

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0733
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 6 DP 224946, 10 Molong Street NORTH CURL CURL NSW 2099
Proposed Development:	Demolition works and construction of a dwelling house including swimming pool
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:	Gary Robert Brewer Amy Kathryn Wild
Applicant:	Gary Robert Brewer

Application Lodged:	03/06/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	09/06/2021 to 23/06/2021
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 6,995,233.00
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PROPOSED DEVELOPMENT IN DETAIL

The subject application seeks consent for the demolition of all structures on the site, and the construction of a dwelling house, a swimming pool and associated civil and landscaping works. No large tree removal is required.

An outline of the proposed development is as follows:

Basement RL:39.29

- A large basement level is proposed beneath the dwelling.

- Basement parking will be provided for three (3) vehicles, with a rainwater tank to be situated within the basement garage.
- Other rooms within this level will include a home gym, "mud" room, "comms. room", "pool plant" room and a plant room for PV batteries and services.
- A stairway to upper levels is to be situated on the eastern side the floor layout.
- Vehicular access to this area will be obtained via a ramped driveway beneath the southwest corner of the dwelling.

(Note the basement width has been reduced in volume by a wider setback (below ground) to the east and west side boundary)

Ground floor RL:42.69

- This level is to consist of a living area at the front/southwest corner of the dwelling, with a large open-plan living area (including a kitchen, dining and sitting area) towards the rear of this level.
- Other rooms include a rumpus room, powder room, laundry and pantry.
- An open pavilion is to be located in front of the southeast corner of the dwelling.
- A large deck (including a BBQ and lounge area) is to be located to the rear of the dwelling; access to this area and the adjacent private open space area will be via sliding doors.

First floor RL:46.19

- The first level is to consist three (3) bedrooms (each with an ensuite and walk-in-robe (WIR)). The master bedroom on the western side of the dwelling will include a large ensuite and larger WIR than the other bedrooms.
- Other rooms include a study on the southern side of this level and a large void area.

(Note: the building profile has been lowered to better accommodate views overlooking the site from land to the north.)

- Roof ridge RL49.88 to RL50.03

Ancillary Site works:

- A single-level studio (out-building) is to be located within the rear northwest side of the site. This structure (part connected to the rear of the dwelling by a part-roofed area) will include a multi-function room, pool room and bathroom.
- A large 70kL swimming pool is to be located within the rear/northeast side of the site.
- New landscaping works are proposed around the site.
- Civil works are proposed, which includes significant levelling/excavation works (mainly within the basement and rear setback areas) and stormwater works.
- Any change to side / rear fencing is subject to the *Dividing Fences Act*. Generally the existing fencing is of standard timber paling style.

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 - B9 Rear Boundary Setbacks

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

Warringah Development Control Plan - D7 Views

Warringah Development Control Plan - D8 Privacy

Warringah Development Control Plan - E4 Wildlife Corridors

SITE DESCRIPTION

Property Description:	Lot 6 DP 224946 , 10 Molong Street NORTH CURL CURL NSW 2099
Detailed Site Description:	<p>The subject site is identified as 10 Molong Street, North Curl Curl (Lot 6, DP224946), and consists of a single regularly-shaped-shaped allotment that is located on the northern side of Molong Street.</p> <p>The site has a area of 802.6m² (survey), a width of 19.505 metres and a depth of 41.15 metres. The site is moderately sloped, with a rear-to-front fall of approximately 3.15 metres.</p> <p>The site is located within an R2 Low Density Residential zone, with all adjoining allotments and sites being within R2-zoned areas. The forward (i.e. southern) parts of the site is mapped as forming part of a wildlife corridor, however it is not mapped as being affected by any major considerations and hazards. The site does not contain a heritage item, is not within a heritage conservation area and is not in close proximity to a mapped heritage item.</p> <p>Development on the site consists of a single level dwelling house with a garage/semi-basement level beneath; an inground swimming pool and a deck is also located within the rear setback area. Other than a driveway to the garage, the remainder of the site generally consists of landscaped</p>

areas.

Detailed Description of Adjoining/Surrounding Development

Surrounding residential-zoned allotments within the surrounding area consists predominately of low-density residential development (i.e. detached dwelling houses and associated development such as swimming pools. RE1-zoned sites within the surrounding area (predominately to the south and west) are undeveloped and consist of mostly vegetated areas, the only notable exception being a public adjacent to the Harbord Lagoon outlet to the ocean.

Map:



SITE HISTORY

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

- 22 January 2008: Development Application no. DA2007/1285 approved for the installation of solar panels.
- 3 June 2021: Subject Development Application lodged.

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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&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 allows Council to request additional information. Additional information was provided by the applicant to address concerns / issues with the environmental assessment, including submission issues. This includes minor amendments to the plans to retain existing hedge planting along parts of the rear and side setbacks to enhance the established privacy screening, details to retain and supplement selected planting with native species, reduced excavation toward the rear fence line and reduced basement width, repositioning the A/C units under the stairs, deleting the rear door of pool outbuilding, minor change to the 'alfresco lounge' space and lowering the height of the dwelling profile. This matter could otherwise be achieved by routine conditions as minor assessment changes and therefore do not warrant re-notification pursuant to 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 clause is not relevant to this application. The applicant is undecided on the installation of the indicated gas fireplace or BBQ outdoor cooking appliances. Therefore any wood burning appliance is addressed by separate Section 68 approval / application as a standard requirement under the <i>Local Government Act</i>.</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</p>

Section 4.15 Matters for Consideration'	Comments
	<p>matter has been addressed via a condition of consent.</p> <p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered to be suitable for the proposed development and issue of views, excavation, geotech, demolition, drainage, building height, landscaping, amenity, privacy, noise and the associated residential environment have been considered.
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 09/06/2021 to 23/06/2021 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:
Kevin Macmillan	C/- T & M Pools T/As Narellan Pools Pty Ltd Po Box 667 ROUND CORNER NSW 2158

Name:	Address:
Barica Teofilo	26 Ian Avenue NORTH CURL CURL NSW 2099

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

26 Ian Avenue:

- View loss / view sharing.
- Rear setback area noise
- Outbuilding and privacy

28 Ian Avenue:

- Ocean views
- Rear setback encroachment
- Excavation

The matters raised within the submissions are addressed as follows:

- *Concern that there is some view impact from the proposal by overlooking properties at No. 26 Ian Avenue and No.28 Ian Avenue.*

Comment:

This issues is addressed in the detailed merit assessment of *Part D7 Views* of WDCP 2011 within this assessment report. In summary, the building complies with the building envelope, wall height and maximum height controls and some minor reduction further reduction in height was made to assist in view sharing during the assessment consideration. Overall the proposed development will not result in significant nor unreasonable losses of views from surrounding sites. This issue does not warrant refusal of the application.

- *Concern that there may be noise or privacy impacts from the pool outbuilding to adjacent land (such as door openings at the rear).*

Comment:

Despite referring to a 'pool room', the proposed outbuilding within the rear setback is not proposed to contain any pool/plant equipment. Such equipment is proposed to be located in a dedicated room within the proposed basement level. The use of this outbuilding is therefore not expected to result in any noise generation that will adversely affect surrounding site, and a minor amendment to the plans was made during the assessment to not have door openings to the rear boundary. This issue does not warrant refusal of the application.

- *Concern regarding the rear setback excavation of existing landscape buffer for land to the rear that assists with existing privacy.*

Comment:

Whilst a variation to the minimum rear setback requirement, the proposed 3.6 metre rear setback of the outbuilding is considered to be satisfactory, subject to conditions. Refer to the assessment of Section B9 of WDCP 2011 within this assessment report for further details. In summary, the applicant has nominated to retain and supplement the existing planting with some replacement of unsuitable species such as bamboo in favour of native endemic coastal species. This issue does not warrant refusal of the application.

- *Concern with the layout of outbuilding encroachment area into the rear setback area and a semi-habitable building.*

Comment:

The layout of the outbuilding will not have adverse visual impacts on adjoining sites to the rear of the subject site. The floor level of the outbuilding will be approximately 1.4 metres below existing ground level; the 1.8 metre high rear boundary fence and landscaping within that area (subject to conditions) will also further block views towards sites adjoining the rear boundary of the subject site. This issue does not warrant refusal of the application.

- *Concern regarding the extend / scale of excavation for the dwelling house.*

Comment:

There are no specific requirements limiting the volume of material that may be excavated from the site. Aside from the access driveway, the basement will be located within the footprint of the dwelling above, and will not encroach unreasonably upon landscaped areas elsewhere on the site. The subject DA is accompanied by a geotechnical assessment, which confirmed that the the proposed earthworks are acceptable for the site, subject to recommendations that will also form conditions of consent.

The earthworks will not facilitate development that is of unreasonable bulk and scale, noting that the proposed ground floor level of the dwelling will be close to existing ground levels and the overall height of the building is well within maximum height requirements. Further, the construction of a basement level is a common feature for houses on sloping land in the local area where the opportunity to provide basement parking exists. As such, from a planning perspective with regard to the proposed scale of excavation and in consideration of this issue, the applicant reduced the volume and width of basement excavation so it is generally now 1.5m from the side boundaries. A condition for a dilapidation report is recommended and this issue does not warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>Supported with conditions.</p> <p>The application proposes demolition of the existing structures and the construction of a new dwelling including a basement garage, driveway, swimming pool and associated landscaping.</p> <p>Councils Landscape Referral section has considered the application against the Warringah Local Environment Plan, and the following Warringah DCP 2011 controls:</p> <p>I D1 Landscaped Open Space and Bushland Setting</p> <p>I E1 Preservation of Trees or Bushland Vegetation</p> <p>The plans indicate that no significant landscape features are affected by the proposed works. Existing rock outcrops at the front of the site are retained and integrated into the proposed landscape works, which is supported.</p>

Internal Referral Body	Comments
	No objections are raised with regard to landscape issues, subject to conditions.
NECC (Bushland and Biodiversity)	<p>Supported with conditions.</p> <p>Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:</p> <p>Biodiversity Conservation Act 2016 (BC Act) State Environmental Planning Policy (Coastal Management)</p> <ul style="list-style-type: none"> Coastal Environment Area <p>Warringah Development Control Plan (WDCP)</p> <ul style="list-style-type: none"> Clause E2 Prescribed Vegetation Clause E4 Wildlife Corridors Clause E6 Retaining unique environmental features <p>The application seeks approval for proposed demolition of the existing structures and the construction of a new dwelling including a basement garage, driveway, swimming pool and associated landscaping. The application does not require the removal of prescribed trees or vegetation, nor is it likely to impact on nearby biodiversity values. Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.</p>
NECC (Coast and Catchments)	<p>Supported without conditions.</p> <p>Coast and Catchment team have assessed the application details and referral.</p>
NECC (Development Engineering)	<p>Supported with conditions.</p> <p>The submitted stormwater design including OSD is satisfactory. The proposed driveway crossing and internal driveway grade is acceptable.</p> <p>No objection to approval, subject to conditions as recommended.</p>
NECC (Riparian Lands and Creeks)	<p>Supported with conditions.</p> <p>This application has been assessed against relevant legislation and policy relating to waterways, riparian areas, and groundwater.</p> <p>This site is close to North Curl Curl Beach and the Lagoon and as such the development must not significantly impact on the biophysical, hydrological or ecological integrity of Curl Curl Beach or the Lagoon, or on the quantity and quality of surface and ground</p>

Internal Referral Body	Comments
	<p>water flows to Curl Curl Beach or the Lagoon. Sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover reestablished.</p> <p>This application, subject to conditions, is recommended for approval as it is unlikely to have an adverse effect on the integrity and resilience of the biophysical, ecological and hydrological environment of Curl Curl Beach or the Lagoon if conditions are adhered to.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to <i>Ausgrid</i> . A referral response was received on 16 June 2021 which indicated that there was no objection to the proposal, no conditions or special advice recommended.

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. 1203698S_03, dated 29 May 2021). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 00016039036-02).

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

Commitment	Required Target	Proposed
Water	40	40

Thermal Comfort	Pass	Pass
Energy	50	86

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 received on 16 June 2021 which indicated that there was no objection to the proposal, no conditions or special advice recommended.

Other Service Infrastructure Authorities

Referral is not required to the Roads and Maritime Service and no other service infrastructure referral issues are raised pursuant to the SEPP.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

10 Development on certain land within coastal wetlands and littoral rainforests area

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
 - the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
 - the carrying out of any of the following:*
 - earthworks (including the depositing of material on land),*
 - constructing a levee,*
 - draining the land,*
 - environmental protection works,*

- (d) any other development.

Comment:

Not applicable.

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

Not applicable.

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) *the proposed development:*
 - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
 - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
 - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and*

current
and
future
coastal
hazards.

Comment:

Not applicable.

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

Comment:

Subject to conditions during demolition and construction, the proposal will have no foreseeable impact on the coastal environment in terms of water quality, native vegetation retention, indigenous heritage and access to foreshore areas.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

Subject to conditions for erosion controls the proposed development will have no foreseeable impact on foreshore areas.

14 Development on land within the coastal use area

- (1)
- (a) *has considered whether the proposed development is likely to cause an adverse*

impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
- (b) is satisfied that:
- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposed development will not have significant and unreasonable impacts on the coastal environment in terms of visual/scenic amenity, overshadowing, loss of views and/or indigenous and local heritage.

As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposal will have no foreseeable impact on coastal hazards such as beach dune areas, vegetation and water / tidal zones.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.0m	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	N/A
5.3 Development near zone boundaries	N/A
5.8 Conversion of fire alarms	N/A
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	E: 7.2m	7.1m	N/A	Yes
	W: 7.2m	5.9m	N/A	Yes
B3 Side Boundary Envelope	E: 5m 5m at 45 degrees	Within envelope (eaves permitted)	N/A	Yes
	W: 5m at 45 degrees	Within envelope (eaves permitted)	N/A	Yes
B5 Side Boundary Setbacks	E: 0.9m	0.9m ground level wall 0.9 to 1.5m basement	N/A	Yes
	W: 0.9m	0.9m ground level wall 0.9m to 1.5m basement	N/A	Yes
B7 Front Boundary Setbacks	6.5m	Min. 6.5m Wall line	N/A	Yes
B9 Rear Boundary Setbacks (Ancillary structures permitted for 50% area)	6m	Dwelling: 15.5m Outbuilding: 3.6m Pool 2.8m	N/A 40%	No*
D1 Landscaped Open Space (LOS) and Bushland Setting Site area 802.6sqm	40% (321.04m ²)	37% (296sqm)	7%	No*

*Refer to detailed merit assessment under the Built Form Controls within this report.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	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	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	N/A	N/A
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B9 Rear Boundary Setbacks

The proposal includes an outbuilding and pool area across 60% of the rear setback area and within the

6.0m rear 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 ensure opportunities for deep soil landscape areas are maintained.*

Comment:

The development will facilitate new landscape regime to replace the trees removed for the building footprint. Landscaping provided seeks to enhance the visual quality of the setback including providing planting within the shaded undercoft area to soften the appearance of the building when viewed from Ian Avenue and adjacent land for the modification. Rear building setbacks in the vicinity of the site vary due to the subdivision pattern and landform constraints (bedrock, slope ect). Landscaping and excavation re-instate some elements closer to the natural ground level and the new pool area rear setback will be battered / terraced with elements of the existing landscaping retained and supplemented / replaced with native endemic species, and remove some exotic plants such as bamboo. Therefore, the denser landscaping buffer and renewed lawn areas with ensure suitable deep soil and buffer is provided across the rear yard area.

- *To create a sense of openness in rear yards.*

Comment:

The pattern of development adjacent is dominated by a wide yards with various ancillary structures and swimming pools. To the north the rear yards are generally narrower and the irregular lot shapes of the cul-de-sac have more irregular yard areas adjacent. In this regard the landscaped setback will be maintained within 2 to 3m of the rear boundary and replacement landscaping works used to restore species to be removed during the construction process and the DA plans provide suitable concept details of this to maintain and landscape setting for the open rear yard area.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

The studio/outbuilding structure within the rear setback is proposed to have a rear setback of 3.6 metres. Whilst it is within the 6.0m setback zone, this single-storey outbuilding building is not inconsistent with other similar structures within the locality (e.g. studios, secondary dwellings, sheds, outbuildings, pools etc.) and has flat roof set low against the surrounding land to the north. As such, the outbuilding will still enable a relative sense of openness within the rear setback area. The building has been changed to a minor degree to improve privacy toward the rear with no door openings near the back fence. the placement of the building in this location will still enable opportunities for deep soil landscape areas to be maintained.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape*

elements.

Comment:

The proposal seeks to remove the existing backfilled pool structure and levels and batter part of the land behind the new pool to facilitate new landscape regime to replace some the existing screen planting (bamboo) and supplement the screen planting with dense planting along the rear boundary fence. The cabana / pool outbuilding is lower than adjacent land with a flat roof and offset from the rear and side boundaries. Outbuildings of this type are permitted as minor encroachments into the rear setback area. Landscaping provided seeks to enhance the visual quality of the setback including providing planting within 2m to 3m of the rear boundary area to soften the appearance of the building when viewed from over the rear boundary line (north).

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

Further, the outbuilding will not adversely nor unreasonably affect views, solar access (both internally and to surrounding sites) and the visual privacy of surrounding sites, since the applicant has deleted the rear doorway openings. With regard to the above, the objectives of the control will be satisfied. The variation is therefore considered to be acceptable and supportable on merit.

Having regard to the above assessment, it is concluded that the proposed modification of 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, in this particular circumstance.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The development will maintain 37% landscaped open space for the site.

Merit consideration

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

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

Comment:

The redevelopment of the site for a new house includes replacement planting is proposed to restore the landscaped setting when viewed from the rear and also Molong Street. Replacement planting will maintain and enhance the streetscape by the use of native coastal species, this includes using ferns and shade plants under the decks to provide green cover and screen the space when viewed from the street.

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

Comment:

The proposal will require the removal of most trees on the lower side of the site below the swimming pool structure as assessed with the original modification. A comprehensive replacement tree planting schedule is detailed on the landscape plans drawn by *Dangar Barin Smith*, dated May 2021. Proposed works include the removal of weed species, new lawn and planting of indigenous vegetation including Coastal Banksia and other local species. This is generally unchanged across the broader site area.

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

Comment:

A range of plant species are to be used that vary from ground covers to about 8m high *Coastal Banksia*, and medium size planting that are commensurate with the surrounding residential landscape. The remainder of the property has some natural exposed bedrock and also mixed landscaping areas interspersed with pathways and other structures / buildings. The front setback remains the same for the majority of principal planting regime.

- *To enhance privacy between buildings.*

Comment:

The elevated location of the building and streetscape setting does not adversely affect privacy to adjoining land in Molong Street, including the external elements (windows, balcony, landscaping) for the new house. The building maintains reasonable privacy to surrounding land that is consistent with the pattern of development.

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

Comment:

The site has suitable garden areas between the swimming pool and rear fence with some practical lawn areas due to the gentle slope of the land and topography. The landscaped gardens, pool and deck areas provide recreational opportunities for the property suitable for the occupants. Landscaping is dispersed and includes boundary areas (within 0.9m of the fenceline in places) and remains suitable to soften the building appearance and enhance the coastal landscaped setting.

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

Comment:

Adequate space will be retained for domestic service functions with the available private open space areas and surrounds of the buildings.

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

Comment:

The stormwater management is consistent and does have a significant impact on natural runoff or infiltration of stormwater for the site, and includes water tank in the basement.

Having regard to the above assessment, it is concluded that the proposed modification of 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, 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 Curl Curl Beach and North Head and the Sydney city skyline CBD and are across the rear of the site but from various positions are in addition to a broader / alternate view. The view view is partly shared / interrupted by other surrounding development and trees but overlooking across the central area of the site when looking directly toward Manly Headland. The properties potentially affected / most concerned are No.28 & No.26 Ian Avenue and to a lesser extent other nearby properties, due to the subdivision / building pattern and topography. A site inspection was made of the site and in the vicinity of the site to evaluate the broad views available to surrounding houses. Consideration of the submission raising view impact is considered in association with the proposed built form has been made. A general assessment of the 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 south and the coastal interface, Manly / North Head headland, CBD area and coastal horizon.

Other properties adjacent the site and to the east and west (Molong Street), also have expansive views especially from the first floor level, and view sharing is maintained. These

surrounding properties have open reserve to the south of Molong Street and maintain boarder views of the coastal hinterland from their position.

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:

Limited views are obtained from the upper level (where higher topography permits) and the upper storey of dwelling behind the site in Ian Avenue due to the window / room arrangements, built form and landscape spaces. The views are generally limited to the upper storey level. 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 (rear boundary), by others, are over side boundaries (side views), these are valuable views because the dwellings are configured to capitalise on the coastal southern 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, limited to standing views mostly. The standing and sitting views from the deck and side / rear windows are across a rear setback area 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 similar to the existing building but higher, and therefore has some view line impact. Views affected from the upper floors of adjacent surrounding dwellings will mostly impact a minor component with the existing view already heavily built out on either side of the proposed building. The views available from different standing positions for upper storey level and are considered to be generally from rear / side rooms and balcony space. No tangible sitting views are available that could be regarded as extensive. The view can change with respect to a particular standing position, such as toward the middle or side of the adjacent sites, 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 minor from No.28 and No.26 Ian Avenue following site inspection and a minor change to further lower the roof profile / height.



- Figure: Photo view SW across site from 28 Ian Avenue (standing position balcony).



- Figure: View South across site from No.26 Ian Avenue (standing position side window room)

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 mid- section of the building roof through central area of the site. The dwelling complies with the 8.5m height control and there are no non-compliances with the 7.2m wall height control or side boundary envelopes accentuated by any steeply sloping land or other significant building features (such as a lift shaft). Overall, the view impact is regarded as minor in that the applicant has sought to accommodate the principal views for adjacent properties would overlook the rear or the roofline (central area) and a minor reduction of the building height was made during the assessment to

further reduce the impact. The overall building bulk, scale, setback and shape is consistent with adjacent dwellings and is considered to be a suitable design for the site that is compatible with adjacent dwellings.

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

Comment:

The proposed roof is of low hipped style to assist in maintaining views for overlooking properties toward the subject site. Separation of the roof 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 roof style is consistent with the DCP controls, which encourage pitched roof forms.

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

Comment:

There are no trees causing any significant obstruction to views within the site. The existing palms shown in site photos are on adjacent land. The new landscape planting is generally 8.0m 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 design and landscaping has addressed privacy impacts by minimal side windows due to this dwelling having an outlook and window placement to gain light and coastal views. Therefore, no unreasonable privacy or acoustic impacts are directed toward adjacent land 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. 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 entry area.

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.

E4 Wildlife Corridors

Despite mapping indicating that southern areas of the site are affected by a wildlife corridor, a review of available information has not identified significant native vegetation within such areas. Other than the excavated driveway, the proposed layout of the southern areas of the site outside of the building footprint does not show any major impediment to the movement of wildlife across the site. The relevant objectives of the controls will therefore be satisfied.

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 \$69,952 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$6,995,233.

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 DA2021/0733 for Demolition works and construction of a dwelling house including swimming pool on land at Lot 6 DP 224946, 10 Molong Street, NORTH 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
BASIX Commitments (Drawing no. DA002, Issue 1)	27.05.2021	CM Studio
Site Plan and Site Analysis (Drawing no. DA101, Issue 2)	9.7.2021	CM Studio
Basement Floor Plan (Drawing no. DA102, Issue 2)	9.7.2021	CM Studio
Ground Floor Plan (Drawing no. DA103, Issue 2)	9.7.2021	CM Studio
First Floor Plan (Drawing no. DA104, Issue 1)	27.05.2021	CM Studio
Roof Plan (Drawing no. DA107, Issue 2)	9.7.2021	CM Studio
Elevation South (Front) (Drawing no. DA201, Issue 2)	9.7.2021	CM Studio
Elevation North (Rear) (Drawing no.	9.7.2021	CM Studio

DA202, Issue 2)		
Elevation West (Drawing no. DA203, Issue 2)	9.7.2021	CM Studio
Elevation East (Drawing no. DA204, Issue 2)	9.7.2021	CM Studio
Section A (Drawing no. DA300, Issue 2)	9.7.2021	CM Studio
Section B (Drawing no. DA301, Issue 2)	9.7.2021	CM Studio
Section C (Drawing no. DA302, Issue 2)	9.7.2021	CM Studio
Section D (Drawing no. DA303, Issue 2)	9.7.2021	CM Studio
Basement Excavation Plan (Drawing no. DA350, Issue 2)	9.7.2021	CM Studio
Ground Floor Excavation Plan (Drawing no. DA351, Issue 2)	9.7.2021	CM Studio
Excavation Section A (Drawing no. DA352, Issue 2)	9.7.2021	CM Studio
Excavation Section B (Drawing no. DA353, Issue 2)	9.7.2021	CM Studio
Excavation Section C (Drawing no. DA354, Issue 2)	9.7.2021	CM Studio
Excavation Section D (Drawing no. DA355, Issue 2)	9.7.2021	CM Studio
Schedule of Materials (Drawing no. DA600, Issue 1)	27.05.2021	CM Studio
Window Schedule (Drawing no. DA601, Issue 1)	27.05.2021	CM Studio

Engineering Plans		
Drawing No.	Dated	Prepared By
CP 100 A Coverage notes and calculations	18.5.2021	RTS Civil Consulting
SW 100 A Basement & Ground Stormwater Management Plan	18.5.2021	RTS Civil Consulting
SW 101 A First Floor and roof Stormwater Management Plan	18.5.2021	RTS Civil Consulting
SW 200 A Stormwater Drainage Details	18.5.2021	RTS Civil Consulting
SW 201 A Stormwater Drainage Details cont.	18.5.2021	RTS Civil Consulting
SE100 A Site Sediment and Erosion Control Plan	18.5.2021	RTS Civil Consulting
SE 200 A Sediment and Erosion Control Plan Details	18.5.2021	RTS Civil Consulting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By

BASIX Certificate no. 1203698S_03	29.05.2021	The House Energy Rating Company of Australia
Geotechnical Investigation and Slope Stability Risk Assessment (Ref. 3840Brpt)	12.04.2021	JK Geotechnics

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Plan (Drawing no. DA01-D2721, Rev. C, Issue 01)	21.05.2021	Dangar Barin Smith
Landscape Plan (Drawing no. DA02-D2721, Rev. C, Issue 01)	21.05.2021	Dangar Barin Smith

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	27.05.2021	Gary Brewer

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

2. **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	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	16 June 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**

- All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- 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);
- 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) The installation of any solid (wood) burning appliance requires a separate 'Section 68' application / approval pursuant to the NSW Local Government Act 1993.
- (o) All sound producing A/C plant, pump motors, air conditioning machinery or fittings and the like, to service the building must 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.
- (p) 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 \$69,952.33 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 \$6,995,233.00.

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. Amendments to the approved plans

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

- i) The 'gravel' area between the rear of the outbuilding and the rear boundary (as shown on the approved *Landscape plans*) is to be removed. This area is to be replaced with landscaped areas only (i.e. areas capable of growing turf, plants and trees), and is not to include paving or graveled walkways.
- ii) Existing shrub planting and ground levels within 2.0 metres (m) of the rear boundary is to be maintained in situ (not including bamboo) and supplemented with new species as per the approved *Landscape plan*. Excavation behind the rear (north) of the proposed pool is to be battered / terraced in order to maintain deep soil zones and minimise excavation / footings over the sewer line.
- iii) The setback for the basement excavation shall be not closer than 1.5m (except for the stairwell) to the eastern and western site boundary line.
- iv) Existing hedge planting along the western boundary adjacent the proposed BBQ area and pool outbuilding shall be retained and supplemented with new species as per the approved *Landscape Plan*.
- v) The air conditioner motors are to be relocated to the void space under the basement stair as indicated on the *Approved plans*.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

8. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

9. 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 Policy and generally in accordance with the concept drainage plans prepared by RTS Civil Engineers, drawing number 210202 CP100, SW100, SW101, SW200 and SW201 Issue A, dated 18.05.2021. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

1. A second access grate in the diagonally opposite corner of the OSD tank is to be provided for maintenance

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.

10. **Vehicle Driveway Gradients**

The Applicant is to ensure driveway gradients within the private property do not to exceed a gradient of 1 in 4 (25%) with transition gradients in accordance with AS/NZS 2890.1:2004. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent.

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

Reason: To ensure suitable vehicular access to private property.

11. **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.

12. **Vehicle Crossings Application**

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

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

13. 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.

14. External Finishes to Roof

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

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

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

15. Sydney Water "Tap In"

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

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

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

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

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

16. Waste Management Plan

A Waste Management Plan must be prepared for this development, which addresses all parts of the proposal (i.e. demolition and construction). The Plan must be in accordance with the Development Control Plan.

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

17. 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 listed below, both internally and externally, including walls, ceilings, roof, structural

members and other similar items.

- 8 Molong Street, North Curl Curl
- 12 Molong Street, North Curl Curl
- 28 Ian Avenue, North Curl Curl

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

18. 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.

19. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected including:
 - i) all trees and vegetation within the site not indicated for removal on the approved plans, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - 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), vi) and vii) 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:

- c) 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.

20. **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.

21. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by <INSERT> prior to commencement of any other works on site.

Erosion and sediment controls 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 vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

22. **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.

23. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

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

Reason: To demonstrate the proposal complies with the approved plans.

24. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 3.8 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/2 NH and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be

inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

25. Waste Management During Development

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

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

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

26. Dewatering Management

Tailwater (surface water and rainwater): Please contact catchment@northernbeaches.nsw.gov.au for advice on Council's water quality requirements for a single instance of dewatering tailwater that collects in an excavation during works. A dewatering permit application must be made for expected multiple instances or continuous dewatering of tailwater.

Groundwater: A permit from Council is required for any dewatering of groundwater. An application for interference with an aquifer is required to the Natural Resources Access Regulator. Contact catchment@northernbeaches.nsw.gov.au for more information about permits.

The groundwater/tailwater to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Reason: Protection of the receiving environment and groundwater resources.

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

27. Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan.

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

Reason: Environmental amenity.

28. Certification of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans and these conditions of consent.

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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

29. No Weeds Imported On To The Site

No Priority or environmental weeds are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

30. Post-Construction Dilapidation Report

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

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

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

The Applicant shall lodge the Legal Documents Authorisation Application with Council. The applicant shall 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) and Hydraulic Engineers' certification.

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 disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgment 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 over the on-site storm water disposal structures is to be submitted.

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

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

32. **House / Building Number**

House/building number is to be affixed to the letterbox / fence 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.

33. **Waste Management Confirmation**

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

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

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

34. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

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 20/07/2021, under the delegated authority of:



David Auster, Acting Development Assessment Manager