

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/1744
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Responsible Officer:	Maxwell Duncan
Land to be developed (Address):	Lot 13 DP 300716, 153 Queenscliff Road QUEENSCLIFF NSW 2096
Proposed Development:	Alterations and additions to a Dwelling House
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Domenico Capogreco
Applicant:	Rapid Plans Pty Ltd

Application Lodged:	24/09/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	08/10/2021 to 22/10/2021
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 370,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for alterations and additions to the existing dwelling house.

The works incorporate the following:

- Double garage;
- Lower floor (Studio) addition;
- Second floor addition, including
 - Master bedroom with walk-in robe and ensuite
 - Deck;
- Ground floor alterations extension including allow for new deck to the front and rear
- First floor deck and alterations;

- Demolition works; and
- Associated landscaping.

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 - B3 Side Boundary Envelope
 Warringah Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - B9 Rear Boundary Setbacks
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

SITE DESCRIPTION

Property Description:	Lot 13 DP 300716 , 153 Queenscliff Road QUEENSCLIFF NSW 2096
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northern side of Queenscliff Road, Queenscliff.</p> <p>The site is irregular in shape with a frontage of 11m along Queenscliff Road and a depth of 30.5m. The site has a surveyed area of 294.6m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a dwelling house.</p> <p>The site is sloping up from the existing house front face to the back yard area of the property approximately 10m, the dwelling is sitting high on top of the bed rock surface.</p>

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by residential development.

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

CURRENT APPLICATION

Following a preliminary assessment of the application Council wrote to the applicant on 27 October 2021, outlining concerns that would not allow for Council to support the application in its current form. The concerns related to building height non-compliance, secondary dwelling non-compliance, privacy, bulk and scale and landscaping. Following receipt of the letter the applicant advised Council that they intended to amend the development application. Council agreed to accept amendment to the application.

Amended plans were provided to Council on 18 November 2021, 9 March 2022 and 24 May 2022. The changes proposed reduced the overall bulk and scale of the proposed dwelling, deletion of the secondary dwelling and landscape alterations. As the proposed development reduced the size and scale of the overall development renotification was not required in accordance with the Northern Beaches Council Community Participation Plan.

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>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to bulk and scale, landscaping and stormwater.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission</p>

Section 4.15 Matters for Consideration	Comments
	of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 08/10/2021 to 22/10/2021 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:
Mrs Sian Elisabeth Bucknall	151 Queenscliff Road QUEENSCLIFF NSW 2096
Mr Gregory Stuart Whiteley	155 Queenscliff Road QUEENSCLIFF NSW 2096

The following issues were raised in the submissions:

- **Street parking**
- **Construction impacts (Asthma)**
- **Street trees/ Tree replanting**

The above issues are addressed as follows:

- **Street parking**

The submissions raised concerns that the proposed development will contribute to loss of street parking during construction and have requested that parking in the street only be allowed for cars and not trailers and boats.

Comment:

Trailers (eg. boat trailers, caravans etc.) are defined under Road Rule no.15 as vehicles. They may be parked at any location, provided that there are no signposted or statutory parking controls at that location. Therefore council does not have the ability to make the street 'Car only'.

- **Construction impacts (Health)**

Concern is raised in regards to the potential of hazardous materials (Dust) being exposed during demolition of the existing dwelling house certificate.

Comment:

Suitable conditions has been imposed as part of this recommendation to ensure the suitable management of hazardous material removal in accordance with relevant Australia Standards. Evidence is to be provided to certifier prior to construction certificate.

- **Street trees/Tree replanting**

The submissions raised concerns with Council's landscape officer referral dated 10 March 2022. The objection notes that the proposed condition "**Protection of Existing Street Trees**" is inappropriate and as the tree in questions is unstable and leading to impact on the subject site and adjoining development.

Comment:

In response to this objection, the applicant provided amended plans, an Arboricultural report and engineering structural report which noted the instability of the existing street trees. Council's landscape officer reviewed the information put forth by the application top of the submission and amended the landscape referral to allow for both street trees to be removed.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	30 May 2022 A Structural Report and a Arboricultural Impact Assessment is submitted in relation to the structural integrity of existing retaining

Internal Referral Body	Comments
	<p>walls and the impact to existing two street trees within the road reserve, as well as the impact to these trees from adjacent prior tree removal, and the proposed works.</p> <p>The Structural Report indicates that extensive excavation works near the trees impacts the root systems. The Arboricultural Impact Assessment investigation concludes that the prior loss of existing adjacent trees has resulted in the two Mock Olive trees becoming unbalanced and unstable. As identified in the Arboricultural Impact Assessment, tree 1 is in fair condition only and if the retaining wall continues to collapse then the tree may fail and fall, whilst tree 2 is in poor health with structural defects. Both trees are recommended for removal based on their current condition and the condition of the existing retaining wall, and tree 2 is required to be removed to permit the proposed works to proceed.</p> <p>Amended Plans submitted include the proposal for replacement street tree and understorey planting, and no issues are raised subject to conditions of consent. All works within the road reserve including driveway, retaining walling and landscape works are subject to a separate section 138 application to Council under the Roads Act.</p> <p><i>Further comments</i></p> <p>Following discussions with the applicant, amended Plans including updated Landscape Plans have been submitted that provide a revised landscape scheme with:</p> <ul style="list-style-type: none"> • increased on-structure planters of sufficient depth (1090mm) to support tree planting; and areas of natural ground along the boundary to support shrub screen planting within the frontage, and • raised planters (1000mm) to support tree and shrub screen planting within the rear of the property. <p>As such the landscape proposal is able to provide adequate tree and screen planting to mitigate the height, bulk and scale of the building.</p> <p>The soil depth to on-structure planters is represented on drawing numbers DA1004, DA1013, DA1014, DA3000, DA4002 and DA4003, and conditions shall be imposed that these soil depths are satisfied at construction.</p> <p>The property does not support any prescribed trees (ie. protected by the DCP) and instead shrubs and lawn are found within the rear of the property and rock and lawn are found within the front of the property. Existing street trees exist and these shall be protected.</p> <p>Existing street trees as shown on drawing number DA1007 shall be preserved and the existing walling as indicated on this drawing shall be retained as documented to ensure protection of existing tree roots.</p> <p>Subject to conditions of consent, Landscape Referral raises no concerns.</p>

Internal Referral Body	Comments
	<p><i>updated comments:</i> The updated plans do not alter the Landscape Referral previous comments, and the landscape outcome remains unacceptable.</p> <p><i>previous comments:</i> The development application is for alterations and additions to an existing dwelling. Externally the proposed works include: new concrete drive; excavated garage & stairs to the street level; new studio with stairs & level grassed area with planting; front and rear decks; and new retaining walls to front & rear yard with levelled grassed areas.</p> <p>The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 and the following Warringah Development Control Plan 2011 controls (but not limited to):</p> <ul style="list-style-type: none"> • D1 Landscaped Open Space and Bushland Setting • D9 Building Bulk • E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed Vegetation <p>The site does not contain any prescribed vegetation (ie. protected under the DCP) within the site, whilst existing street tree planting exists at the road verge of the property and shall be protected.</p> <p>A Landscape Plan is provided with the application. The proposed Landscaped Area is 26% upon natural ground, with the frontage occupied by on structure planter above the garage level to a depth of 490mm, which is unable to be calculated as Landscaped Area. The Landscape Plan is inadequate to satisfy any of the landscape controls of the DCP. The Landscape Plan proposes grass only to the rear of the property, and in the majority grass over the garage at the frontage with a small planter and low shrub hedge planting.</p> <p>The landscape controls include the requirement to appropriately landscape development sites to soften the built form and enhance the landscape setting. The following DCP controls are relevant and have not been satisfied by the proposed development:</p> <p>1. DCP control D1 Landscaped Open Space and Bushland Setting requires the following objectives and requirements amongst others to be satisfied:</p> <ul style="list-style-type: none"> • To enable planting to maintain and enhance the streetscape. • 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. • Landscaped open space must be at ground level (finished); and • The minimum soil depth of land that can be included as landscaped open space is 1 metre. <p>2. D9 Building Bulk control requirements amongst others include:</p> <ul style="list-style-type: none"> • Landscape plantings are to be provided to reduce the visual bulk of

Internal Referral Body	Comments
	<p>new building and works.</p> <p>Landscape Referral are concerned that the reduced Landscape Area requirements results in an unsatisfactory landscape outcome, contrary to the Warringah Local Environmental Plan 2011 and the Warringah Development Control Plan.</p>
NECC (Development Engineering)	<p>30/09/2021: The development application is for alterations and additions to an existing dwelling including new concrete driveway, excavated garage, stairs to the street level, new studio with stairs, level grassed area with planting, front and rear decks and new retaining walls to front & rear yard with levelled grassed areas.</p> <p>Stormwater Stormwater from new roofed areas will be fed into the existing stormwater drainage system and piped to the street gutter.</p> <p>Access At present site is accessed via stairs to the front in Queenscliff Road.</p> <p>Proposal is for new excavated garage & concrete driveway, storage in garage & pedestrian stairs to access the dwelling.</p> <p>Driveway grades seems to be steep, and can be improved by slightly set back the garage.</p> <p>Details indicates the removal of retaining wall and likely removal of street tree in the road reserve which contradicts comments of Council's Landscape Officer.</p> <p>Development Engineer also supports the removal of retaining wall in the road reserve as it will greatly improve the sight distances for the proposed driveway and also for the neighbor driveway (155 Queenscliff Road).</p> <p>But before Development Engineer finalise their assessment, comments from Council's Road Team are requested.</p> <p>28/03/2022: Updated Plans are provided.</p> <p>Access Proposal is for new excavated garage, concrete driveway, & pedestrian stairs to access the dwelling, which further requires removal of retaining wall, kerb & gutter and hand rail from public road reserve.</p> <p>Proposed works will be assessed under Section 138A Road Act application for new driveway and associated works within public road reserve.</p> <p>Materials to be in keeping with streetscape.</p>

Internal Referral Body	Comments
	<p>Plain concrete besser blocks are not supported.</p> <p>Stormwater</p> <p>Stormwater is shown as being connected to private stormwater pit within the adjoining property (155 Queenacliff Road), No evidence of any legal entitlement eg easement is shown/provided.</p> <p>Applicant is advised to connect site stormwater to street kerb.</p>
Road Reserve	<p>The proposed driveway access will result in removal of several large street trees (not addressed in the landscape officers comments) on Council's public road reserve.</p> <p>The proposal is removal of several walls in the public road reserve, one of which (sandstone blockwork wall) appears to be a private structure associated with the driveway to the neighbouring property at 155 houses the letterbox. No details or agreement with the adjoining owners is shown.</p> <p>Stormwater is shown as being connected to stormwater pit within the private property of the adjoining property. No evidence of any legal entitlement eg easement is shown. Stormwater to be connected to kerb.</p> <p>Development Engineering Team to require s138 Road Act application for new driveway, associated structures (retaining walls) and details of adjustments to both existing "private" and Council keystone retaining walls and handrails. Materials to be in keeping with streetscape.</p> <p>Plain concrete besser blocks are not supported. Written agreement from the adjoining owners at 155 must be sought and provided with the application.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A415449_02 dated 31 August 2021).

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 who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Coastal Management) 2018

The site is classified as land within the coastal environment area and land within the coastal use area under the State Environmental Planning Policy (Coastal Management) 2018. Accordingly, an assessment under the SEPP has been carried out as follows:

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:

The application has been referred to Council's Coastal, Riparian and Biodiversity Officers for assessment, with no objections raised subject to the recommended conditions of consent.

- (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:

The siting of the proposed dwelling is generally consistent with the existing development on the site, and is considered to be acceptable.

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 dwelling is unlikely to result in adverse environmental impacts in relation to the above matters.

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 is unlikely to result in increased risk of coastal hazards on the site or surrounding land.

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

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	8m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.8 Conversion of fire alarms	Yes
6.1 Acid sulfate soils	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	7.2m	7.2m (East) 7.1m (West)	-	Yes
B3 Side Boundary Envelope	East - 5m	Outside envelope Length: 1.255m and 1m Height: 0.5m - 1.2m	24%	No
	West - 5m	Outside envelope Length: 1.255m Height: 0.2 - 0.4m	8%	No
B5 Side Boundary Setbacks	East - 0.9m	Garage - 0m Studio - 0.677m Ground floor deck - 0m First floor - 0.9m Second floor - 0.945m- 2.03m	100% 25% 100% - -	No
	West - 0.9m	Garage - 0.389m Studio - 0.97m Ground floor - 0.9m Second floor - 1.71m	56% - - -	No
B7 Front Boundary Setbacks	6.5m	Garage - 0m Studio - 4.5m Ground floor - 5.4m First floor - 6m Second floor - 11.1m	100% 25% 10% - -	No
B9 Rear Boundary Setbacks	6m	First floor deck - 4.9m Second floor - 4.66m - 8.0m	22.4%	No
D1 Landscaped Open Space (LOS) and Bushland Setting	40% 117.84sqm	25.5% 75.4sqm	36%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	No	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

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

Detailed Assessment

B3 Side Boundary Envelope

Description of non-compliance

Both sides of the proposed development will breach the 5m building height envelope. As with the maximum wall heights (refer to the separate assessment within the planning report), the locations of the largest breaches are as follows:

Western elevation:

- The 1.255m portion of the western wall at ground floor level, ranging from 0.2m - 0.4m in height with a maximum variation of 24%

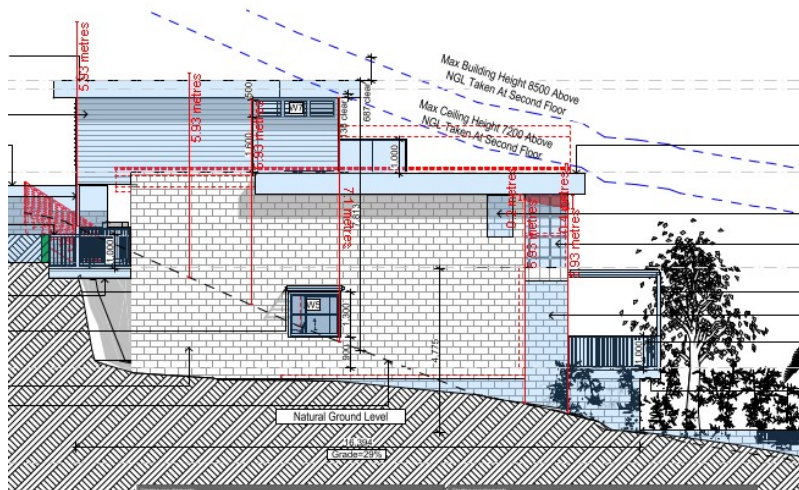


Figure 1 - West elevation envelope non-compliance

Eastern elevation:

- Two portion of the eastern wall at first and second floor floor level with a length of 1.255m and 1m, a a height ranging from 0.5m - 0.8m - 1.2m in height with a maximum variation of 8%.

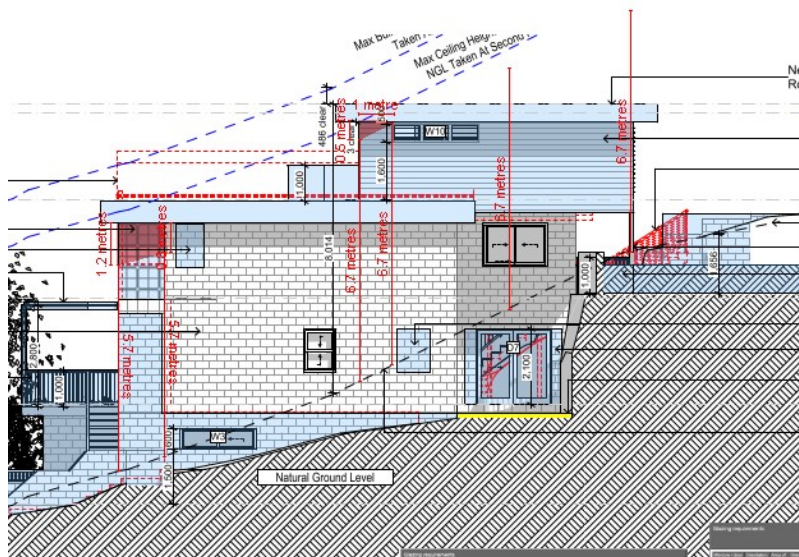


Figure 2 - East elevation envelope non-compliance

The variations are generally a result of the rear-to-front slope on the site, while the larger variations on the eastern side of the development are also a consequence of an increasingly-diagonal cross-fall beneath the central/forward parts of the proposed dwelling.

Merit consideration

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

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

Comment:

The non-compliance is not to an extent that will result in a development that is out of character for the area or is visually dominant by virtue of its height and bulk. Furthermore the flat roof form adopted will minimise the overall height and bulk of the development. The scale of the overall development is consistent with the general pattern of development within the street.

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

Comment:

The development has been designed in a manner that does not unreasonably nor detrimentally overshadow nor overlook adjoining and nearby properties. Adequate spatial separation is proposed between buildings.

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

Comment:

The development appropriately responds to the topography of the site and is designed to minimise the overall bulk and scale of the development and resulting amenity impacts.

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.

B5 Side Boundary Setbacks

Description of non-compliance

Part B5 of the WDCP requires development be setback at least 0.9m from side property boundaries.

The proposed studio and ground floor proposes setbacks of 0.677m and 0m, resulting in a variation of 25-100%.

The proposed double garage proposes a nil setback to the western side boundary, resulting in a variation of 100% (0.9m).

Merit consideration

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

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

Comment:

The proposal provides sufficient opportunities for deep soil landscape areas.

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

Comment:

The proposed double garage is single storey and compliant with the height of buildings development standard, wall height control, and building envelope control. Therefore, it is considered that the development is not visually dominant.

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

Comment:

The proposal is as small as reasonable to provide off street parking for two cars. The bulk of the proposal is found to be consistent with the domestic nature of the property.

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

Comment:

The proposed dwelling and garage will not result in direct overlooking of adjoining properties private open space or living room windows. Solar access impacts that result from the proposed development are deemed to be negligible

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

Comment:

The proposal does not result in any unreasonable sharing of views to and from public and private properties.

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

B7 Front Boundary Setbacks

Description of non-compliance

Part B7 of Warringah Development Control Plan 2011, requires development be setback 6.5m from the front property boundary.

The proposed garage obtains a nil setback to the front setback of Queenscliff Road, presenting a 100% variation to the control.

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The existing landscaped open space within the front setback area will remain generally unchanged, which will continue to ensure that a sense of openness is maintained within the frontage.

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

Comment:

The proposed garage maintains the existing visual continuity that includes garages within the front setback area along Queenscliff Road. Therefore, the proposed garage is consistent with the pattern of buildings within the streetscape.

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

Comment:

The proposal will protect and enhance the visual quality of streetscapes and public spaces. The new garage will provide a positive improvement to the streetscape that is in character of garages along the Queenscliff Road streetscape.

- *To achieve reasonable view sharing.*

Comment:

The proposal is unlikely to result in any unreasonable view sharing impacts.

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.

B9 Rear Boundary Setbacks

Description of non-compliance

Clause B7 of the Waringah DCP requires development be setback at least 6m from the rear property boundary. The proposed development is setback 4.9m - 8.0m from the rear boundary, non-compliant with the numeric control. This represents a 22.4% variation to the numeric control.

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 proposed second floor addition will exacerbate the existing non-compliance. However, the site will retain a majority of the existing space available for deep soil opportunities and therefore, it is considered the site will retain sufficient areas for deep soil landscaping.

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

Comment:

The proposed rear yard will retain a suitable level of openness, in comparison to the existing situation.

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

Comment:

The proposed additions to the dwelling have been designed in a fashion to ensure that the amenity of the adjoining properties is maintained to a reasonable level and ensure views of the ocean, district and city views are also maintained.

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

Comment:

The adjoining properties are all characterised by structures in the rear to accommodate for their private open space. Therefore, it is considered that the proposal will not result in any unreasonable detriment to the existing visual continuity and pattern of buildings.

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

Comment:

The non-compliance will not result in any impact to the ability to maintain privacy between buildings as the proposal includes sufficient separation between the dwellings and will not include any windows directly facing into other windows.

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, in this particular circumstance.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

Clause D1 of the WDCP 2011 stipulates that development is to provide at least 40% (117.84sqm) of the site area as landscaped open space. In calculating landscaped open space landscaped areas with dimensions less than 2m are excluded from the calculation. The application proposes 25.5% (75.4sqm) of the site area as landscaped open space, non-compliant with the numeric control. This represents a 36% variation to the numeric control.

Merit consideration

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

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

Comment:

The proposed area for landscaped open space allows for sufficient planting on the subject site. The proposed area allocated for landscaped open space is consistent with that of properties located along Queenscliff Road. This lower level of landscaped open space is also a result of both proximity to the R3 Medium Density Residential zone and the subdivision pattern of the street, with small and narrow lots along the northern side of the street

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

Comment:

The subject site does not contain any indigenous vegetation or landscaped features.

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

Comment:

The application proposes 42qm of landscaped open space within the rear yard and 13.2sqm within the front yard, which is considered a sufficient area to enable the establishment of further planting.

- *To enhance privacy between buildings.*

Comment:

Screen planting to the rear of the site, while not relied on for visual privacy may help offset privacy between properties.

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

Comment:

The rear yard would provide appropriate recreational opportunities to sufficiently meet the needs of the occupants.

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

Comment:

The site contains a sufficient amount of space to service functions, including clothes drying.

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

Comment:

The proposal would allow for suitable drainage, subject to conditions imposed by Council's Development Engineers.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$3,700 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$370,000.

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 DA2021/1744 for Alterations and additions to a Dwelling House on land at Lot 13 DP 300716, 153 Queenscliff Road, QUEENSCLIFF, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA1003	24 May 2022	Rapid Plans
DA1007	24 May 2022	Rapid Plans
DA1008	24 May 2022	Rapid Plans
DA1009	24 May 2022	Rapid Plans
DA1010	24 May 2022	Rapid Plans
DA1012	24 May 2022	Rapid Plans
DA1013	24 May 2022	Rapid Plans
DA1014	24 May 2022	Rapid Plans
DA1015	24 May 2022	Rapid Plans
DA2001	24 May 2022	Rapid Plans
DA2002	24 May 2022	Rapid Plans
DA2003	24 May 2022	Rapid Plans
DA2004	24 May 2022	Rapid Plans
DA2005	24 May 2022	Rapid Plans
DA2006	24 May 2022	Rapid Plans
DA3000	24 May 2022	Rapid Plans

DA3001	24 May 2022	Rapid Plans
DA3002	24 May 2022	Rapid Plans
DA4000	24 May 2022	Rapid Plans
DA4001	24 May 2022	Rapid Plans
DA4002	24 May 2022	Rapid Plans
DA4003	24 May 2022	Rapid Plans
DA4004	24 May 2022	Rapid Plans
DA5001	24 May 2022	Rapid Plans

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A415449_02	31 August 2021	Rapid Plans
Geotechnical Site Investigation	10 August 2021	Soilsrock
Arboricultural Impact Assessment	2 May 2022	Malcolm Bruce
Structural Inspection Report	5 November 2021	Marcio Portes

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
DA1012	24 May 2022	Rapid Plans
DA1013	24 May 2022	Rapid Plans
DA1014	24 May 2022	Rapid Plans
DA1018	24 May 2022	Rapid Plans

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
DA1016	24 May 2022	Rapid Plans

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

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

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	N/A

(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. **Approved Land Use**

Nothing in this consent shall authorise the use of site as detailed on the approved plans for any land use of the site beyond the definition of a *dwelling house*, as defined by the Warringah Local Environment Plan 2011 Dictionary

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

4. **Prescribed Conditions**

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

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

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

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

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

Reason: Legislative requirement.

5. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety

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

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

6. No approval for Secondary Dwelling

No approval is granted under this Development Consent for the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Cooking facilities are not permitted to be installed or used at the studio level of the dwelling house.

Reason: To ensure compliance with the terms of this consent.

FEES / CHARGES / CONTRIBUTIONS

7. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$3,700.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$370,000.00.

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 2021 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.

8. **Security Bond**

A bond (determined from cost of works) of \$1,500 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.

9. **Construction, Excavation and Associated Works Security Bond (Road works & Retaining Walls)**

The applicant is to lodge a bond with Council of \$20,000.00 as security against any damage or failure to complete the construction of road pavement and retaining walls reconstruction works as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

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

10. **On Slab Landscape Works**

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule. Planter soil depth shall comply with the documented plans as represented on drawing numbers DA1004, DA1013, DA1014, DA3000, DA4002 and DA4003.

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping

(soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

11. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to street kerb in Queenscliff Road.

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

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

12. Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

13. 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.

14. Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of vehicular crossing, retaining structures and kerb and gutter which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil and structural engineer. The design must include the following information:

As outlined in the Concept Drawing by Rapid Plans, Dated 04/05/2021, Rev 1 Drawing No. DA2001;

1. Structural Engineering details relating to the
 - connection between retained section of existing western retaining wall and new

proposed retaining wall with in public road reserve along frontage of site are to be submitted to Council prior to the release of the Construction Certificate.

- o connection between retained section of existing eastern retaining wall and new retaining wall with in public road reserve along frontage of site are to be submitted to Council prior to the release of the Construction Certificate.

Each plan/sheet is to be signed by a qualified practicing Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E) and has appropriate experience and competence in the related field.

2. Structural Engineer to provide details of stability and any rectifications required to the retained sections of existing retaining walls with in public road reserve along frontage of site.

3. At a minimum, the drawings must show the works in plan view, longitudinal sections and details at a relevant scale including all existing levels, any existing services/ infrastructure to be retained in the area of works.

4. All driveways gradients and safe sight distances etc. shall be designed comply with AS 2890.1:2004 (Off-street Parking Standards).

5. The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighboring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Civil or Structural Engineer specialising in geotechnical and the hydrogeological field to design.

6. Applicant is advised to connect site stormwater to street kerb.

7. Proposed works within the public domain must not affect existing services in the area. Any adjustment of services are to be approved by the relevant service authority with all costs associated borne by the applicant.

8. Vehicle crossing to be 4.5 metres wide at the kerb and the driveway profile to be in accordance with Northern Beaches Council's standard Drawing No A4-3330/1.N

9. Provision of any vehicle gate or pedestrian gate on the public road reserve is not permitted.

10. Details of pedestrian access (stairs) to site are to be provided.

11. Materials to be in keeping with streetscape.

12. Plain concrete besser blocks are not supported.

13. All redundant pathways and railings along full frontage of site to be removed and the area to be secured for public safety.

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 ensure engineering works are constructed in accordance with relevant standards and Council's specification.

15. **Vehicle Driveway Gradients**

The Applicant is to ensure driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent.

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

Reason: To ensure suitable vehicular access to private property.

16. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

17. 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:

- o "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- o 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. Tree Removal Within the Road Reserve

This consent approves the removal of the following tree(s) within the road reserve (as recommended in the Arboricultural Impact Assessment):

- i) tree 1 and tree 2 - both *Notelaea microcarpa* (Mock Olive), subject to street tree replacement,
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services business unit prior to removal.

Reason: Public liability.

19. Public Liability Insurance - Works on Public Land

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

must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

20. Tree and Vegetation Protection

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

i) all trees and vegetation located on adjoining properties.

b) Tree protection shall be undertaken as follows:

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

ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,

iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,

iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,

v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,

vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,

vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,

viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,

ix) 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, and should additional pruning be required an application to Council's Tree Services shall be submitted for approval or otherwise.

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.

Reason: Tree and vegetation protection.

21. 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.

22. 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.

23. Civil Works Supervision

The Applicant shall ensure all civil works approved in the Section 138 approval are supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Certifying Authority and/or Roads Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works.

24. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

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

25. Street Tree Planting

Street tree and understorey planting shall be planted in accordance with the following:

- i) one *Banksia integrifolia* (Coast Banksia) shall be planted within the road reserve verge, at a pre-ordered minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees,
- ii) the street tree shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained including a four post and top and mid rail timber tree guard and watered until established and shall be located at least 2 metres from any structures including driveways, and shall generally be centralised within the road verge,
- iii) the remaining road verge area shall be mass planted with *Westringia fruticosa* 'mundi' or *Westringia fruticosa* 'low horizon' or a similar low height and type of native species at 4 plants per square metre, and installed at a minimum planting size of 200mm pot container.

All works within the road reserve are subject to a separate section 138 application to Council under the Roads Acts, for approval or otherwise.

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

Reason: To maintain environmental amenity.

26. Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plans DA1013 and DA1014, and inclusive of the following conditions:

- i) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees,
- ii) the nominated *Syzygium smithii* shall be selected as a shrub 'dwarf' variety capable of attaining at least 3 metres in height at maturity,
- iii) the above shrub planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 300mm container size at planting.

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

Reason: Environmental amenity.

27. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of Final Occupation Certificate.

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

28. Retaining wall

The retaining wall works (**with in public road reserve along frontage of site**) shall be certified as compliant with all relevant Australian Standards and Codes by a Structural Engineer. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Final Occupation Certificate.

A copy of the certification is to be submitted to Council prior issue of any Final Occupation Certificate.

Reason: Public and Private Safety

29. Certification of Civil Works and Works as Executed Data on Council Land

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works have been constructed in accordance with this consent and the approved Section 138 plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data (details overdrawn on a copy of the approved civil plans) for Council Assets' in an approved format shall be submitted to Council for approval prior to the release of any security deposits.

Reason: To ensure compliance of works with Council's specification for engineering works.

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

30. Landscape Maintenance

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent. All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

31. **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



Maxwell Duncan, Planner

The application is determined on 14/06/2022, under the delegated authority of:



Rodney Piggott, Manager Development Assessments