

DEVELOPMENT ASSESSMENT REPORT

Planner:	Nick England
Address / Property	Lot 2414 DP 752038 (No.19) Morgan Road BELROSE
Description:	Construction of a dwelling house and swimming pool
Development Application No:	DA2016/1291
Application Lodged:	13/12/2016
Plans Reference:	A01 Rev 01, A02 Rev 01, A03 Rev 01, A04 Rev 01, A05 Rev 01, A06 Rev 01, A07 Rev 01, 1615-02 Rev A
Amended Plans:	No
Applicant:	Muri Design
Owner:	K A Earl, G A Velleley
Locality:	B2 Oxford Falls Valley
Category:	Housing - Two
Variations to Controls (Cl.20/Cl.18(3)):	Housing Density; Front Setback; Side and Rear Setback; Landscaped Open Space
Referred to ADP:	No
Referred to WDAP:	No
Land and Environment Court Action:	No
SUMMARY	
Submissions:	One (1)
Submission Issues:	Wastewater treatment; stormwater; visual impact; non-compliance with WLEP 2000; Privacy; Bushfire; Vehicular access
Assessment Issues:	Housing Density; Front Setback; Side / Rear Setback;
Recommendation:	Approval
Attachments:	Nil

LOCALITY PLAN (not to scale)



Subject Site:

Lot 2414 in DP 752038 (No.19) Morgan Road, Belrose

Public Exhibition:

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 13 December 2005). As a result, the application was notified to 3 adjoining land owners and occupiers for a period of 14 calendar days commencing on 22 December 2016 and being finalised on 23 January 2017.

SITE DESCRIPTION

The land is located on the unformed road reserve of Morgan Road, accessed by an informal access from the sealed portion of Morgan Road to the south of the site.

The site is regular in shape, 20.115m in width on the north and south boundaries and 35m in length on the east and west boundaries.

The site is currently undeveloped, vegetated by existing trees and shrubs. Adjoining development consists of residential dwellings, with the closest dwelling being approximately 50m to the north.

SITE HISTORY

The following site history is relevant to the proposed application:

- A special lease was originally granted over the whole of Portion 173 for the purpose of a poultry farm, being Special Lease 48.957 commencing on 1 May 1951 to 31 December 1964;
- A request was made by the then owner (Bradbury Griggs) for the part conversion of Special Lease 48.957 to subdivide Portion 173 and create Portion 2414 (the subject lot). The conversion was completed on 18 July 1962 with the purpose being to provide a subdivided allotment to accommodate a dwelling;
- A title was registered for the property being Volume 13299 Folio 123 on 6 May 1977, being Lot 2414 in DP 752038.
- The site has remained undeveloped since 6 May 1977.
- Development Consent No.DA2011/0628 for "Construction of a dwelling house" issued on 23 April 2012.

PROPOSED DEVELOPMENT

The application consists of the erection of a dwelling house on vacant land including a swimming pool.

AMENDMENTS TO THE SUBJECT APPLICATION

No amended plans were provided.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979 ("EP&A Act")*
- b) Environmental Planning and Assessment Regulation 2000*
- c) State Environmental Planning Policy No. 55 – Remediation of Land*
- d) State Environmental Planning Policy (Infrastructure) 2007*
- e) Warringah Local Environmental Plan 2000 ("WLEP 2000")*

- f) Warringah Development Control Plan 2000 ("WDCP 2000")
- g) Warringah Section 94A Development Contributions Plan.

PUBLIC EXHIBITION

As a result of the public exhibition process submissions have been received from:

Name	Address
Jason Woolford	23 Morgan Road, Belrose

The matters raised within the submissions are summarised as follows:

- *The proposed septic tanks have the potential to overflow if not emptied regularly and measures should be prevented to protect the amenity of adjoining properties in the event of an overflow.*
- *Stormwater from the proposed development has the potential to flow into the adjoining property at No.23 Morgan Road.*
- *The visual bulk of the dwelling, including the chimney stack, will have an adverse impact.*
- *The proposal does not comply with the relevant planning controls, in particular front setback requirements.*
- *The proposal provides insufficient parking based on the six (6) bedrooms proposed.*
- *The proposal will have an adverse impact on the privacy of the adjoining dwelling at No.23 Morgan Road.*
- *Access to the site during a bushfire event appears to be inadequate.*
- *It not stated who owns the land subject to the road access and who will pay for any maintenance of this access.*

These matters are now addressed in turn:

- ***The proposed septic tanks have the potential to overflow if not emptied regularly and measures should be prevented to protect the amenity of adjoining properties in the event of an overflow.***

Comment: Council's Environmental Health & Protection Unit have reviewed the application and are satisfied that the "pump-out" disposal of wastewater is adequate under the circumstances, particularly as the rocky topography of the site will not permit on-site disposal. In principle approval for pump-out disposal has therefore been provided. As a condition of development consent, a further approval under the Local Government Act 1993 is required to operate the wastewater system. Adequate details will need to be provided at the application stage and if

approved, further conditions will apply to in effect mitigate the potential for any spill to occur and for the applicant to take responsible action if any spill occurs.

- ***Stormwater from the proposed development has the potential to flow into the adjoining property at No.23 Morgan Road.***

Comment: Council's Development Engineer has advised that the application is sufficient to provide adequate storage and disposal of stormwater on the site.

- ***The visual bulk of the dwelling, including the chimney stack, will have an adverse impact.***

Comment: The proposed dwelling is consistent with the applicable building height controls. It should be noted that the chimney stack is exempt from the building height standard of WLEP 2000, however this structure is nonetheless consistent with the height standard.

- ***The proposal does not comply with the relevant planning controls, in particular front setback requirements.***

Comment: A consideration of the variation to the applicable built form controls is provided elsewhere in this report. In summary, despite the non-compliances with the numerical requirements of the relevant built form controls, the development is nonetheless consistent with the objectives of these controls. Refusal of the application based on the non-compliances with these standards is not considered reasonable under the circumstances.

- ***The proposal provides insufficient parking based on the six (6) bedrooms proposed.***

Comment: Sufficient parking is provided to comply with the parking requirements of Council.

- ***The proposal will have an adverse impact on the privacy of the adjoining dwelling at No.23 Morgan Road.***

Comment: The proposed dwelling is setback at a sufficient distance from the nearest existing dwelling at No.23 Morgan Road (approximately 50 metres) to result in no adverse impact on the acoustic or visual privacy of this dwelling.

- ***Access to the site during a bushfire event appears to be inadequate.***

Comment: The proposal has demonstrated compliance with the relevant standards for bushfire hazard planning.

- ***It not stated who owns the land subject to the road access and who will pay for any maintenance of this access.***

Comment: The land subject to the unformed road reserve is currently in the ownership of the Crown. In the event that this road reserve is formed, then

ownership is likely to revert to Council, who will then be the responsible authority for the future maintenance of the road access.

MEDIATION

Has mediation been requested by the objectors?	No
Has the applicant agreed to mediation?	N/A
Has mediation been conducted?	N/A

LAND AND ENVIRONMENT COURT ACTION

Not applicable.

REFERRALS

External Referrals

Referral Body	Comment
Ausgrid	No objection, subject to condition.
NSW Rural Fire Service	No objection to the development, subject to condition.
Aboriginal Heritage	No objection to the development, subject to condition.
NSW Department of Planning	The NSW Department of Planning and the Environment have issued concurrence to the application, as required by the Housing Density control of the B2 Oxford Falls Valley locality.

Internal Referrals

Referral Body	Comment
Development Engineers	<p>The Development Engineers have advised the following:</p> <p><i>"The proposed development gains access via a Crown road. In this regard comments from both Council's Road Asset section and the Crown must be sought prior to approval. In terms of the disposal of stormwater, the site will discharge stormwater to the crown road which again will need assessment and approval by Crown Lands.</i></p> <p><i>Provided that concurrence for the proposed driveway access and drainage disposal is gained by Crown Lands, no objection to approval, subject to conditions as recommended."</i></p> <p><u>Planners comment:</u> Consistent with the findings in the assessment of the previous development application on the land, legislation that governs the adjoining road reserve (specifically the Roads Act 1993) is sufficient to ensure that no works occur on this land without the consent of the relevant authority and owner of the land.</p> <p>No concurrence is required prior to consent from any relevant</p>

	<p>authority, as the land does not adjoin a classified road, pursuant to Section 138(2) of the Roads Act 1993.</p> <p>Hence these matters do not need to be finalised prior to the determination of this application.</p> <p>A specific condition of consent (as also applied in development consent No. DA2011/0628) is recommended to ensure that no consent is given for any works on the adjoining road reserve without the consent of the relevant authority.</p>
Environmental Investigations (Solid Fuel/Oil Heater)	No objection to the development, subject to condition.
Health and Protection (unsewered lands)	No objection to the development, subject to condition.
Landscape Officer	No objection to the development.
Natural Environment (Biodiversity)	No objection to the development, subject to condition.
Road Reserve	<p>Council's Road Reserve Officers have advised the following:</p> <p><i>"It is understood that vehicle access to the the subject site and No. 23 Morgan Road is obtained via an unformed road. The unformed road is a Crown road which is owned by NSW Land and Property Management Authority (LPMA) .</i></p> <p><i>In accordance with Roads Act 1993, the owner of No. 19 Morgan Road is entitled to access between their property and the crown road.</i></p> <p><i>As such, Roads Asset has no objection to the proposed development regarding the vehicle access.</i></p> <p><i>However, the unformed road was found to be in a poor condition during a site inspection.</i></p> <p><i>The applicant may need to rectify the unformed road to improve the accessibility to their property.</i></p> <p><i>Please be understood that it is not Council's responsibility for any development/ maintenance on a crown road</i></p> <p><i>If any works of a crown road are needed, the cost of such works may be borne by the owner who has a right to use or benefit of the crown road.</i></p> <p><i>An approval must be obtained from LPMA prior to undertake the works.</i></p> <p><i>Also, there is no current arrangement to transfer the ownership of the unformed road from LPMA to Council.</i></p> <p><i>In general, it is unlikely Council would accept an unformed road which does not meet Council's minimum standards.</i></p> <p><i>P.S. LPMA is the road authority of the unformed road. A referral may need to be sent to LPMA for comment. "</i></p>

	<p><u>Planner's comment:</u> As stated previously, consistent with the findings in the assessment of the previous development application on the land, legislation that governs the adjoining road reserve (specifically the Roads Act 1993) is sufficient to ensure that no works occur on this land without the consent of the relevant authority and owner of the land.</p> <p>No concurrence is required prior to consent from any relevant authority, as the land does not adjoin a classified road, pursuant to Section 138(2) of the Roads Act 1993.</p> <p>Hence these matters do not need to be finalised prior to the determination of this application.</p> <p>A specific condition of consent (as also applied in development consent No. DA2011/0628) is recommended to ensure that no consent is given for any works on the adjoining road reserve without the consent of the relevant authority.</p>
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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	See discussion on “Draft Environmental Planning Instruments” in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the regulations	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been address via a condition of consent.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter has been address via a condition of consent.</p> <p>Clause 93 of the EPA Regulation 2000 requires the consent authority to consider the fire safety upgrade of development. This matter has been address via a condition of</p>

Section 79C 'Matters for Consideration'	Comments
	<p>consent.</p> <p>Clause 50(1A) of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted.</p> <p>Clause 54 and 109 of the EPA Regulations 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations.</p> <p>Clause 143A of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a CC. Accordingly, appropriate conditions of consent are recommended for imposition should this application be considered worthy of approval.</p>
<p>Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report.</p> <p>(ii) The proposed development will / will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will / will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 79C (1) (c) – the suitability of the site for the development</p>	<p>The site is considered un/suitable for the proposed development.</p>
<p>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Public Exhibition” in this report.</p>
<p>Section 79C (1) (e) – the public interest</p>	<p>No matters have arisen that would justify the refusal of the application in the public interest.</p>

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. 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 any conditions contained within the Recommendation.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No 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 vacant 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.

State Environmental Planning Policy - BASIX

A BASIX certificate has been submitted with the application. All required BASIX commitments have been noted on the application plans. Furthermore a condition of consent has been imposed requiring compliance with the requirements of the applicable BASIX certificate.

State Environmental Planning Policy - Infrastructure

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

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Regional Environment Plans (REPs)

None applicable to the relevant application.

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

Desired Future Character (DFC)

The subject site is located in the B2 Oxford Falls Valley Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

“The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained."

The proposed development is defined as "housing" under the WLEP 2000 dictionary. "Housing" is identified as Category 2 development in this locality.

Clause 12(3)(b) of WLEP 2000 requires the consent authority to be satisfied that the proposed Category 2 development is consistent with the Locality's DFC statement.

Accordingly, an assessment of consistency of the proposed development against the locality's DFC is provided hereunder:

Requirement: "Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway."

Comment: The proposal is subject to an existing allotment approved in 1962 and created in 1977 (both pre-dating WLEP 1985 and 2000) for the purposes of accommodating a dwelling and has since remained undeveloped. This application seeks to construct a detached dwelling on the already created allotment which will result in a low intensity, low impact use. The development is unlikely to create an undesirable precedent which would result in an increase in intensity and impact in the future due to the current limitations on subdivision under WLEP 2000.

Notwithstanding, the application was referred to the Director General of the NSW Department of Planning and Environment for concurrence with regards to this matter.

The site is not located on a ridge top or in a place which will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

In this regard, while the development does not satisfy the density criteria of this part of the Desired Future Character statement it does satisfy the requirement for a low intensity, low impact new detached style housing which will not have any impact upon the skyline.

Hence, the development is considered to satisfy this statement.

Requirement: “The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.”

Comment: The proposal has been designed to achieve consistency with this requirement of the DFC.

Requirement: “A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.”

Comment: This requirement is not applicable to the subject application.

Requirement: “Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.”

Comment: Adequate measures are made in this application to comply with this requirement.

As detailed above the proposed development is considered to be consistent / inconsistent with the Locality's DFC statement.

Built Form Controls (Development Standards)

The following table outlines compliance with the Built Form Controls of the above locality statement:

Built Form Standard	Required	Proposed	Comment	Compliance
Building Height	8.5m (ridge) 7.2m (ceiling)	6.8m 6.2m		Yes Yes
Housing Density	1 dwelling per 20 hectares	1 dwelling per 711.2m ² of site area on the existing allotment, however the existing <u>parcel</u> of land is 20.19 hectares.	Refer to commentary on Housing Density further in this report.	No
Front Setback	20m (north)	3.5-7.2m	Refer to commentary on	No

Built Form Standard	Required	Proposed	Comment	Compliance
			Front Setback further in this report.	
	20m (east)	1-3.5m	Refer to commentary on Front Setback further in this report.	No
Side Setback	10m (west)	0.5-1.3m	Refer to commentary on Side Setback further in this report.	No
	10m (south)	1m	Refer to commentary on Side Setback further in this report.	No
Landscaped Open Space	30%	213m ² or 30%	Complies	Yes

The proposed development is considered to fails satisfy the Locality's Housing Density, Front Setback, Side Setback and Landscaped Open Space Built Form Controls, accordingly, further assessment is provided against the provisions of Clause 20(1) hereunder.

Clause 20(1) stipulates:

“Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.”

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

(i) General Principles of Development Control

The proposal is generally consistent with / the development fails consistency with Clause/s # of the General Principles of Development Control and accordingly, qualifies / fails to qualify to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).

(ii) Desired Future Character of the Locality

The proposal is consistent with / the development fails consistency with the Locality's Desired Future Character Statement and accordingly, qualifies / fails to qualify to be considered for a variation to the development standards, under the

provisions of Clause 20(1) (See discussion on “Desired Future Character” in this report for a detailed assessment of consistency).

(iii) Relevant State Environmental Planning Policies

The proposal has been considered consistent / inconsistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under ‘State Environmental Planning Policies’). Accordingly the proposal qualifies / fails to qualify to be considered for a variation to the development standards, under the provisions of Clause 20(1).

Description of variations sought and reasons provided:

Housing Density Built Form Control

Built Form Standard	Required	Proposed
Housing Density	1 dwelling per 20ha of site area.	1 dwelling per 711.2m ² of site area.

Merit consideration of non-compliance

The site is a subdivided allotment, which at 711m², does not comply with the Housing Density Built Form Control which requires a density of one dwelling per 20ha (ie: 200,000m²).

However, exception (a) to this Built Form Control states that:

- (a) Where this standard would prevent the erection of one dwelling on an existing parcel of land, being all adjacent or adjoining land held in the same ownership on 8 March 1974 and having a combined area of not less than 2 ha*

Council’s records (“Existing Parcels Map”) demonstrate that the subject land was part of an existing parcel of land on the appointed date, which incorporates the following allotments of land:

- Lot 2414 in DP 752038 (the land subject to this application); and
- Lot 173 in DP 752038 (adjoining land to the south and west in the ownership of the Crown)

An excerpt from the map is shown below, see land marked “Griggs” numbered 4-3-90:



Both these allotments have a combined area of approximately 20,195m² or 20.19 hectares. Therefore, as the existing parcel exceeds 2 ha in area, the application for the proposed dwelling qualifies for this exception.

This application seeks to construct a detached dwelling on the already created allotment which will result in a *low intensity, low impact use*. The development is unlikely to create an undesirable precedent which would result in an increase in intensity and impact in the future due to the current limitations on subdivision under WLEP 2000. Notwithstanding, the application will be referred to the Director General of the NSW Department of Planning for concurrence with regards to this matter.

Front Setback Built Form Control

Description of Non-compliance

The site is in effect a corner allotment, with a 1.0m to 3.5m setback on the eastern unformed road reserve and a 3.5 to 7m setback proposed on the Morgan Road frontage. This represents a variation to the minimum 20m front setback of between 65-95% of the control.

Note: The area and dimensions of the existing allotment are such that the strict imposition of the required front setback provisions along the northern and eastern boundaries would render the site undevelopable.

Merit consideration of Non-compliance

- ***Create a sense of openness.***

The development involves the construction of a mostly single storey dwelling within an area which is occupied by dense bushland. The surrounding allotments have variable areas but are significantly larger than the existing property, which is an anomaly. In this context, the proposed front setbacks will not have any significant impact upon the openness of the area now or in the future if and when surrounding properties are developed.

The development satisfies this objective.

- ***Provide opportunities for landscaping.***

Sufficient areas are provided within the front setbacks of the proposed structure to comply with this objective.

- ***Minimise the impact of development on the streetscape.***

The streetscape currently consists of a variable width unsealed roadway bounded by dense bushland. No other development is evident along the roadway except the neighbouring property to the north at No. 23 Morgan Road which is concealed by vegetation and the sloping topography of that site.

The development involves the clearing of the bushland and will reveal the site to persons using the unsealed roadway (which only amounts to the above-mentioned neighbour) which will have a visual impact upon the streetscape but the impact is considered to be minimal due to the single storey scale of the building, the landscape treatment facing the unsealed roadway and is necessary under the circumstances in order to create an asset protection zone.

The development satisfies this objective.

- ***Maintain the visual continuity and pattern of buildings, front gardens and landscape elements.***

The site is located in an area predominantly occupied by dense bush land. The nearest dwelling is located approximately 51m to the north-west and is concealed from view by bush land and the topography of the neighbouring property at No. 23 Morgan Road. In this context, the front setbacks of the development do not have any adverse impact upon the visual continuity and pattern of buildings, front gardens and landscape elements.

The development satisfies this objective.

- ***The provision for corner allotments relates to street corners.***

The corner allotment provision refers to sites adjacent to Forest Way or Wakehurst Parkway and does not apply to this site.

Side Setback Built Form Control

Description of Non-compliance

A 1m to 2m setback is proposed on the southern side setback and 0.5-1.3m side setback on the western side setback. This represents a variation to the minimum 10m side setback of between 87-95% of the control.

Note: The area and dimensions of the existing allotment are such that the strict imposition of the required side setback provisions along the southern and western boundaries would render the site undevelopable.

Merit consideration of non-compliance

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

The development proposes the construction of a single storey detached dwelling. The scale of the dwelling is considered to be sufficient to avoid a dominant appearance and any adverse visual impact upon the roadway or surrounding space of the bushland.

The side setbacks proposed are considered to be sufficient for the scale of the building and are consistent with the side setbacks required for detached dwelling development in urbanised, low density areas.

The development satisfies this objective.

- ***Preserve the amenity of the surrounding land.***

Given the location of the site within a dense bushland setting and the single storey scale of the development, it is considered that the development will not have any significant adverse impact on adjoining properties with respect to privacy, solar access or view loss.

The development satisfies this objective.

- ***Ensure that development responds to site topography.***

The development does not propose excavation works which will significantly impact upon the existing topography. The site will be levelled at the base of the dwelling and surrounding landscaped area to the west and south resulting in a maximum cut of 0.7m along the southern boundary which is not considered to have any significant impact upon the topography.

The development satisfies this objective.

- ***Provide separation between buildings.***

The site is located within a dense bushland environment with the nearest buildings being located approximately 52m to the north-west. Given the large lot sizes in the immediate area, any future development will result in expansive side setbacks which are required by this Control. In this context the proposed side setbacks will not have any adverse impact upon building separation.

The development satisfies this objective.

- ***Provide opportunities for landscaping.***

Sufficient areas of landscaped open space is provided on the site to meet the requirements of this control.

The development satisfies this objective.

- **Create a sense of openness.**

The development involves the construction of a single storey dwelling within an area which is occupied by dense bushland. The surrounding allotments have variable areas but are significantly larger than the existing property, which is an anomaly. In this context, the side setbacks will not have any significant impact upon the openness of the area now or in the future if and when surrounding properties are developed.

The development satisfies this objective.

Therefore, in conclusion the above merit assessment has found that the development satisfies the relevant objectives of the Side Setback Built Form Control.

General Principles Of Development Control

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are considered of specific relevance in the assessment of the application. These are discussed below:

General Principles	Comments	Complies
CL48 Potentially Contaminated Land	Council records indicate that the subject site has been vacant for a significant period of time with no prior conflicting 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 continued residential land use.	Yes
CL51 Front Fences and Walls	A stone retaining wall, with a maximum height of 0.8m, is provided along the frontages of the site. The development is consistent with this control.	Yes
CL56 Retaining Unique Environmental Features on Site	The development requires the removal of all on-site vegetation to accommodate the proposed dwelling and the bushfire asset protection zone. This is considered to be necessary and the visual and functional impact upon the surrounding bushland will be minimal due to the concealment of the site from Morgan Road and other residential properties.	Yes
CL58 Protection of Existing Flora	Sufficient information has been provided with the application to determine that this General Principle has been achieved. Council's Biodiversity and Landscape Officers have no objection to the proposal.	Yes
CL62 Access to sunlight	The proposed dwelling will comply with this Principle.	Yes
CL63 Landscaped Open Space	Sufficient areas of landscaped open space are provided on the site to achieve this Principles.	Yes

General Principles	Comments	Complies
CL64 Private open space	The private open space provided as part of the proposed dwelling is sufficient to meet this objective.	Yes
CL65 Privacy	The windows, doors and other openings on the dwelling have been designed to satisfy this Principle.	Yes
CL70 Site facilities	Sufficient facilities have been provided to satisfy this objective.	Yes
CL71 Parking facilities (visual impact)	The proposed parking facilities have been designed in a manner that will comply with this Principle.	Yes
CL72 Traffic access & safety	Vehicular access is sufficient to satisfy this Principle.	Yes
CL74 Provision of Carparking	Two car spaces are provided to satisfy this requirement.	Yes
CL75 Design of Carparking Areas	Complies.	Yes
CL76 Management of Stormwater	Complies.	Yes
CL78 Erosion & Sedimentation	Complies subject to condition.	Yes

The application is sufficient to satisfy the requirements of the General Principles of Development Control.

Other Relevant WLEP 2000 Clauses

SCHEDULES

Schedule 8 - Site analysis

Site Analysis	A site analysis was provided.
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Schedule 17 - Carparking Provision

Carparking Provision	Two car spaces have been provided, to comply.
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DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are applicable to the subject application.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan adopted by Council on 13 June 2006 and became effective on 17 July 2006.

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan

Contribution based on a total development cost of \$ 799,000.00:

Total 1% \$ 7,990.00

CONCLUSION

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. 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 any conditions contained within the Recommendation.

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000 and the relevant codes and policies of Council.

Despite the non-compliances with the Housing Density, Front Setback and Side Setback Built Form Controls, the proposal is consistent with the objectives of these controls.

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

As a direct result of the application and the consideration of the matters detailed within this report it is considered that Council as the consent authority grant approval subject to the "Recommendation" section of this report.

RECOMMENDATION - APPROVAL

THAT Council as the consent authority grant Development Consent to DA2016/1291 for construction of a dwelling house and swimming pool on land at 19 Morgan Road BELROSE subject to the conditions printed below:

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

A04 Rev 01

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A01 Rev 01	09.12.16	Muri Architects and Interior Designers
A02 Rev 01	09.12.16	Muri Architects and Interior Designers
A03 Rev 01	09.12.16	Muri Architects and Interior Designers
A04 Rev 01	09.12.16	Muri Architects and Interior Designers
A05 Rev 01	09.12.16	Muri Architects and Interior Designers
A06 Rev 01	09.12.16	Muri Architects and Interior Designers
A07 Rev 01	09.12.16	Muri Architects and Interior Designers

Reports / Documentation – All recommendations and requirements contained within:		
Report Title / No. / Page No. / Section No.	Dated	Prepared By
Onsite Wastewater Management Report	16 November 2016	Envirotech
Bushfire Risk Assessment No.451-R	5 December 2016	R Coffey

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

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
1615-02 Revision A	November 2016	Paddock

Waste Management Plan		
Title	Dated	Prepared By
Waste Management Plan - 19 Morgan Rd, Belrose	-	-

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

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	eServices Reference	Dated
Ausgrid	Response Ausgrid Referral	5 January 2017
NSW RFS	Response RFS Referral	16 May 2017

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

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

3. Prescribed Conditions

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and

(ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

(i) in the case of work for which a principal contractor is required to be appointed:

A. the name and licence number of the principal contractor, and

- B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative Requirement (DACPLB09)

4. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground

stratum or are breaking up/removing materials from the site).

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

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

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

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

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

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

(h) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

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

works.

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

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

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

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

Note: Systems can be registered at www.warringah.nsw.gov.au

(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 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is

separate from any onsite stormwater management system.

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

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

(1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.

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

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

5. Works within the road reserve subject to Part 5 Assessment

If any works are required to the unsealed roadway for vehicle access, the applicant shall comply with the requirements of Part 5 of the Environmental Planning and Assessment Act 1979 for environmental impact assessment.

Reason: To ensure the environmental integrity of the flora and fauna within and adjacent to the roadway (DACPLBOC2)

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 799,000.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 7,590.50
Section 94A Planning and Administration	0.05%	\$ 399.50
Total	1%	\$ 7,990.00

The amount will be adjusted at the time of payment according to the quarterly

CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

7. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.warringah.nsw.gov.au/your-council/forms).

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

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

8. Vehicle Driveway Gradients

Driveway gradients within the private property are to comply with AS/NZS2890.1:2004 and are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. A suitably qualified civil engineer is to certify that the above requirement is satisfied.

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

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

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 Certifying Authority prior to the issue of the Construction Certificate.

Reason: Safety. (DACENC19)

10. Approval to Install an On-site Sewage Management System

Prior to the release of the Construction Certificate (CC), the applicant must receive an 'Approval to Install an On-Site Sewage Management System' from Council.

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

Reason: To fulfil the requirements under Section 68 of the Local Government Act 1993

11. Tree protection

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

- (b) Tree protection

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
 - ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
 - iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
 - iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
 - v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

12. Compliance with Standards

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

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

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

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

(a) AS 4970 - 2009 'Protection of trees on development sites'*

(b) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking*

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

13. Vehicular Access

No consent is granted for any works on any road reserve that adjoins the land subject to this consent.

Prior to the issue of the Construction Certificate, the applicant is to provide written evidence to the Certifying Authority from the owner/road authority of the road reserve that it is satisfied with any proposed vehicular access to the subject site.

Reason: To ensure vehicle access is obtained.

(DACPLCPCC1)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

14. Bushland Protection Fencing

Prior to the commencement of any onsite building works, the boundary between the adjoining Crown Land - natural bushland and zone and Lot 2414 DP 752038 construction area is to be surveyed and marked clearly on the ground.

A temporary 2.0 metre steel mesh fence is to be erected on the surveyed boundary between the Crown Land and the construction area for the duration of construction work.

Construction materials, waste, fill and vehicles must not be placed in the adjoining Crown Land.

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

Reason: To ensure that the vegetation in the adjoining Crown Land is protected during and after construction. (DACNED01)

15. Permanent Delineation of Property Boundary

The property boundary with adjoining Crown Land must be identified with permanent (steel or concrete) bollards located at 5 metre intervals. The permanent bollards are to be located on the north, west and southern boundary of the property.

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

Reason: Bushland Protection. (DACNED02)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. Trees Condition

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

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

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

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

Reason: Protection of Trees. (DACLA03)

17. Protection of rock and sites of significance

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

Reason: Preservation of significant environmental features (DACLAEOG1)

18. Weeds

No noxious or environmental weeds, as listed on Councils website are to be imported on to the site.

Any noxious weeds or environmental weeds on the site are to be removed and managed on an ongoing basis.

Details prepared by the project ecologist in writing demonstrating compliance is to be submitted to the Principal Certifying Authority.

Reason: To ensure bushland management. (DACNEE02)

19. Aboriginal Heritage

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

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

Reason: Aboriginal Heritage Protection. (DACAHE01)

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

20. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

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

- (a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage
- (b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage
- (c) National Plumbing and Drainage Code.

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

21. Installation of solid/fuel burning heaters

Installation work must be carried out by an appropriately experienced and qualified

person and in accordance with the relevant provisions of AS2918:2001 – Domestic Solid Fuel Burning Appliances – Installation

Reason: To ensure the installation is completed in a legislatively compliant manner. (DACHPFPOC2)

22. Certification of solid fuel burning heaters

A certificate from an appropriately qualified person indicating the system is compliant with all relevant legislation, Building Code of Australia, Australian Standards, Specifications and manufacturer requirements is to be submitted to Council prior to the operation of the solid fuel heater.

Reason: To ensure the system operates in a legislatively compliant manner. (DACHPFPOC2)

23. Approval to Operate a Wastewater Management System

Prior to the issuing of any Occupation Certificate, the applicant must receive a section 68 (Local Government Act 1993) 'Approval to Operate the Wastewater Management System' from Council.

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

Reason: To ensure the onsite waste water system meets the operational requirements of the Local Government Act.

24. Permanent delineation of APZ and property boundary

The property boundary with adjoining Crown Land must be identified with permanent (steel or concrete) bollards located at 5 metre intervals. The permanent bollards are to be installed on the north, west and southern boundary of the property.

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

Reason: Delineation of Asset Protection Zone and protection of adjoining bushland (DACNEFPOC2)

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

25. Maintenance of solid fuel heaters

The owner/occupier shall ensure servicing of the heater is maintained according to the manufacturer's specifications.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.(DACHPGOG1)

26. Operation of solid fuel burning heaters

You are requested to take all practicable measures to prevent the likelihood of causing smoke and/or odour nuisances. Such measures should include:

- Using dry seasoned hardwood
- Storing wood in a dry well ventilated place
- Having a hot and well oxygenated fire
- Ensuring that the chimney flue is clean
- Checking the chimney at different stages of the fire to see if there is any smoke

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community (DACHPGOG2)

27. Temporary Fencing During Construction

Temporary steel mesh construction fencing is to be maintained on the property boundary of Lot 2414 DP 752038 for the duration of construction work.

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

Reason: Protection of adjoining natural areas and Crown Land (DACNEGOG1)

"I am aware of Council's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest"



Date: 23 June 2017

Nick England, Planner



Date : 27 June 2017

Steve Findlay, Planning Assessment Manager

Right-click to sign
with CoSign

