

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/0676
<b>Responsible Officer:</b>	Daniel Milliken
<b>Land to be developed (Address):</b>	Lot 64 DP 752017, 15 Myoora Road TERREY HILLS NSW 2084
<b>Proposed Development:</b>	Alterations and additions to a dwelling house, the construction of a swimming pool, tennis court, horse arena, horse stables, driveway, front fence and other ancillary works.
<b>Zoning:</b>	Warringah LEP2011 - Land Zoned RU4 Primary Production Small Lots WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
<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>	Sovana Pty Ltd
<b>Applicant:</b>	Cadence & Co Design Pty Ltd
<b>Application lodged:</b>	30/04/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	02/05/2018 to 18/05/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 2,980,823.45

### 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 - 4.3 Height of buildings  
 Warringah Development Control Plan - B1 Wall Heights  
 Warringah Development Control Plan - C9 Waste Management

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 64 DP 752017 , 15 Myoora Road TERREY HILLS NSW 2084
<b>Detailed Site Description:</b>	<p>The subject site consists of one allotment located on the north western side of Myoora Road.</p> <p>The site is irregular in shape with a frontage of 36.685m, side boundaries of 261.405m and 266.615m, and a rear boundary in two sections with lengths of 40.34m and 59.025m. The site has a surveyed area of 17,390m<sup>2</sup>.</p> <p>The site is located within the RU4 Primary Production Small Lots zone and accommodates two detached brick dwellings, a carport, swimming pool, equestrian arena and stables.</p> <p>The site slopes, steeply in some areas, down towards the north east.</p> <p>The site contains large grassed areas and numerous established trees, mainly around the boundaries of the lot. There is a small dam in the north east corner.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by similar semi rural developments on large lots. A public reserve (bushland) is located to the north east of the site.</p>

Map:



## SITE HISTORY

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

### DA2000/3908

This application was for additions and a swimming pool and was approved on 8 May 2000.

## PROPOSED DEVELOPMENT IN DETAIL

The proposal includes:

- The demolition of the existing eastern dwelling, equestrian arena, stables and swimming pool,
- The removal of a number of trees across the site,
- Excavation and filling works,
- Alterations and additions to the western dwelling on the site, comprising:
  - Lower ground floor level: new open plan living and games room, two bedrooms, bathroom, internal access stairs and attached covered deck.
  - Ground floor level: new entry terrace, entry, study/library, mud room, powder room, living and dining area, two bedrooms with ensuites, study, open plan living, dining and kitchen with pantry, laundry, attached terrace and internal access stairs.
  - New first floor level: bedroom with walk-in robe, ensuite and terrace
- The construction of a new equestrian arena and stables,
- The construction of a tennis court,
- The construction of a front fence,
- The construction of a swimming pool and cabana with associated paving,
- The construction of a driveway and four car garage,
- Associated landscaping works.

The proposal, as submitted, included a substantial amount of fill on the site. Concerns about the extent of the earthworks were raised with the applicant who provided amended plans that substantially reduced the total amount of fill, by lowering the tennis court and other built elements, and allowing voids behind some of the structures. This report is based on these amended plans.

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 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)	<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>Clauses 54 and 109</u> of the EP&amp;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><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</p>

Section 4.15 Matters for Consideration'	Comments
	Code of Australia (BCA). This matter has been addressed via a condition of consent.
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) <b>Environmental Impact</b> 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) <b>Social Impact</b> The proposed development will have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will 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 classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Building Code & Bushfire Hazard Solutions, dated 10 April 2018) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

## 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.

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments
Environmental Health (Industrial)	<p>This application is for the alteration and addition to an existing dwelling.</p> <p>An On-site wastewater management report was submitted, Environmental Health has assessed the report and recommended the following comments and condition:</p> <p><u>Ground Water Bore</u> - Office of Water records indicate that there is a groundwater bore located &lt;250 m from the proposed land application area (for irrigation use only). The location of the bore is within the recommended exclusion distance requirements as detailed in the "Environment &amp; Health Protection Guidelines: On-site Sewage Management for Single Households".</p> <p>Bore water shall only being used for gardening purposes (non-edible plants), Env Health recommends all bore water sources on property to be labeled accordingly (i.e. permanent metal plate).</p> <p><u>Decommission existing system</u>: Any existing systems that are no longer in use shall be decommissioned and removed in accordance with NSW Health requirements.</p> <p><b>Recommendation</b> - Approval, subject to conditions.</p>
Landscape Officer	No objections subject to conditions.
NECC (Bushland and Biodiversity)	<p>Council's Bushland and Biodiversity section has assessed the development application against the Warringah DCP 2011 Controls:</p> <p>Part E The Natural Environment</p> <ul style="list-style-type: none"> <li>• E2 Prescribed Vegetation</li> <li>• E3 Threatened Species, Populations, Ecological Communities listed under State or Commonwealth legislation, or High Conservation Habitat</li> <li>• E4 Wildlife Corridors</li> <li>• E5 Native Vegetation</li> </ul> <p>The development application complies with these controls.</p>
NECC (Development Engineering)	Development engineer has no objection to the application subject to the following condition of consent.

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

External Referral Body	Comments
	assumed that no objections are raised and no conditions are recommended.
Aboriginal Heritage Office	<p>There are known Aboriginal sites in the area although no sites are recorded in the current lot and the area has been subject to previous disturbance reducing the likelihood of unrecorded Aboriginal sites.</p> <p>If areas of in situ sandstone outcrop are in the proposed development area (such as overhangs over 1m in height or level platforms over 2m square), the Aboriginal Heritage Office would recommend a preliminary inspection ('due diligence' under the National Parks and Wildlife Act 1974) by a qualified Aboriginal heritage professional prior to any development. If there are no existing sandstone outcrops present (or if any outcrops that were present were properly excluded from future impacts), then no further assessment is required and the Aboriginal Heritage Office would not foresee any further Aboriginal heritage constraints on the proposal.</p> <p>Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should be contacted.</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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A306326 dated 11 April 2018).

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	% Variation	Complies
Height of Buildings:	8.5m	Dwelling - 9.3m Stables - 5.5m Arena - 7.4m Cabana - 6.4m	9.41% N/A N/A N/A	<b>No</b> Yes Yes Yes

### Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

#### Detailed Assessment

#### **4.6 Exceptions to development standards**

##### Description of non-compliance:

Requirement:	8.5m
Proposed:	9.3m
Is the planning control in question a development standard?	YES
What is the % variation to the requirement?	9.41%

##### Assessment of request to vary a development standard:

The following assessment of the variation to Clause 4.3 - Height of Buildings development standard, has taken into consideration the recent judgement contained within *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*.

##### Clause 4.6 Exceptions to development standards:

(1) *The objectives of this clause are as follows:*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

##### Comment:

Clause 4.3 Height of buildings development standard is not expressly excluded from the operation of this clause.

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

*(a) the consent authority is satisfied that:*

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained.*

**Clause 4.6 (4)(a)(i) (Justification) assessment:**

Clause 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6(3) and these are addressed as follows:

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

Comment:

The Applicant's written request (attached to this report as an Appendix) has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard.

In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment:

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

*'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'*

s 1.3 of the EPA Act reads as follows:

**1.3 Objects of Act (cf previous s 5)**

*The objects of this Act are as follows:*

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native*

*animals and plants, ecological communities and their habitats,*

*(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*

*(g) to promote good design and amenity of the built environment,*

*(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*

*(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*

*(j) to provide increased opportunity for community participation in environmental planning and assessment.*

The applicants written request argues, in part:

*"In regards to the proposed development at 15 Myoora Road, Terrey Hills, the following environmental planning grounds are considered to be sufficient to allow Council to be satisfied that a variation to the development standard can be supported:*

- The development is constrained by the siting of the existing development and sloping topography of the site.*
- The variation to the height control is inconsequential as it is of negligible impact to the streetscape and the amenity of neighbouring properties."*

It is agreed that the existing dwelling sits on a steeply sloping part of the site, and that there are negligible impacts to the streetscape and amenity of surrounding properties.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the building is of a good design that will protect the amenity of the surrounding built environment, therefore satisfying cls 1.3(c) and (g) of the EPA Act.

Therefore, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

**Clause 4.6 (4)(a)(ii) (Public Interest) assessment:**

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

Comment:

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of Buildings development standard and the objectives of the RU4 Primary Production Small Lots zone. An assessment against these objectives is provided below.

## Objectives of development standard

The underlying objectives of cl 4.3 Height of Buildings development standard are:

*a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

Comment:

The proposed alterations and additions will be consistent with other large dwellings on similar sized lots in the vicinity. The neighbouring properties to the north and south contain dwellings of a height and scale that are compatible with the proposal.

The development satisfies this objective.

*b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*

Comment:

The dwelling is located near the centre of the large site, sufficiently set back from the boundaries and well away from any neighbouring dwellings. As such, the works (and the breach of the height limit) will not result in any overshadowing and will not result in any unreasonable privacy, view loss or visual impacts.

The development satisfies this objective.

*c) to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*

Comment:

The relatively minor breach of the height limit will not be readily visible from the street or the public reserve (bushland) to the west. The dwelling will sit well in the context of the site and will therefore minimise adverse impacts on the scenic quality of the surrounding bush environment.

The development satisfies this objective.

*d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities,*

Comment:

The relatively minor breach of the height limit will not be readily visible from the street or the public reserve (bushland) to the west. The dwelling will sit well in the context of the site and will have an acceptable visual impact when viewed from the surrounding public places.

The development satisfies this objective.

Conclusion:

The proposed development satisfies the underlying objectives of the Height of Buildings development standard.

## Zone objectives

### The underlying objectives of the RU4 Primary Production Small Lots zone

*(a) To enable sustainable primary industry and other compatible land uses.*

#### Comment:

The breach of the height limit on a portion of the dwelling house will not impact on the ability of the site or the surrounding sites to continue to provide primary industry and other compatible land uses.

*(b) To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*

#### Comment:

The relatively minor breach of the height limit on a portion of the dwelling house will not impact on the ability of the site or the surrounding sites to continue to promote diversity and employment opportunities in relation to primary industry enterprises.

*(c) To minimise conflict between land uses within this zone and land uses within adjoining zones.*

#### Comment:

The breach of the height limit on a portion of the dwelling house will not result in a conflict between the land uses on this site, the surrounding sites, the RU4 zone or adjoining zones.

*(d) To minimise the impact of development on long distance views of the area and on views to and from adjacent national parks and bushland.*

#### Comment:

The dwelling house (and the element that breaches the development standard) is located near the centre of the large semi rural property. It will not be readily visible from the street or the nearby public reserve. In this regard, the proposal will have a minimal impact on long distance views of the area and on views to and from the nearby bushland.

*(e) To maintain and enhance the natural landscape including landform and vegetation.*

#### Comment:

The proposal, overall, does result in some cut and fill to the site. However, the general topography of the large lot will be maintained, the cut and fill has been reduced through amendments to the plans, and the relatively minor breach of the height limit will not cause, and is not caused by, earthworks to the natural landform.

*(f) To ensure low intensity of land use other than land uses that are primary industry enterprises.*

#### Comment:

The proposed works are alterations and additions to the existing dwelling house and will therefore maintain the current intensity of use of the land.

(g) To maintain the rural and scenic character of the land.

Comment:

The proposal is compliant with the landscaped open space and site coverage requirements of the Warringah DCP. In this regard, the site will continue to be a semi rural property and will continue to provide open spaces and suitable landscaping in keeping with the the rural and scenic character of the land and the surrounding local area.

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the RU4 Primary Production Small Lots zone.

**Clause 4.6 (4)(b) (Concurrence of the Secretary) assessment:**

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS 18-003 dated 21 February 2018, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Height of buildings Development Standard is assumed by the Local Planning Panel.

**Warringah Development Control Plan**

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	8.83m	22.63%	No
B4 Site Coverage	20%	13.1%	N/A	Yes
B5 Side Boundary Setbacks	North - 7.5m	7.95m	N/A	Yes
	South - 7.5m	7.6m	N/A	Yes
B7 Front Boundary Setbacks	Myoora Rd - 20m	44.58m	N/A	Yes
	Larool Rd - 20m	56.1m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	70%	72.3%	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B4 Site Coverage	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B5 Side Boundary Setbacks	Yes	Yes
B7 Front 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	No	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
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D17 Tennis Courts	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	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

### **B1 Wall Heights**

#### Description of non-compliance

The proposal includes a maximum wall height of 8.83m.

The control requires a maximum of 7.2m.

Merit consideration:

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

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The breach of the wall limit will not be readily visible from the street or the public reserve (bushland) to the west as the dwelling is located near the centre of the site, well away from the boundaries and well away from any neighbouring properties. The dwelling will sit well in the context of the site and will have an acceptable visual impact when viewed from the surrounding properties and nearby public places.

- *To ensure development is generally beneath the existing tree canopy level*

Comment:

The proposal includes the removal of a large number of trees, including canopy trees. The landscape plan submitted with the application shows sufficient replacement planting. This will ensure the development will remain generally beneath the tree canopy level.

The application was referred to Council's Landscape Officer who raised no objections.

- *To provide a reasonable sharing of views to and from public and private properties.*

Comment:

The proposal will not result in the unreasonable loss of views.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

The dwelling is located near the centre of the site, well away from the boundaries and well away from any neighbouring properties. As such, the works (and the element that breaches the wall height) will not result in any overshadowing and will not result in any unreasonable privacy, view loss or visual impacts.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

The existing dwelling is located on a steeply sloping part of the site. The proposed alterations and additions to this dwelling do result in a design that does step down with this slope, however, breaches of the wall height and overall height limit occur. These breaches are not significant

given the scale of the works and the size of the site. As such, the stepped design responds appropriately to the site topography. Minimal excavation is required (given the scale of the works) and the amount of fill is now (as a result of the amended plans) acceptable.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The proposal includes a pitched roof design that is suitable for the semi rural character of the area.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and 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.

## C9 Waste Management

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

## 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 \$ 2,980,823		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 28,318
Section 7.12 Planning and Administration	0.05%	\$ 1,490
Total	1%	\$ 29,808

## 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 DA2018/0676 for Alterations and additions to a dwelling house, the construction of a swimming pool, tennis court, horse arena, horse stables, driveway, front fence and other ancillary works. on land at Lot 64 DP 752017, 15 Myoora Road, TERREY HILLS, 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
A00	3 September 2018	Cadence & Co Design
A02 Revision A	3 September 2018	Cadence & Co Design

A03	3 September 2018	Cadence & Co Design
A04 Revision A	3 September 2018	Cadence & Co Design
A05	3 September 2018	Cadence & Co Design
A07 Revision A	3 September 2018	Cadence & Co Design
A09	3 September 2018	Cadence & Co Design
A10	3 September 2018	Cadence & Co Design
A11	3 September 2018	Cadence & Co Design
A12 Revision A	3 September 2018	Cadence & Co Design
A13 Revision A	3 September 2018	Cadence & Co Design
A14	3 September 2018	Cadence & Co Design
A15	3 September 2018	Cadence & Co Design
A16 Revision A	3 September 2018	Cadence & Co Design
A17	3 September 2018	Cadence & Co Design
A18	3 September 2018	Cadence & Co Design
A19 Revision A	3 September 2018	Cadence & Co Design
A20 Revision A	3 September 2018	Cadence & Co Design
A21	3 September 2018	Cadence & Co Design
A22	3 September 2018	Cadence & Co Design

**Reports / Documentation – All recommendations and requirements contained within:**

Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Assessment Report	3 April 2018	Urban Arbor
Bushfire Hazard Assessment Report	10 April 2018	Building Code & Bushfire Hazard Solutions Pty Limited
Geotechnical Investigation	28 March 2018	White Geotechnical Group

On-Site Wastewater Management Report	19 April 2018	Envirotech
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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
C101	13 April 2018	Cadence & Co Design
C101A	13 April 2018	Cadence & Co Design
C101B	13 April 2018	Cadence & Co Design
C101C	13 April 2018	Cadence & Co Design
C101D	13 April 2018	Cadence & Co Design
C101E	13 April 2018	Cadence & Co 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. Amendments to the approved plans

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

- The car parking space at the driveway entrance is to be deleted and the paving retained as landscape area. The fence shape can be modified to suit.

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

Reason: To ensure cars are not reversing into the street.

## 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) 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.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable

cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
  - (ii) Swimming Pools Amendment Act 2009
  - (iii) Swimming Pools Regulation 2008
  - (iv) Australian Standard AS1926 Swimming Pool Safety
  - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
  - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## 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 \$ 2,980,823.45		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 28,317.82
Section 7.12 Planning and Administration	0.05%	\$ 1,490.41
Total	1%	\$ 29,808.23

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 \$10,000 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](http://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. **Stormwater Disposal**

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the Council's specification are to be submitted to the Principal 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.

#### 8. **Vehicle Crossings Application**

An application for Driveway 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. Approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To facilitate suitable vehicular access to private property

#### 9. **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)

10. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range (BCA classification M and D) 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. (DACPLC03)

11. **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)

12. **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

13. **Tree protection**

- (a) Existing trees which must be retained
  - i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
  - ii) Trees located on adjoining land
- (b) Tree protection

- i) No tree roots greater than 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 AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DAKLAD01)

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

### 14. **Vehicle Crossings**

The provision of a vehicle crossing 5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/5 EL and specifications. The parking space beside the crossing is not permitted. 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. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property

### 15. **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.

### 16. **Maintenance of Sediment**

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

### 17. **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.

### 18. **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)

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

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

Reason: Preservation of significant environmental features (DACLAEOG1)

**20. 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**

**21. Reinstatement of Kerb**

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces

22. **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.

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

23. **Waste Water System**

Prior to the issuing of any interim / final occupation certificate, a copy of a s68 (Local Government Act 1993) approval to operate the Waste Water System, and the waste water system must be activated and effectively operating to the satisfaction of the Principal Certifying Authority.

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

Reason: To ensure the premises a maintained in an appropriate manner in perpetuity. (DACHPFPOC6)

24. **Decommissioned existing system**

Written confirmation shall be submitted (from the persons contracted to carry out the demolition works associated with the existing wastewater system) confirming that the existing on-site wastewater treatment system has been completely decommissioned and demolished in accordance with the following NSW Health requirements:

- a) All solid and liquid waste contents from the wastewater tanks shall be removed and either fed into the existing effluent disposal area on-site or desludged by tanker removal to an authorised liquid waste disposal facility.
- b) The sides, lid, baffle (if fitted) and square junctions of the tank are to be hosed down as the waste is being removed.
- c) The tank is to be disinfected by broadcasting builders lime over the exposed surfaces.
- d) Several holes are to be punched into the base of the tank. The lid and those parts of the walls, baffles and square junctions above the ground are to be demolished and collapsed into the tank and the tank filled with clean soil or rubble and topped with clean soil.

Reason: protect the health of the occupiers (DACHPFPOC6)

25. **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.

26. **Swimming Pool Requirements**

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

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 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

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

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

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

(e) Signage showing resuscitation methods and emergency contact

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

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

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

Reason: To protect human life (DACPLF09)

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

27. **Groundwater Bore**

Any water sources on the property located within 250m of the groundwater bore shall be labeled and signposted as non potable.

Reason: To ensure compliance with legislation and to protect public health and amenity. (DACHPGOG5)

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

**Signed**




**Daniel Milliken, Principal Planner**

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



**Steven Findlay, Manager Development Assessments**



























**ATTACHMENT A**











Notification Plan	Title	Date
 2018/266146	Plan - Notification	26/04/2018

**ATTACHMENT B**

Notification Document	Title	Date
 2018/267948	Notification Map	02/05/2018

## ATTACHMENT C

Reference Number	Document	Date
 2018/266157	Report - Arborist	05/04/2018
 2018/266161	Report - Geotechnical	05/04/2018
 2018/266153	Report - BASIX Certificate	11/04/2018
 2018/266159	Report - Bushfire	12/04/2018
 2018/266136	Plan - Survey	12/04/2018
 2018/266179	Plans - Stormwater	12/04/2018
 2018/266183	Plans - Soil and Water Management	12/04/2018
 2018/266195	Plans - Landscape	16/04/2018
 2018/266214	3D Movie	16/04/2018
 2018/266164	Report - Wastewater Management	19/04/2018
 2018/266151	Report - Statement of Environmental Effects	24/04/2018
 2018/266404	Plans - Internal	26/04/2018
 2018/266146	Plan - Notification	26/04/2018
 2018/266402	Plans - External	26/04/2018
 2018/266133	Cost Summary Report	27/04/2018
 2018/266135	Builders Quote	27/04/2018
 DA2018/0676	15 Myoora Road TERREY HILLS NSW 2084 - Development Application - Alterations and Additions	30/04/2018
 2018/262406	DA Acknowledgement Letter - Cadence & Co Design	30/04/2018
 2018/266113	Development Application Form	01/05/2018
 2018/266116	Applicant Details	01/05/2018
 2018/266413	Plans - Master Set	01/05/2018
 2018/266512	Receipt	01/05/2018
 2018/276495	Environmental Health (Industrial) - Assessment Referral - DA2018/0676 - 15 Myoora Road TERREY HILLS NSW 2084	02/05/2018
 2018/267824	ARP Notification Map	02/05/2018
 2018/267931	DA Acknowledgement Letter (not integrated) - Cadence & Co Design	02/05/2018
 2018/267948	Notification Map	02/05/2018
 2018/267962	Notification Letter - 9	02/05/2018
 2018/287070	Environmental Health Referral Response - industrial use	10/05/2018

	2018/310775	Referral - Aboriginal Heritage Office - DA2018/0676 - 15 Myoora Road Terrey Hills	23/05/2018
	2018/314660	Working plans	24/05/2018
	2018/320360	Landscape Referral Response	25/05/2018
	2018/359327	Natural Environment Referral Response - Biodiversity	13/06/2018
	2018/399593	Engineering Referral Response	30/06/2018
	2018/527490	Response from applicant to questions re excavation, heights, etc	14/08/2018
	2018/558893	Amendments list and plan	29/08/2018
	2018/579266	E-mail with amended plans link	04/09/2018
	2018/579401	Plans - Master Set - Revised - 6 September 2018	06/09/2018
	2018/579418	Plans - External - Revised - 6 September 2018	06/09/2018