5m Ground Floor 7.25m First Floor	17% - -	No Yes Yes
B9 Rear Boundary Setbacks	6m	9.2m Balcony 12.5m Dwelling	- -	Yes Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	30% 143.12sqm	25%	No

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
B9 Rear Boundary Setbacks	Yes	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
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
D13 Front Fences and Front Walls	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

Description of non-compliance

The development exhibits a minor non-compliance to the side boundary envelope along the top of the northern elevation.

The non-compliant area is minor and includes the following:

- Northern - encroachment in the shape of a diminishing triangle for a height of up to 0.3m and for a length of 6.4m.

The non-compliance reflect the transitions within the existing ground line. The resulting built form is not considered unreasonably bulky or dominant.

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 non-compliance heavily influenced by the sloping topography. This element is particularly notable around the front portion of the site where the slope of the site drops towards the street. The areas of encroachment adjoin the front setback of the northern neighbouring site, and proposed landscaping will assist in minimising the minor visual impact when viewed from the Patey Street view.

The development, at the area of the non-compliance, complies with the Height of Buildings development standard and is articulated along the northern side elevations with a changing materials and stepped areas in the wall plane to break up the built form. The combination of these features results in a development which, despite the non-compliance, ensures that the building does not become visually dominant by virtue of its height and bulk and

demonstrates consistency with the surrounding sites.

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

Comment:

Whilst it is recognised that there is additional overshadowing to the southern adjoining property, it is considered that the subject development does not result in any unreasonable overshadowing of adjacent properties (as assessed under Cl. D6 Access to Sunlight of the WDCP 2011) and provides sufficient privacy measures with the first floor windows (high sill) and balconies (privacy screens) to ensure that no unreasonable overlooking occurs.

The building setbacks (as assessed under Cl. B5 Side Boundary Setbacks of the WDCP 2011) provide for adequate and compliant spatial separation between buildings. In summary, it has generally been found that the development does not result in any unreasonable impact to privacy.

However, for the purposes of addressing this particular objective, the following details are provided with regard to the non-compliance in question:

Privacy

The non-compliance includes the upper northern edge of the side wall to the first floor along the northern elevation.

It is considered that the non-compliance does not have an unreasonable impact upon the privacy of the existing dwelling at No.10 Patey Street in that the design demonstrates appropriate design options such as high sill windows.

Solar Access

The development application includes shadow diagrams and a shadow diagram certification from Sheralee Hogan, dated 19 March 2019. The diagrams indicate that the development will cast shadow over the neighbouring property to the south (No. 14 Patey Street) between 9.00am and 3.00pm on 21 June.

However, it should be noted that overshadowing is controlled by Clause D6 Access to Sunlight in the WDCP 2011 which requires that at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of three hours of sunlight between 9.00am and 3.00pm on June 21. In this regard, the diagrams indicate that the development will overshadow the private carpark for Delmar Private Hospital. The development therefore complies with the requirements of the particular control.

Because of the northern location of the site relative to No. 10 Patey Street, no shadowing would be cast over that neighbouring property.

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

Comment:

The non-compliance to the northern building envelope associated with this application respond to the existing slope where the topography falls to the front of the site. Therefore, the proposal is

considered satisfactory in creating the appearance that the development responds to the natural land form and is consistent with the surrounding sites.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The proposed front balcony areas is located 5.4m from the front boundary setback, which represents a 17% variation with the minimum requirement of 6.5m.

It is important to note that whilst the front balcony areas encroach into the front setback, the front wall plane of the ground floor is 6.5m from the front setback, and the first floor is located 7.25m from the front setback. Therefore, it is only the balcony area that encroaches the front setback area.

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 proposed front balcony areas will have a minimal impact on the openness of the front setback area. The surrounding area has an eclectic mix of existing front setbacks. The northern neighbouring site has a one storey dwelling house with a complying front setback, and the southern neighboring site contains Delmar Private Hospital car park in the front setback area. Therefore, the balconies have minimal impact on the visual impact of a sense of openness within Patey street.

The proposed balconies are open in design, provides a degree of articulation to soften the built form and therefore also provides a sense of openness.

Thus, it will not adversely impact upon the sense of openness in the front setback.

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

Comment:

The front setback allotment pattern in the immediate vicinity of the site is substantially irregular, with varying setbacks. Built form structures such as carparking areas, carports and dwelling houses are also prevalent in the front setback areas of neighbouring sites.

The proposed balcony areas demonstrates a 5.4m setback, and the front wall planes of the dwelling house are stepped into the site and demonstrates a 6.5m setback to the ground floor and a 7.25m to the first floor. The decked areas will provide a degree of articulation, and visual

interest to soften the built form in this front setback area.

Therefore, the first floor terrace is consistent with the eclectic mix within the streetscape, and will protect and enhance the visual continuity of the streetscape.

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

Comment:

The proposed first floor terrace area will help contribute towards an enhanced streetscape via the improved facade. The proposed landscaping will assist to provide a natural screening to soften the impact of the proposed development.

Therefore, the proposal will protect and enhance the visual quality of the streetscape and surrounding public spaces ensuring compliance with this merit consideration.

- *To achieve reasonable view sharing.*

Comment:

The site is located within a built up residential area and the front setback area does not benefit from any significant views due the density of surrounding development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The proposed development includes a Landscaped Open Space [LOS] provision of 30% (143.12sqm), which demonstrates a 25% variation to the 40% requirement when calculated on the lot size of 487.5sqm.

However it is important to note that the site size of 487.5sqm includes the access handle to site 12A Patey Street. The access handle measure approximately 70.2sqm. Therefore the area of site available for development is actually 417.28sqm.

Consequently it is unreasonable to calculate the 40% provision on the lot size of 487.5sqm, rather the 40% will be calculated on the 417.28sqm (site area excluding the access handle). Therefore the proposed development includes a LOS provision of approximately 35%.

However a merit assessment has been undertaken to demonstrate compliance with the objectives.

Merit consideration

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

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

Comment:

The proposed built form and landscaped area outcome is contextually appropriate within the local setting noting the varied style, form, and pattern of existing residential housing and the Delmar Private Hospital adjacent to the subject property. The proposed dwelling house is setback further than the existing dwelling house, therefore providing additional area within the front setback to be landscaped. The proposed landscaping within the front setback will also aesthetically enhance the streetscape.

Therefore, the proposal satisfies the requirement of the control.

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

Comment:

The proposed works will not alter any significant topographical features that characterise the site. The proposed landscaping will also improve the site, and the addition of additional trees and larger shrub plantings will provide additional habitat for wildlife.

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

Comment:

The site will create additional area of landscaped open space within the front setback. The areas within the front and rear setback retained for landscape open space will be sufficient in mitigating the height, bulk and scale of the proposed structures / existing building. Therefore, the provision of landscape open space is sufficient to mitigate the height, bulk and scale of the proposal.

- *To enhance privacy between buildings.*

Comment:

The proposed new dwelling will not result in any unreasonable detriment to the level of privacy enjoyed by the neighbouring properties. The opportunities for planting to enhance the level of privacy to the northern, southern and western adjoining neighbours is being improved as part of the proposal. This additional planting, as shown in the submitted Landscape Plan (dated 1/8/2018) will provide additional screening to ensure sufficient levels of privacy are maintained. Thus, the dwelling is designed to maintain the privacy between buildings.

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

Comment:

The new dwelling house will effectively accommodate appropriate outdoor recreational opportunities to meet the needs of the occupants.

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

Comment:

The proposed works will provide a greater usable space for the purposes of service functions, including clothes drying and is therefore considered satisfactory.

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

Comment:

The site will effectively facilitate water management, including on-site detention and infiltration of stormwater.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D8 Privacy

Having regard to this localised situation, the assessment of privacy is to be based on the principle of not creating additional unreasonable impacts on the existing level of privacy between neighbours.

The proposed dwelling is two storey with the main living areas on the first floor such that additional overlooking could occur.

However, the development has been generally designed to satisfactorily address overlooking by undertaking the following privacy mitigation measures:

- The use of high sill windows for the first floor and ground floor of both the northern and southern elevation
- A privacy screen on the northern and southern elevation of the ground floor deck that extends the along the full width of the deck areas
- The existing boundary fencing and proposed landscaping will assist in obscuring the direct line of site to the windows proposed for the lower ground floor.

The rear first floor deck does not create any unreasonable overlooking as the line of site to the property at the rear (No.12A Patey Street) is towards their car parking area, not their private open space. Proposed landscaping will also assist in screening the line to site to this area.

The proposal is considered to optimise privacy through good design and provide a sense of territory and safety for residents, consistent with the outcomes of this development control.

D13 Front Fences and Front Walls

A site visit and review of the plans indicates that the rendered masonry front fence to a maximum height of 1.2m is consistent in construction and height with existing fences along the street and in the area overall.

Therefore, the proposed fence upgrades the site frontage, allows for casual surveillance to the site, and thereby increases visual interest in the streetscape overall.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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 Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 720,000		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 6,840
Section 7.12 Planning and Administration	0.05%	\$ 360
Total	1%	\$ 7,200

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/0291 for Demolition works and construction of a dwelling house and secondary dwelling on land at Lot 101 DP 1034467, 12 Patey Street, DEE WHY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site and Roof Plan DA01	19/03/2019	Sheralee Hogan
Ground Floor Plan DA02	19/03/2019	Sheralee Hogan
First Floor Plan DA03	19/03/2019	Sheralee Hogan
Garage/Basement Floor Plan DA04	19/03/2019	Sheralee Hogan
Section AA DA05	19/03/2019	Sheralee Hogan
East and South Elevation DA06	19/03/2019	Sheralee Hogan
West and North Elevation DA07	19/03/2019	Sheralee Hogan

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation	22 October 2018	White Geotechnical Group

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Proposed Landscaping Plan	01/11/2018	Discount Landscape Plans

In the event of any inconsistency between conditions of this consent and the

drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. **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

3. 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) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved

waste/recycling centres.

- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) 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.

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

4. **Pre-commencement Dilapidation Report**

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining private properties (12a, 10 and 14 Patey Street, Dee Why).

A copy of the report must be provided to Council, and the owners of adjoining and affected private properties.

Reason: To ensure the protection adjoining properties, dwellings and structures. (DACPLDPC2)

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 720,000.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 6,840.00

Section 7.12 Planning and Administration	0.05%	\$ 360.00
Total	1%	\$ 7,200.00

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 Contributions Plan 2018.

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.northernbeaches.nsw.gov.au).

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

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

7. **Fire Separation – Separating Walls**

The new building that is proposed to be constructed including the secondary dwelling is required to comply with Part 3.7.1.8 of Volume 2 of the Building Code of Australia – 'Fire Separation-Separating Walls'.

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

Reason: To ensure adequate provision is made for fire safety and for building occupant safety

8. **Sound Insulation**

The new building that is proposed to be constructed including the secondary dwelling is required to comply with Part 3.8.6 of Volume 2 of the Building Code of Australia –‘Sound Insulation’. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for building occupant health and amenity

9. **Pump-Out System Design for Stormwater Disposal**

The design of the pump-out system for stormwater disposal will be permitted for drainage of hard surfaces areas such as driveways and basement pavement areas only, and must be designed in accordance with AS/NZS 3500. The Applicant is to provide engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practising hydraulic engineer. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site.

10. **Vehicle Driveway Gradients**

The Applicant is to ensure 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 this consent. Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure suitable vehicular access to private property.

11. **Tanking of Basement Level**

The basement area is to be permanently tanked. The Applicant is to submit structural details of the tanking are to be prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Environment and Heritage. The bore license must be obtained prior to commencement of dewatering works. All requirements of the NSW Office of Water are to be complied with and a copy of the approval must be submitted to the Certifying Authority. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements.

12. **On-site Stormwater Detention**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Warringah Water Management Policy PL850. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. The minimum site storage requirement is 9.75m³ and maximum permissible

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

13. **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 Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

14. **Sub-Soil Seepage**

The Applicant shall ensure that all sub-soil seepage drainage is designed to be conveyed safely around the sub-surface area. No connection to the kerb and gutter or to the pump-out system is permitted. Works are to be carried out in accordance with relevant Australian Standards. (Note: At the time of determination the following (but not limited to) Standards applied:

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

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

Reason: To ensure appropriate drainage and stormwater management on site to protect amenity of residents.

15. Vehicle Crossings Application

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges. An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

16. Compliance with Standards

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

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

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

17. External Finishes to Roof

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

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

18. Laundry Facilities

The proposed secondary dwelling is required to incorporate clothes washing facilities, comprising of at least one washtub and space in the same room for a washing machine in accordance with Part 3.8.3 of Volume 2 of the Building Code of Australia –'Facilities'.

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

Reason: To ensure adequate provision is made for building occupant health and amenity

19. Sydney Water "Tap In"

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

demonstrating the works are in compliance with Sydney Water requirements.

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

- “Tap in” details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

20. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

21. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

22. 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.

23. Vehicle Crossings

The Applicant is to construct normal low standard vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 NL and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory “Vehicle Crossing Inspection” card issued. A copy of the vehicle crossing inspection form is to be submitted to the Principal

Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

24. **Waste Management During Development**

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

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

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

25. **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 Council's 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.

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

26. **Stormwater Disposal**

The Applicant shall submit a certificate from a suitably qualified person that the stormwater drainage works have been constructed/installed in accordance with all relevant Australian Standards and Codes. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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

27. **Fire Separation – Separating Walls**

Prior to the issue of any interim or final Occupation Certificate details demonstrating implementation and compliance with Part 3.7.1.8 of Volume 2 of the Building Code of Australia – 'Fire Separation-Separating Walls' are to be provided to the Principal Certifier.

Reason: To ensure adequate provision is made for fire safety and for building occupant safety

28. **Certification of Tanking of Basement**

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed tanking of basement areas had been undertaken in accordance with this consent and the approved Construction Certificate plans. Civil Engineer demonstrating compliance is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure compliance of works.

29. **Positive Covenant for the Maintenance of Stormwater Pump-out Facilities**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance of the pump-out facility on the property being developed. Northern Beaches Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Northern Beaches Council's delegate shall sign these documents prior to the submission to the NSW Land Registry Services. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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

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

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard.

30. **Positive Covenant and Restriction as to User for On-site Stormwater Detention**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater detention structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

Reason: To ensure the on-site stormwater detention system is maintained to an appropriate operational standard.

31. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management. (DACPLF01)

32. **Waste Management Confirmation**

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

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

33. **Sound Insulation**

Prior to the issue of any interim or final Occupation Certificate details demonstrating implementation and compliance with Part 3.8.6 of Volume 2 of the Building Code of Australia – 'Sound Insulation' are to be provided to the Principal Certifier.

Reason: To ensure adequate provision is made for fire safety and for building occupant safety

34. **Post-Construction Dilapidation Report**

The applicant must prepare and submit a post-construction dilapidation report.

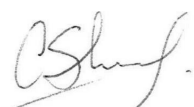
The report must clearly detail the final condition of all property, natural and man-made features that were originally recorded in the Pre-Commencement Dilapidation Report.

A copy of the report must be provided to Council, any owners of adjoining properties (12a, 10 and 14 Patey Street, Dee Why).

Reason: To ensure the protection of adjoining properties, dwellings and structures.

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

Signed



Catriona Shirley, Planner

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



Steven Findlay, Manager Development Assessments