

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/1755
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 82 DP 5539, 3 Curl Curl Parade CURL CURL NSW 2096
Proposed Development:	Demolition works and construction of a dwelling house
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:	Jessie Hannah Mitchell Michael Alexander Nikotin
Applicant:	Rapid Plans Pty Ltd

Application Lodged:	14/01/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	22/01/2021 to 05/02/2021
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,125,500.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal involves the construction of a new dwelling house, with the following works:

- Demolition of existing structures and site preparation works;
- Excavation and foundation works;
- Construction of a single dwelling house configured as:
RL20.0 Lower Ground Floor - Rumpus room, bedrooms (3), patio area, laundry, bathroom, stair access, storage, services alcove.
RL24.3 to RL25.6 Ground Floor - Entry area, stair access, storage, carport, media room, kitchen / living / dining, study, sundeck, balcony, bathroom.
RL27.0 First Floor - Bedroom, storage, stair access, study, bathroom.

RL29.97 - Upper roof level.

- On-site stormwater detention and dispersal system, PV solar cells
- Landscaping and ancillary site works.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B1 Wall Heights
 Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - D7 Views
 Warringah Development Control Plan - D8 Privacy
 Warringah Development Control Plan - D9 Building Bulk

SITE DESCRIPTION

Property Description:	Lot 82 DP 5539 , 3 Curl Curl Parade CURL CURL NSW 2096
Detailed Site Description:	The site has a street frontage of 7.6metres (m) to Curl Curl Parade, with a maximum depth of 67.8m and area of 583.1 square metres (sqm). The site is on the low side of Curl Curl Parade and has a steep fall from south to north, including some surface rock in parts of the property. The existing structures on the site consist of a cladged dwelling house with metal roof and detached single garage.

The elevation of the site drops from about 25.6m AHD at the front to 13.3m AHD toward the northern corner of the site. The property contains some low retaining walls throughout the site. There are no heritage items within the immediate vicinity.

There are no known flooding issues on the site and the land is within landslip "Area B" classification. Natural drainage across the site falls towards the north and the site is an irregular shape with a narrow frontage, wider central area and northern boundary coming to a 'point' shaped rear yard. Stormwater currently drains towards the northern neighbours at the rear and overland toward Adams Street, however there is no drainage easement / pipes to connect to Adams Street or Farnell Street. Surrounding properties, including the site, have views toward Curl Curl Lagoon and / or the coastline (generally north-easterly).

Map:



SITE HISTORY

The existing dwelling on the site pre-dates Council development consent records under the EP&A Act 1979. The majority of all structures are to be demolished and removed, therefore no further site history is relevant to the application. Any demolition material (including lead paint or asbestos) will be required to be appropriately managed under safe handling (WorkCover) requirements, *Australian Standards* and the submitted waste management plan.

Building Application No.389/96 for a detached single garage was approved by Council on 22 March 1996.

The development proposal did not have a pre-lodgement meeting to consider potential assessment issues with non-compliance and other environmental considerations.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
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)(iiia) – 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&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&A Regulation 2000 allow Council to request additional information. Following the completion of the notification period some additional information was requested in relation to considerations regarding the garage in the front setback, side setback of the building, building envelope (wall height), landscaping and the like. Some minor changes were made to the plan to accommodate / address concerns raised and to reduce potential impacts on the surrounding environment. The plan changes are of a minor nature and are otherwise capable of being addressed by conditions to achieve the same outcome with the construction certificate. Re-notification of the plans is therefore not required by the <i>Community Participation Plan</i>.</p> <p><u>Clause 92</u> 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><u>Clauses 93 and/or 94</u> 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><u>Clause 98</u> 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>

Section 4.15 Matters for Consideration'	Comments
	<u>Clause 98</u> 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.
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, subject to conditions. Considerations of slope, adjacent development, stormwater, privacy, views, solar access, parking, drainage, lot shape / area and other relevant environmental factors are considered and addressed by conditions and certification management requirements for construction works as appropriate.
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 from 22/01/2021 to 05/02/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Nicholas Paul Andrews	1 Curl Curl Parade CURL CURL NSW 2096
Mr Jason Michael Howes	6 Curl Curl Parade CURL CURL NSW 2096

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

- Views
- Roof colour
- Tree removal
- Power poles / lines
- Visual /Acoustic Privacy
- Garage arrangement
- Overshadowing
- Dilapidation risk

The matters raised within the submissions are addressed as follows:

- *Concern that the building is higher than adjacent buildings and there is an impact by way of the 8.5m building height on views across the site.*

Comment:

This issue has been considered in detail under the heading *Part D7 Views* within this report, including the design and height of the building. The proposal complies with the maximum building height and a merit assessment has been made with regard to other non-compliances of setbacks, building envelope and wall height, including potential view impacts with respect to the overall design of the building. The site and surroundings have been inspected and following assessment, the proposal will create no unreasonable loss of views.

This issue does not warrant refusal of the application.

- *Concern that the roof material and colour will create reflection and glare for properties overlooking the site.*

Comment:

The application proposes that "*materials and colour selections for the proposal blend to the natural environment to complement the surrounding dwellings and areas*". These colours are detailed in Section 6.1 of the Statement of Environmental Effects. This issue has been considered in the assessment and the design of the proposal and a suitable condition is provided to ensure medium to dark natural colours are used (to avoid unnecessary glare from white / silver roof colours). In this regard "Windspray - Colorbond" is a mid grey colour that is commonly used and has been selected for the roof.

This issue is addressed by conditions and does not warrant refusal of the application.

- *Concern that the proposal will require some existing tree removal and there is insufficient details showing replacement landscaping.*

Comment:

The landscaping plans have been revised (13.4.2021) to clarify tree removal and the planting of new (replacement) landscaping within the site to maintain a balance of 40% landscape open space on the site. There are no major trees on the site and recently a major tree was removed from adjacent land on the east side of the house. Additional landscaping is now provided at the front of the site to enhance the streetscape setback area. Council's Landscape Officer assessment has provided conditions to address landscape design considerations, including replacement plant species. In

summary, new planting shown on the plans has a mature height of 6.0m or less and the existing trees / palms (where practicable) will remain.

This issue is addressed by conditions and does not warrant refusal of the application.

- *Concern that the proposal may require the relocation / change to power poles and lines which impacts on views.*

Comment:

Council does not have control over the assessment or replacement of electricity assets, which are managed by *Ausgrid*. Any changes to power lines and poles is controlled by *Ausgrid*. These public infrastructure assets are subject to the relevant Infrastructure Service Authority requirements (such as prescribed clearances) and therefore potential impact on views does not warrant refusal of the application for the provision of essential electrical services.

- *Concern that the building design will create increased privacy impacts to adjacent land.*

Comment:

The building has been designed to orient the living areas (that have a higher activity impact) toward the northern end of the building and to also allow an outlook toward the north-east coastal views. In doing this privacy issues have been considered in detail under the heading *Part D2 Privacy* within this report. In summary, the proposal has addressed privacy requirements by the use of fitted privacy screens and window size / placement in order to be consistent with the Warringah DCP 2011 and this issues does not warrant refusal of the application.

- *Concern that the proposal will add a garage structure that will impact the available access for the shared driveway.*

Comment:

The proposal originally included a garage which has been changed to an open carport with landscaping elements on either side. The carport therefore is not as restrictive as having the enclosed wall space of a garage between adjacent properties and maintains a better sense of openness that is consistent with the existing access, but also provides an additional off-street parking space and maintains acceptable safety of access by being more open and a smaller structure with no enclosing walls. Therefore, this address concerns from No.1 Gardere regarding vehicle access and does not warrant refusal of the application. Council's development engineers have assessed the traffic access and safety and raise no concerns. The proposal will also be required comply with relevant safety / design standards under *Australian Standard 2890*.

In summary, it is considered that the proposal will not create unreasonable parking or access impacts that are incompatible with the surrounding residential land use and development pattern.

- *The building bulk and setback will create overshadowing to adjacent dwellings, including window elements.*

Comment:

The proposal is situated on a site that contains an original cottage and the street is dominated by homes that have been re-developed over time for larger dwellings, by way of substantial alterations and additions or completely new houses. In this regard, there is a mixed pattern of house styles representing the long term low density residential pattern of development and re-development in the street. Generally, newer and more modern homes in the street are larger in bulk and scale than older style homes. Notwithstanding the precedent of development in the

street (and adjacent properties in particular), the proposal complies with the building height control, rear setback and landscaping area and given the narrowness of the site and steep slope the design has some non-compliances with wall height, building envelope compliance, side and front setbacks. These non-compliances are listed in the Built Form Controls table and a detailed merit assessment is made within this report addressing each of the non-compliances. In doing this consideration is also made that the shadow diagrams drawn by *Rapid Plans (April 2021)*, demonstrate compliant 3 hours of sunlight will be maintained to the principal private open space of adjacent land for No.1 and No.5 Curl Curl Parade.

In summary, it is considered that the building design has addressed building bulk and scale by recessed sections, articulation and variations in materials and setbacks. In this regard, the building is not out of context with similar contemporary houses in the street and has appropriately addressed the site constraints to remain consistent with the pattern of development in the street and the Warringah DCP.

- *Concern that the proposal requires excavation near the front of the site and close to adjacent buildings that may damage adjacent private property.*

Comment:

The excavated areas proposed are generally minimal, however this issue is addressed by conditions to ensure a dilapidation report is prepared for adjacent property assets so that the physical condition of existing structures is recorded and dilapidation risk suitably managed during site works.

This issue is addressed by conditions and does not warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The proposal is for the construction of a new dwelling.</p> <p>The application is assessed by Landscape Referral against Warringah Development Control Plan 2011, including but not limited to the following clauses:</p> <ul style="list-style-type: none"> • D1 Landscaped Open Space and Bushland Setting • E1 Preservation of Trees or Bushland Vegetation <p>The existing site supports small trees, gardens and lawn. An existing Frangipani is impacted by the proposed access stairs location, and is an Exempt Species that may be removed without Council consent.</p> <p>A Landscape Plan is provided with proposed planting to enhance the setting of the development and is supported, subject to conditions.</p> <p><u>Planning Comment:</u> Comments and conditions provided by Council's landscape assessment are concurred with, and noted that the landscape plan proposes only small to medium plans (6.0m or less) and existing palms will be retained (where practicable) to minimise view impact changes and provide an enhanced landscape setting.</p>
NECC (Development	

Internal Referral Body	Comments
Engineering)	<p>9/02/2021: With reference to Stormwater Management Plan prepared by Greenwood Consulting Engineers, drawing number SW01 to SW05, Job No 2020127, and dated 18/9/2020, In addition to OSD the Engineer is to provide rainwater tank as per BASIX Report.</p> <p>But before Council consider this amendment applicant is advised as below:</p> <p>a) The Stormwater drainage for the site shall demonstrate compliance with Council's Warringah Water Management Policy, particularly Stormwater Drainage from Low Level Properties Technical Specification Section 2.2. As the subject site falls to the rear, an easement to drain water is to be created in favor of the site over the downstream properties. Evidence of owners consent by the property owners (27 & 29 Farnell St and 60 Adams Street) shall be submitted with the Development Application. The Application shall be supported by a long section of the inter-allotment drainage to the connection with Council's road drainage system.</p> <p>b) Should this method of stormwater disposal not be possible, evidence shall be submitted with the Application.</p> <p>For sample letter refer Appendix 2, Easement Letter of Council's Water Management for Development Policy.</p> <p>For Planner: Please include the Geotechnical Report prepared by ASCENT Geotechnical Consulting, dated 25th Aug 2020, in the Consent Report.</p> <p>19/03/2021: Access Existing concrete driveway is a shared access and the existing crossover driveway garage area and location is to be retained. The proposal is for the double garage.</p> <p>Stormwater It's a new development, an Onsite Stormwater Detention System (OSD) is required. Rainwater tank at least 2000lt capacity as per BASIX.</p> <p>For Planner Please include the Geotechnical Report prepared by ASCENT</p>

Internal Referral Body	Comments
	Geotechnical Consulting, dated 25th Aug 2020, in the consent. <u>Planning Comment:</u> Comments and conditions by Council's development engineering assessment have been addressed (including easement / on-site disposal option).

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. A referral response was provided on the 1.2.2020 with Ausgrid advice regarding standard clearances to be maintained and raising no objection to the proposed development.

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.1165751S, dated 18 December 2020).

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

Commitment	Required Target	Proposed
Water	40	49
Thermal Comfort	Pass	Pass

Energy	40	55
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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. A referral response was provided on the 1.2.2021 with Ausgrid advice regarding standard clearances to be maintained and raising no objection to the proposed development.

Other Infrastructure Service Authorities

The application was not required to be referred to the Roads and Maritime Service (RMS, now *Transport NSW*) and not other Service Authority referral issues are raised pursuant to the SEPP.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018) as the boundary extends inland from Curl Curl beach toward Curl Curl Parade. The site is not readily visible from the beachside area due the density of surrounding development and the position of the building on the mid slope of the escarpment above Curl Curl coastal area.

Comment:

The proposal is considered to be consistent with Clause 14 and 15 of SEPP Coastal Management (2018) including the "Coastal Use Area" and "Development in the Coastal Zone Generally" areas with no unreasonable impact.

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:	8.5 metres (m)	8.5 m	N/A	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
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

da Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	7.9m	9.7%	No*
B3 Side Boundary Envelope	45 degrees at 5m	Breaches envelope	1.7m (26%)	No*
	45 degrees at 5m	Breaches envelope	1.4m (21%)	No*
B5 Side Boundary Setbacks	0.9m (West)	0.45m to 1.2m	40%	No*
	0.9m (East)	1.2m to 1.5m (Side steps / landings)	N/A >1.0m	Yes No
B7 Front Boundary Setbacks	6.5m	0.1m Carport	88%	No*
		6.7m Dwelling	N/A	Yes
B9 Rear Boundary Setbacks	6.0m	19.5m to 34.1m Deck and Patio	N/A	Yes
		22.5m to 38.1m Dwelling wall	N/A	Yes
D1 Landscaped Open Space (LOS) and	40%	40.5%	N/A	Yes

Bushland Setting Site area 583.1 sqm	(231.6sqm)	231.1sqm		
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*Refer to detailed merit assessment under the heading Built Form Controls within this report.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	No	Yes
D8 Privacy	No	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
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

B1 Wall Heights

Description of non-compliance

The maximum wall height is up to 7.9m for the side wall of the building, being a variation of 9.7%.

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 non-compliance with the wall height control relates to both the eastern and western wall planes for the master bedroom and kitchen/living/dining room, along the upper wall elements. These elements of the building will be visible from surrounding properties and the public street, particularly at the front section of the dwelling (master bedroom). The building is not readily visible from the coastal zone (Curl Curl beach area) and offshore, and is a similar height to adjacent buildings on either side which forms part of the existing pattern of development and visual impact when viewed from the street. The building has living areas above ground level to capitalize coastal views which is consistent with development on similar sloping sites. Overall the proposal complies with the maximum height limit and seeks to maintain consistent visual impact to the pattern of surrounding development. The non-complying wall sections do not create an unreasonable visual impact on surrounding properties in the context of the low density residential zone and existing subdivision layout.

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

Comment:

While there are no significant trees on the site the proposed building exceeds the maximum permitted 7.2m wall height control. The narrowness of the Lot restricts opportunities for substantial landscaping in the side and front setback areas, and as such, there is no substantial tree canopy adjacent the dwelling. The site is on a broad north facing slope with higher land to the south and therefore the height of the tree canopy in the surrounding area provides a backdrop for development on the low side of Curl Curl Avenue. The use of large trees at the rear of the site would impact neighbours existing view lines toward the north-east so the planting selection shown in the landscape plans reflect this consideration.

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

Comment:

The non-compliance with wall height will have no unreasonable impact on view sharing nearby public land as the proposal has utilized a stepped and flat roof form to accommodate principal overlooking views. Issues of view sharing from surrounding private property is addressed in detail under the heading *Part D7 Views* within this report.

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

Comment:

The proposal is consistent with the pattern and scale of surrounding development and due to the slope of the land and narrow lot width is also consistent to similar new development in the vicinity of the site to ensure no unreasonable development on adjoining or nearby properties.

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

Comment:

The carport area is located toward the front of the dwelling, accessed from a shared driveway below road level as the land slopes down from the road kerb. The dwelling design includes elements of recessed wall planes, feature work, and variation in materials to provide articulation and visual interest, with the different floor levels arranged to capitalise on the slope of the land with minimal excavation of the natural landform.

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

Comment:

The building is of a contemporary style flat roof form has been used which is suitable for the location and consistent with other adjacent (newer) dwellings.

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 s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B3 Side Boundary Envelope

Description of non-compliance

The proposal does not comply with the side boundary envelope along the eastern and western elevations. The non-compliance is up to a 2.4m breach of the envelope.

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 proposal breaches the building envelope along both side wall planes for the living area level and the upper master bedroom level. The non-compliance is influenced by steep gradient of the site and narrow width, but is reduced to comply toward the central areas of the building. Due to slope of the site and position on the low side of Curl Curl Avenue, most surrounding dwellings are higher or at similar floor levels (RL). The position of the house is also influenced by the

design intent to share views toward the north-east and maintain similar building alignments to adjacent dwellings.

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

Comment:

The site has a north facing rear yard and due to the natural slope of the land and open rear yards adjacent, light and solar access is maintained to adjacent properties for the principal private open space areas in compliance with the Warringah DCP. Overshadowing and privacy is consistent with the pattern of surrounding development in the context of the low density residential environment. The extent of non-compliance with the side boundary envelope does not create unreasonable loss of amenity in terms of wall height and setbacks.

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

Comment:

The proposal responds to the site by minimising excavation and stepping the sections of the building down the site with two main components between the parking area and the main dwelling footprint (including ground level terracing). The proposal also seeks to capitalise on the coastal views toward the north east and an innovative design response has been used to assist in view sharing across the upper rear balcony by privacy screens fitted to the northern windows for the living area (rather than along the balcony outer edge). Minor amendments have been included to provide articulation and recessed wall sections with variations in materials to break up the side wall plane. The position of the building toward the road (and over the existing building footprint) provides a suitable response to the topography and consistency with the pattern of surrounding development.

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

B5 Side Boundary Setbacks

Description of non-compliance

The proposal does not comply with the minimum side setback (0.9m) for the proposed carport structure. A setback of 0.45m is proposed along the western setback.

Merit consideration

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

- *To provide opportunities for deep soil landscape areas.*

Comment:

The location of the carport within the front setback any opportunity to retain the side setback area (even though only 0.9m wide) for deep soil landscaping. While this area would be in shadow the majority of the day, suitable shade tolerant plants (coastal natives plants or the like) are to be established in this soil zone to screen the adjacent neighbouring side wall. The proposal includes some planting along the pedestrian entry and the western side of the carport (planter boxes) to assist with providing a landscape setting to the streetscape.

- *To ensure that development does not become visually dominant.*

Comment:

The positioning of the carport assist to ensure that development *does not* become visually dominant by adding another fully enclosed garage building into the front setback that would abut the adjacent garage. The use of a carport structure maintains a desired sense of openness across frontage. the use of a carport as an open sided lightweight has a more minimal visually less dominant appearance when combined with ground landscaping and consideration of the higher dwelling element behind (master bedroom level).

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

The use of carport structure is consistent with the DCP in that "*Consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause.*" For this reason the scale and bulk of the carport is required to be maintained as an open sided, low profile structure that is not an enclosed building. The non compliance with the side setback extends the small store room behind the carport however this is not visually apparent to the street because of the carport roof line and adjacent dwelling structure behind.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment:

The use of a reduced (0.45m) setback does not unreasonably affect privacy, amenity or solar access to adjacent land for the carport structure in the context of the adjacent dwelling structures and planter boxes used. In addition to this side paths and landings (where more that 1m high) have been considered in terms of this control and condition is included allow continuity between levels and accommodate cross boundary issues with natural drainage, slope, landscaping and the like.

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

Comment:

The encroachment does not affect the sharing of views from public or private land due the close pattern of adjacent / surrounding buildings and ground level position.

Having regard to the above assessment, it is concluded that the proposed development is consistent

with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The proposal includes a double carport within the front setback of 6.5m. The carport is on a 0.1m front setback (88% variation).

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 carport structure (amended from a garage) assists to maintain a sense of openness and not repeat the occurrence of enclosed building structures within the front setback area. The carport is an open structure and in the selected forward location lessens the built form visual impact by creating a sense of openness around the carparking platform, rather than enclosing that space with a walled-in building. The property has a steep and very narrow frontage and the forward location is consistent with the existing (original) garage) to be replaced. A low profile flat roof design is also assists with maintaining a sense of openness by minimizing visual bulk.

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

Comment:

The dominant continuity of Curl Curl Parade is that the majority of dwellings comply with carparking behind the front 6.5m boundary line, however on steeper sites in the vicinity of the proposal, carparking structures of garages and carports are commonly within the front setback. The proposal has sought to maintain the existing carparking arrangement at the front, but now with two (2) off-street parking spaces and with some landscape elements in the side setbacks. The carport structure is open on 3 sides and enables compliance with Australian Standard 2890, and is consistent with the pattern of buildings in the vicinity, whereby vehicle access is steeper or there are some existing parking structures adjacent.

The use of a carport structure will maintain consistency with this objective and limits the extension / continuation of the wall frontage created by other double garages adjacent.

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

Comment:

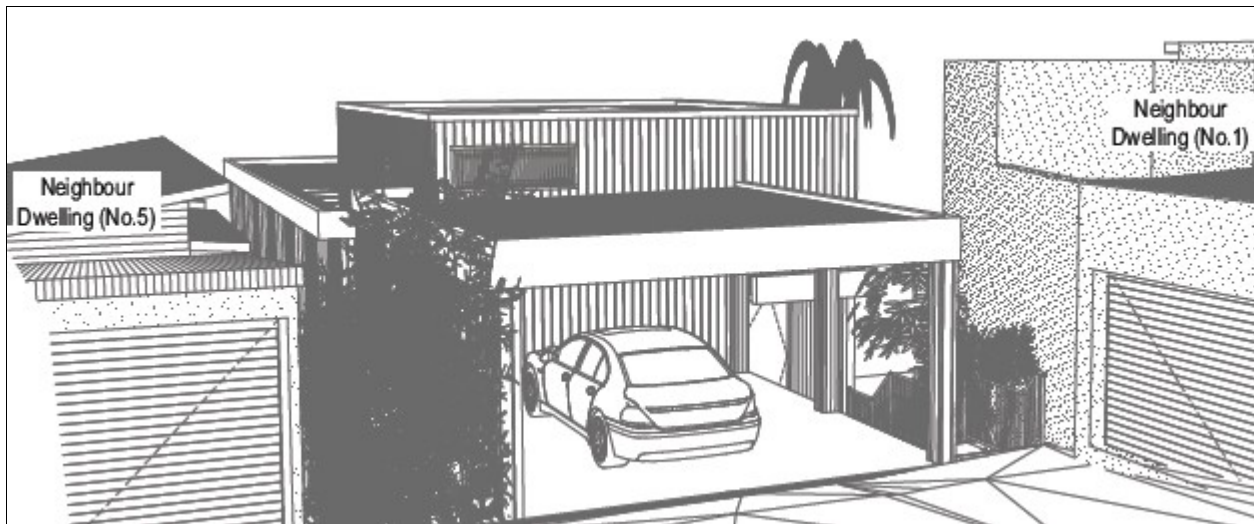
The placement of a double garage on the site does not 'enhance' or 'protect' the visual quality, therefore the use of an open style carport is more appropriate in response to this objective (see *Part C3 Parking Facilities*). At present the existing streetscape setback contains a single (original) garage and with the adjacent garages would almost completely wall-in the setback

area. However, the use of a low profile carport allows a sense of openness with opportunities for landscaping to enhance the street setback area as viewed from the public domain.

- *To achieve reasonable view sharing.*

Comment:

The forward location of the garage does not impact any coastal or district views across the front setback area.



- Figure: Perspective to show open style and profile of upper storey with reasonable view sharing achieved by flat roof form and minimal excavation.

Having regard to the above assessment, it is concluded that the proposed development subject to conditions is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance subject to a carport structure only that maintains a sense of openness.

C3 Parking Facilities

Description of non-compliance

The carport is located within the front setback and is situated on an elevated platform.

Merit consideration

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

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
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Dwelling house	2 per house	2	2	0
Total			2	

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

The application includes the construction of an open carport within the front setback area. Vehicle parking will be a side-by-side arrangement and the parking area is situated on an elevated platform that extends from the road embankment. The site currently has a single garage that is on an elevated slab at the front boundary. The new carport has a relatively low profile roof, being a 3.1m flat roof height with box gutter to match the dwelling roof style. The carport design is open sided and therefore has a minimal impact on the street by not continuing the "walled-in" street appearance of having garages on the front boundary.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

While it is noted that there are some garages in a forward position in the street, these mostly pre-date the current Council DCP 2011 and design requirements. The elevated platform is satisfactory as the access is gained along a shared access below the street carriageway and maintains a similar parking arrangement to the existing single (original) garage. The carport is to remain open sided so it does not dominate the street at the front of the property, given the higher and larger main dwelling structure behind it.

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

D7 Views

Merit consideration

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

- *To allow for the reasonable sharing of views.*

Comment:

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of *Tenacity Consulting Pty Ltd vs Warringah Council (2004) NSWLEC 140*, are applied to the proposal.

1. Nature of the views affected

"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

Comment to Principle 1:

The views potentially affected are water views of the coastal waters and coastal fringe toward North Curl Curl Beach and Curl Curl Lagoon, and are shared to principally affect properties to the west and south west of the site where the view is at a broad angle, but overlooking across a side or front boundary. The properties potentially affected / most concerned are No.5 & No.6 Curl Curl Avenue and to a lesser extent No.1 and No.4 Curl Curl Avenue, and No.17 Gardere Ave (looking north to Curl Curl lagoon), due to the subdivision pattern and topography. A site inspection was made of the site and in the vicinity of the site to evaluate the broad views available surrounding. No specific objection to view loss associated with the proposed built form has been made, however a general assessment of the possible views affected and the general relationship as to what those views available are, is identified as ocean views and district coastal views. Therefore, the general focal interest is toward the northern end of Curl Curl beach, with the coastal interface, headland, and ocean horizon beyond.

Other properties adjacent the site and to the south, also have expansive views especially from the first floor level, and view sharing is equally maintained. These surrounding properties are either on much higher ground or have boarder views of the coastal hinterland from their position, influenced by the local subdivision pattern and surrounding development.

2. What part of the affected property are the views obtained

"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".

Comment to Principle 2:

Good views are obtained from the upper level (where higher topography permits) and the upper storey of surrounding dwellings. In general, some views are partly obscured due to existing development at ground level and from other structures such as fencing, telegraph poles, outbuildings and trees / vegetation. While views across the site, by others, are over side boundaries (side views), or the front boundary, due to the subdivision pattern, these are valuable views because the dwellings are configured to capitalise on the coastal north-easterly outlook, not necessarily a street outlook. Site inspection shows that the principal views are gained from the upper storeys with some views at an oblique angle. For properties on the northern side of Curl Curl Avenue that are adjacent the site, the outlook from the north (rear) and east (side) of these dwelling 'compete' with each other due to the oblique viewing angle toward North Curl Curl. The standing and sitting views from the main rear deck of No.5 are across a side boundary but are substantially maintained.

3. Extent of impact

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.

Comment to Principle 3:

The subject proposal is to be built over the existing building footprint and extends high up the site, toward the road and also expands further rearward (north) within some view lines. Views potentially affected from the upper floors of adjacent surrounding dwellings will mostly impact a minor component of the broad view of the ocean. The views available from different standing / sitting positions for upper storey level and are considered to be generally maintained, being principally at the northern end (balcony / living areas). Views across the flat roof are also generally maintained at standing position from properties south of the site (toward Gardere Avenue). The view can change with respect to a particular standing position, such as toward the middle rear of the site, such as from a particular room or open space area looking over the site and across the (long) side boundaries. Overall and following site inspection, the view impact is considered to be moderate from No. 5 Curl Curl. With regard to No.1 and No.6 Curl Curl Avenue, following site inspection the view loss is considered to be minor.



- Figure: Photo view NE across from front of kitchen / living area (standing) at No. 6 Curl Curl Avenue.



Figure: View north from No.1 Curl Curl across site (standing) top floor main bedroom / living area level.

4. Reasonableness of the proposal that is causing the impact

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Comment to Principle 4:

The element of the proposal causing the view impact is generally the forward northern end and mid- section of the building and upper roof lines, whereby the site slopes toward the north and the existing topography falls away steeply from 25m AHD to 18m AHD through central area of the site. The dwelling complies with the 8.5m height control however there are non-compliances with the 7.2m wall height control, and side boundary envelopes that are accentuated by the variable gradients down the length of the site and the horizontal distances of each floor. Overall, the view impact is regarded as moderate in that the applicant has sought to accommodate the principal views for adjacent properties would overlook the rear or the roofline (central area). The non-compliance with the building envelope and wall height and front setback does not create unreasonable view impacts. The variation to the front setback by the carport has no impact on views due to the higher dwelling bulk behind it and neighbours garages either side.

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

Comment:

The proposed roof is of a contemporary flat style to assist in maintaining views for overlooking properties toward the south side of Curl Curl Avenue. Separation of the building into sections assists to modulate the building and lower the profile to assist in solutions to improve the urban environment in terms of view sharing. The kitchen/living/dining floor area will maintain view lines

by maintaining a setback at the rear. This is consistent with adjacent land on No.5 Curl Curl Avenue (as approved) and maintaining an open style balcony (including using screens that are fitted to the rear windows rather than across the view line (being on the outside edge of eastern or western balustrades).

- *To ensure existing canopy trees have priority over views.*

Comment:

There are no trees causing any significant obstruction to views. The existing palms are to remain where practicable (as shown on the Landscape Plans, dated April 2021) and other new (replacement) planting is generally 6.0m or less in mature height and therefore generally lower than the adjacent building heights.

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

D8 Privacy

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

The proposal includes some design elements that are considered in the context of privacy with regard to adjacent land, in particular No. 1 and No.5 Curl Curl Parade. Other adjacent dwellings of No.19 to No.25 Farnell Street have deep landscaped rear setback and no unreasonable privacy impacts are created by the proposed dwelling in the context of the surrounding pattern of residential development. The dwelling and garage of No.1 Curl Curl Parade is on an angled "L" shaped lot and its dwelling / garage is partly constructed within the front setback area with some side windows facing across the front and side setback of No.3 Curl Curl Parade (as per the submitted plans).

The submitted plans include the use of privacy screens across part of, or all of the selected windows toward the front of the dwelling to minimise overlooking between adjacent land. This includes windows, W17, W23, W16, W14 and W13 that include privacy screen elements shown. Generally these are low use rooms including a study, master bedroom, hallway, and 'sunroom' and a setback of 1.4m is provided for the majority of the side setback to provide spatial separation. Generally however the outlook from the Ground Floor and First Floor seeks to gain the amenity of morning light and views toward the coast for the proposal. The building to building spatial separation increases substantially once past the 6.5m front setback area. The lower ground is screened by side fencing and selected / custom fitted screens where appropriate. Areas along the side setback also include steps and landings up to 1.2m subject to BCA and Engineering details where the land slopes and is terraced toward the rear of the house. Overall, no unreasonable privacy or acoustic impacts are directed toward No.1 Curl Curl Avenue and the side terrace (sunroom) is also partly enclosed but separated by wide landscape

setbacks within adjacent rear yards of No.19 to No.25 Farnell Street.

With regard to privacy impacts toward No.5 Curl Curl Parade (west of the site) the proposal has addressed this by minimal side windows due to this dwelling having an outlook and window placement to gain morning light and coastal views toward the north-east. Therefore, no unreasonable privacy or acoustic impacts are directed toward No.5 Curl Curl Avenue and at the rear terrace / veranda privacy screens are fitted to the northern living room windows to maintain coastal views (from No.5 Curl Curl Parade) across the open balcony area while still providing internal privacy to the kitchen /living / dining room for the subject dwelling.

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

Comment:

The proposal includes a range of selected windows with standard sill heights and custom fitted privacy screens to maintain privacy. The floor arrangement for the living areas and 'low use rooms' (study / bedroom / bathroom) assist to ensure reasonable privacy to adjacent land. At the rear terrace / balcony area an innovative design to use custom fitted sliding privacy screens for the living room northern wall / door assists to maintain views across the site and allow for internal privacy between No.3 and No.5 Curl Curl Avenue rather than screens on western and eastern edge of the balcony (RL24.85). In addition to this, specific windows W23, W16, W2 and W14 are to have battens / screen blades across the full window to prevent overlooking toward the south-east to maintain privacy to the adjacent bedroom windows on No.1 Curl Curl Avenue (see condition). The proposal is consistent with this objective.

- *To provide personal and property security for occupants and visitors.*

Comment:

The proposal maintains security of access to the dwelling with a clearly defined entry area and passive viewing of public space (entry area) by the use of an open style carport.

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

D9 Building Bulk

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment:

The proposal has been subject to minor adjustments to reduce building bulk and improve visual interest, including recessed wall elements. This includes the use of a carport structure rather than a garage, suitable setbacks to the upper storey and minor cosmetic changes to selected wall plane elements. Overall the building addresses the non-compliant elements with the design

response and landscaping to be consistent with the surrounding pattern of development for the future urban environment. The proposal is consistent with this objective.

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

Comment:

The proposal is on a relatively narrow and steeply sloping site and therefore has adopted a low profile (flat style) roof to minimise visual impact and an open style carport at the front with landscaping along sections of the side of the building and rear setback to maintain consistency with the pattern and scale of surrounding development that is consistent with other new dwellings in the surrounding area. The proposal does not create an unreasonable visual impact when viewed from adjoining properties, streets and public land.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$11,255 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,125,500.

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 DA2020/1755 for Demolition works and construction of a dwelling house on land at Lot 82 DP 5539, 3 Curl Curl Parade, CURL CURL, 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
DA1003 Site Plan	13.4.2021	Rapid Plans
DA1004 Demolition Plan	13.4.2021	Rapid Plans
DA1005 Excavation and Fill Plan	13.4.2021	Rapid Plans
DA2001 Lwr Ground Floor	13.4.2021	Rapid Plans
DA2002 Ground Floor	13.4.2021	Rapid Plans
DA2003 First Floor	13.4.2021	Rapid Plans
DA2004 Roof	13.4.2021	Rapid Plans
DA3000 Section 1	13.4.2021	Rapid Plans
DA3001 Section 2	13.4.2021	Rapid Plans
DA3002 Section 3 Stairs	13.4.2021	Rapid Plans
DA4000 Elevations 1	13.4.2021	Rapid Plans
DA4001 Elevations 2	13.4.2021	Rapid Plans
DA4002 Elevations 3	13.4.2021	Rapid Plans
DA4003 Elevations 4	13.4.2021	Rapid Plans

DA5001 Material and Colour Sample Board (including SEE Section 6.1 Schedule of Finishes)	13.4.2021	Rapid Plans
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Engineering Plans		
Drawing No.	Dated	Prepared By
DA3003 Section Drive	13.4.2021	Rapid Plans
SW01 General Notes	18.9.2020	Greenwood Consulting
SW02 Site Drainage Plan	18.9.2020	Greenwood Consulting
SW03 Roof Drainage Plan	18.9.2020	Greenwood Consulting
SW04 Details	18.9.2020	Greenwood Consulting
SW05 Details	18.9.2020	Greenwood Consulting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Basix Certificate 1165751S	18.12.2020	Rapid Plans
Geotechnical Assessment AG20215	15.8.2020	Ascent Geotechnical

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

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

Landscape Plans		
Drawing No.	Dated	Prepared By
DA1008 Landscape Plan	13.4.2021	Rapid Plans

Waste / Sediment Management Plan		
Drawing No.	Dated	Prepared By
DA1009 Sediment and Erosion Plan	13.4.2021	Rapid Plans
DA1010 Waste Management Plan	13.4.2021	Rapid Plans
Waste Management Report	21.12.2020	Rapid 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. (DACPLB01)

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department,	EDMS Reference	Dated
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Authority or Service		
Ausgrid	Response Ausgrid Referral	1.2.2021

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such

damage.

- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa

area.

- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$11,255.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$1,125,500.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

6. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the 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. **Boundary Identification Survey**

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

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

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

8. **On-site Stormwater Detention Details**

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, Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Greenwood Consulting Engineers, drawing number SW01 to SW05, Job No 2020127, dated 18/9/2020. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i) OSD to be provided in accordance with Clause 9.0 of Council's Water Management for Development Policy
- ii) Provision of rainwater tank of 2000lt capacity, according to BASIX Report.
- iii) Dispersion trench is to be 3m away from the site boundary.
- iv) Dispersion trench to be provided parallel to the contours.
- v) 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 the disposal of stormwater and stormwater management arising from the development.

9. **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.

10. **Compliance with Standards**

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

11. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range ('Windspray' grey is appropriate) 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.

12. **Privacy Screening**

Privacy screening / louvres and for windows, balconies and the like, as shown on plan are to be fitted prior to occupation of the dwelling. In addition to this, specific windows W23, W16, W2 and W14 are to have battens / screen blades across the full window to prevent overlooking toward the south-east to maintain privacy to the adjacent bedroom windows on No.1 Curl Curl Avenue.

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

Reason: In order to maintain privacy to the adjoining/nearby property. (DACPLC06)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

13. **Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must

be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties to listed below (as appropriate to existing works / property assets), both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property / Properties: No.1 Curl Curl Avenue, and
No.5 Curl Curl Avenue.

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

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

Reason: To maintain proper records in relation to the proposed development.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

14. **Protection of Rock and Sites of Significance**

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.

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

15. **Tree and Vegetation Protection**

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

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation, unless identified for retention on approved plans or by conditions of consent,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be

retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,

- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree (s) is prohibited.

Reason: Tree and vegetation protection.

16. **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.

17. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

18. **Survey Certificate**

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

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

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

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

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

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

19. **Cross Boundary Levels**

Continuity between existing ground levels is to be maintained as far as practicable within 0.3m (horizontal distance) of the side boundary setback areas to allow for natural drainage, landscaping buffer, cross boundary structures (such as fencing and the like) adjacent any steps and pathway areas near the side boundary.

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

Reason: Retain natural ground levels between adjacent land.

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

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

21. **Traffic Control During Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and to the satisfaction of the

Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

22. 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

23. Landscape Completion

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

i) the nominated *Angophora hispida* shall be planted at a 75 litre container size.

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

Reason: Environmental amenity.

24. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

The Applicant shall lodge a Legal Documents Authorisation Application with Council. The application is to include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan by a Registered Surveyor) and Hydraulic Engineers' certification for the completed onsite stormwater detention system works. A guide to the process can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legaldocumentsauthorisation-on-site-stormwater-detentionsystems/guide-submitting-ldaa-nov19.pdf>

The form for the application can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legaldocumentsauthorisation-on-site-stormwater-detention-systems/4023-legal-documents-authorisationoct19.pdf>

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system 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 the on-site stormwater detention system 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 disposal system is maintained to an appropriate operational standard and not altered.

25. Certification Elevated Parking Facility Work

The Applicant shall submit a Structural Engineers' certificate certifying that the elevated parking facility was constructed in accordance within this development consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate.

Reason: Compliance with this consent.

26. House / Building Number

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

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

Reason: Proper identification of buildings. (DACPLF04)

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

27. Carparking Structure

The carport structure is to remain open sided on the south, eastern and western sides as a carport with no enclosing screens / walls / doors and landscaping provided as shown on the approved plans along the adjacent side setbacks.

Reason: To ensure consistency with the approved plans is maintained.

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

Signed



Alex Keller, Principal Planner

The application is determined on 10/05/2021, under the delegated authority of:



Anna Williams, Manager Development Assessments