

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2025/0463
<b>Responsible Officer:</b>	Thomas Burns
<b>Land to be developed (Address):</b>	Lot 108A DP 36755, 22 Karingal Crescent FRENCHS FOREST NSW 2086
<b>Proposed Development:</b>	Demolition works and construction of a two semi-detached dwellings and subdivision of one (1) lot into two (2)
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Applicant:</b>	Mhdp Architects
<b>Application Lodged:</b>	06/05/2025
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - New multi unit
<b>Notified:</b>	14/05/2025 to 28/05/2025
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 1,096,700.00

### PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the demolition of the existing dwelling house and the construction of two semi-detached dwellings including Torrens title subdivision.

The works comprise of:

- Demolition of existing structures.

- Removal of nine exempt tree species (i.e. these trees do not require Council approval).
- Construction of two semi-detached dwellings each including a single-car garage, living spaces, kitchens, three bathrooms and four bedrooms.
- New landscaping works including grass covers, hedging and tree planting.
- New 1.2 metre tall front fence.
- Torrens title subdivision of one allotment into two:
  - Lot 22: 285.76 square metres (sqm); and
  - Lot 22A: 285.64sqm.
- Stormwater is discharged on-site in the rear yard in level spreaders via on-site detention / rainwater tanks.

Important Note: The removal of Tree No. 4 that is shown on the site plans does not fall under this application as it was approved for removal under Tree Application No. TA2025/0026. A condition of consent is recommended to ensure that the removal of this tree does not form part of this Development Consent.

## **ASSESSMENT INTRODUCTION**

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

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

## **SUMMARY OF ASSESSMENT ISSUES**

Warringah Local Environmental Plan 2011 - 2.5 Additional permitted uses for particular land  
Warringah Local Environmental Plan 2011 - Zone R2 Low Density Residential  
Warringah Local Environmental Plan 2011 - 6.2 Earthworks  
Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land

Warringah Development Control Plan - C1 Subdivision  
Warringah Development Control Plan - D8 Privacy  
Warringah Development Control Plan - 5.3 Precinct 06 Karingal Crescent Neighbourhood

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 108A DP 36755 , 22 Karingal Crescent FRENCHS FOREST NSW 2086
<b>Detailed Site Description:</b>	<p>The subject site consists of one allotment located north-western side of Karingal Crescent within the Frenchs Forest locality.</p> <p>The site is irregular in shape with a splayed frontage of 16.185 metres (m) and respective depths of 30.695m and 31.10m along the north-eastern and south-western side boundaries. The site has a surveyed area of 571.4 square metres (sqm).</p> <p>The site is located within the R2 Low Density Residential zone pursuant to the Warringah Local Environmental Plan 2011 (WLEP) and currently accommodates a single storey dwelling house including a detached garage which is located adjacent to the south-western side boundary.</p> <p>The site experiences a minor fall of approximately 1.8m that slopes away from the front boundary towards the rear boundary.</p> <p>The site contains eleven existing trees, of which, two are a protected species and nine are exempt species. A significant Flooded Gum is located on Council land to the rear, north-western corner of the site.</p> <p>Karingal Crescent is currently characterised by dwelling houses of varying architectural style, age and character. However, the north-western side of Karingal Crescent (including the subject site) forms part of the Karingal Crescent Neighbourhood in the Frenchs Forest Town Centre, with a desired future character for high quality, low-rise medium density housing. A number of semi-detached dwellings have been approved in this locality but are yet to be constructed.</p>

Map:



## SITE HISTORY

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

- Tree Application No. TA2025/0026 for the removal of one (1) Hakea tree within the rear yard approved by Council on 20 January 2025.

## APPLICATION HISTORY

Following the preliminary assessment of this application, which included a site inspection, Council wrote to the applicant requesting the following information:

- A Noise Impact Assessment to demonstrate how the habitable rooms within the proposed semi-detached dwellings would comply with the noise amenity criteria established under section 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP).
- Amendments to Window W-1 06 to prevent overlooking into the private open space of 24 Karungal Crescent.
- Elevational plans to depict the height of the proposed boundary fencing, notwithstanding the fact that the architectural plans included an annotation stating that the front boundary fencing would be 1.2m in height.

The applicant subsequently amended the Development Application pursuant to section 37 of the Environmental Planning and Assessment Regulation 2021 as follows:

- A Noise Impact Assessment was submitted, which demonstrated that compliance with the noise amenity criteria is achievable, subject to compliance with the recommendations of the Noise Impact Assessment.
- Amended architectural plans were submitted to include the height of the proposed front boundary fencing, being 1.2m above the existing ground level. While the amendments did not include privacy attenuation measures to Window W-1 06, a suitable condition of consent is recommended to mitigate overlooking from this window. This is discussed throughout the body of this report.

The amended Development Application did not alter the environmental impacts of the development and therefore, the application was not required to be re-notified, in accordance with the Northern Beaches 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	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 (WDCP) applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 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 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to amended plans and an acoustic report. This information was submitted to Council's satisfaction.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 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>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of</p>



Section 4.15 Matters for Consideration	Comments
	consent.  <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Environmental Planning Instruments and WDCP sections in this report.  (ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.  (iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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	No submissions were received.
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 application has been publicly exhibited from 14/05/2025 to 28/05/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	The proposal is supported with regard to landscape issues.

Internal Referral Body	Comments
	<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"> <li>• E1 Preservation of Trees or Bushland Vegetation</li> <li>• G9 Frenchs Forest Town Centre 5.3 Precinct 06 Karingal Crescent Neighbourhood</li> </ul> <p>The Arboricultural Impact Assessment (AIA) identified 16 trees of which trees 1, 2, 3, 6, and 7 are located outside the property boundaries and must be retained and protected during works. The AIA confirms that trees 1, 2, 3, 6, and 7 can be retained. Trees 8, 9, 10, 11, 12, 14, 15, and 16 are proposed to be removed and all are exempt by species or height therefore may be managed or removed at the discretion of the applicant without consent. Tree 4 has been approved for removal under TA2025/0026. All trees to be retained shall be protected during works as recommended in the AIA, including engaging a Project Arborist. Four native replacement trees are shown on the landscape plans which is supported.</p> <p>The landscape proposal is generally supported and all proposed planting shall be installed in accordance with the requirements outlined in the conditions of consent.</p>
NECC (Bushland and Biodiversity)	<p>Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable provisions:</p> <ul style="list-style-type: none"> <li>• NSW Biodiversity Conservation Act 2016</li> <li>• NSW Biodiversity Conservation Regulation 2017</li> <li>• Warringah DCP cl. E2 Prescribed Vegetation</li> <li>• Warringah DCP cl. E6 Retaining Unique Environmental Features</li> </ul> <p>Portions of the site are identified on the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act 2016, any removal of native vegetation from within BV mapped areas will trigger the Biodiversity Offset Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).</p> <p>A number of trees have been recommended for removal by the Arborist (Arborsaw, March 2025) including Trees 8, 9, 10, 11, 12, 14, 15, 16, all of which are considered exempt due to size or species. The Landscape Plan (Site Image Landscape Architects, April 2025) has proposed two replacement canopy trees which are locally native, as well as a range of suitable native trees, shrubs and groundcovers which are supported by Biodiversity referrals.</p> <p>As the proposed development does not require the removal of native vegetation from within the BV mapped area, the proposal does not</p>

Internal Referral Body	Comments
	trigger the BOS or the requirement for a BDAR. There are no objections in relation to biodiversity, subject to conditions.
NECC (Development Engineering)	The proposed development is in Region 2. A single vehicle crossing serving both dwellings is proposed. On-site detention is required. Development engineering raises no objections to the proposed development, subject to conditions.
NECC (Water Management)	NECC Water Management raises no objections to the proposed development, subject to conditions.
Strategic and Place Planning (Development Contributions)	

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	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.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs 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 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)

### Housing and Productivity Contribution

*Part 2 Development for which contribution is require and determination of contribution, Division 2 Housing and productivity contribution amounts, Clause 7 Base component.*

This Clause details the base component amounts that apply to the calculation of the housing and productivity contribution, as set out in the following table:

Region	HPC class of development	Amount	HPC unit
Greater Sydney	Residential subdivision	\$12,000	new dwelling lot
	Residential strata subdivision	\$10,000	new strata dwelling lot
	Non-strata multi-dwelling development	\$10,000	new non-strata dwelling
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA



Comment:

The subject site is located within the Greater Sydney region and provide a new residential subdivision with two new semi-detached dwellings each on their own Torrens title allotment.

As there is a single dwelling house on the existing site proposed for demolition, the applicant is only required to pay contributions for the new allotment. In this regard, the contribution payable under this scheme is \$12,000.

**SEPP (Sustainable Buildings) 2022**

The BASIX Certificate submitted with this application indicates that the development achieves the relevant water, thermal and energy targets. A condition is recommended to ensure compliance with this BASIX Certificate.

**SEPP (Transport and Infrastructure) 2021**

Chapter 2 - Infrastructure

*Section 2.48 - Determination of development applications - other development*

Section 2.48 of Chapter 2 requires the relevant electricity authority (i.e. Ausgrid) 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. The development satisfies section 2.48 of the TI SEPP.

*Section 2.120- Impact of road noise or vibration on non-road development*

*(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—*

*(a) residential accommodation,*

*(b) a place of public worship,*

*(c) a hospital,*

*(d) an educational establishment or centre-based child care facility.*

*(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.*

*(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*

*(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*

*(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

#### Comment:

This provision within the TI SEPP is applicable as the site backs onto Warringah Road, which has an annual average daily traffic volume of more than 20,000 vehicles.

As detailed earlier within this report, a Noise Impact Assessment (prepared by PWNA, dated 12 June 2025) (NIA) was submitted with this application. The NIA has concluded that the development is capable of achieving the noise amenity criteria outlined within section 2.120 of the TI SEPP, subject to compliance with various construction measures that pertain to glazing type, roof construction and wall construction. The recommendations of the NIA are included in the recommended conditions of consent.

#### Conclusion

The development complies with the relevant provisions of the TI SEPP.

### **SEPP (Biodiversity and Conservation) 2021**

#### Chapter 2 - Vegetation in non-rural areas

Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) applies to the development pursuant to clause 2.3 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Part 2.3 has been considered and the development does not propose the removal of any prescribed vegetation in order to facilitate the development and therefore, no further consideration of Chapter 2 is required.

#### Chapter 6 - Water Catchments

Chapter 6 of the BC SEPP applies to the development pursuant to clause 6.1 as the site is located within the Sydney Harbour Catchment.

Chapter 6 has been considered and it has been determined that the development would meet the requirements and objectives of Chapter 6, insofar as stormwater will be appropriately managed and

disposed off, which will ensure that the development does not result in pollution or adverse stormwater impacts to the Sydney Harbour Catchment.

### Conclusion

As demonstrated above, the development is consistent with the relevant requirements under the BC SEPP.

## **SEPP (Resilience and Hazards) 2021**

### Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

## **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
Minimum subdivision lot size (Schedule 1, Clause 25):	225sqm minimum	Lot 22: 285.76sqm Lot 22A: 285.64sqm	-	Yes
Height of Buildings:	11m maximum	7.7m	-	Yes
Floor Space Ratio:	Lot 22: 0.9:1 (257.18sqm) maximum Lot 22A: 0.9:1 (257.08sqm) maximum	Lot 22: 0.73:1 (209.7sqm) Lot 22A: 0.73:1 (209.7sqm)	-	Yes

### Compliance Assessment

Clause	Compliance with Requirements
2.5 Additional permitted uses for particular land	Yes
2.6 Subdivision - consent requirements	Yes
2.7 Demolition requires consent	Yes
4.1 Minimum subdivision lot size	Yes
4.3 Height of buildings	Yes

Clause	Compliance with Requirements
4.4 Floor space ratio	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
8.3 Objectives for development in Frenchs Forest Precinct	Yes
8.4 Development control plans	Yes
8.6 Minimum site areas—Sites G, H and I	Yes
8.7 Minimum street frontages—Sites G, H and I	Yes
25 Use of certain land at Karingal Crescent, Frenchs Forest	Yes

### Detailed Assessment

#### **2.5 Additional permitted uses for particular land**

The site is zoned R2 Low Density Residential under the provisions of WLEP. Pursuant to the land use table in Part 2 of this instrument, semi-detached dwellings are prohibited within the R2 zone.

However, the site is identified within Area 25 on the Additional Permitted Uses Map of WLEP and pursuant to clause 2.5 and Schedule 1 of WLEP, development for the purpose of semi-detached dwellings is permitted with development consent despite anything to the contrary in the Land Use Table. As such, the proposed semi-detached dwellings are permissible with consent on the subject site.

#### **Zone R2 Low Density Residential**

As demonstrated earlier within this report, the proposed semi-detached dwellings are permissible on the site as additional permitted land uses pursuant to clause 2.5 and Schedule 1 of the WLEP.

The assessment finds that the development is consistent with the objectives of the R2 zone for the following reasons:

- The development will provide for the housing needs of the community.
- The development provides deep soil landscaping around the curtilage of the building and appropriate vegetation planting, such that the landscaping scheme will be consistent with the emerging landscaped setting within this precinct.

#### **4.1 Minimum subdivision lot size**

Clause 4.1 of WLEP prescribes a 600sqm minimum lot size requirement on the site. However, clause 25 of Schedule 1 of the WLEP allows the subdivision of land to occur for development involving the erection of a semi-detached dwelling, provided the size of the allotment is not less than 225sqm.

Both proposed allotments have a size that is in excess of 225sqm and therefore, the development complies with the minimum lot size provisions under the WLEP.

## 6.2 Earthworks

The objectives of clause 6.2 of the WLEP are as follows:

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and*
- (b) to allow earthworks of a minor nature without requiring separate development consent.*

In this regard, before granting development consent for earthworks, Council must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality*

Comment:

The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality, noting that the earthworks proposed are not of a significant scale.

- (b) the effect of the proposed development on the likely future use or redevelopment of the land*

Comment:

The proposal will not unreasonably limit the likely future use or redevelopment of the land.

- (c) the quality of the fill or the soil to be excavated, or both*

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties*

Comment:

The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

- (e) the source of any fill material and the destination of any excavated material*

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

- (f) the likelihood of disturbing relics*

Comment:



The site is not mapped as being a potential location of Aboriginal or other relics.

*(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area*

Comment:

The site is not located in the vicinity of any watercourse or drinking water catchment and the development does not result in the removal of any prescribed vegetation with important ecological value.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the requirements of clause 6.2 of the WLEP.

#### **6.4 Development on sloping land**

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

*(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*

Comment:

The site is located in Area A of Council's Landslip Risk Map. This is an area that represents a very low risk of landslip. Therefore, Council is satisfied that the development presents no serious risk in relation to both property and life.

*(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*

Comment:

Council's Development Engineer has reviewed the application with respect to stormwater management is satisfied that the stormwater scheme, which disperses stormwater within the rear yard via level spreaders, is acceptable. Therefore, Council is satisfied that the development will not have detrimental impacts due to stormwater discharge.

*(c) the development will not impact on or affect the existing subsurface flow conditions.*

Comment:

The site is located in Area A of Council's Landslip Risk Map. This is an area that represents a very low risk of landslip. Therefore, it is considered that the development presents no serious risk in relation to both property and life, or potential presence of subsurface flow conditions. As such, it is considered that the proposal will not result in adverse impacts or effects on the existing subsurface flow conditions.

As demonstrated above, the development satisfies the requirements of clause 6.4 of the WLEP.

#### **Warringah Development Control Plan**

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
G9 Side Boundary Setbacks	1m	Lot 22: 1m	-	Yes
		Lot 22A: 1m	-	Yes
G9 Front Setbacks	Building Facade (excluding garage): 5m	4.2m - 5.7m	16%	No
G9 Garage Setback	1.5m behind front facade	1.6m behind front facade	-	Yes
G9 Rear Setbacks	8m	5.1m - 5.8m (rear verandah and pergola) 7.8m - 8.7m (facade)	36.25%	No
G9 Landscaped Area	30%	Lot 22: 31.15% (89sqm)	-	Yes
		Lot 22A: 30.41% (87sqm)	-	Yes
G9 Garage Width	3.5m width maximum	3.2m each semi-detached dwelling	-	Yes
G9 Parking Requirements	1 space per dwelling	each semi-detached dwelling provides 1 space via the garage	-	Yes
G9 Front Fence	1.2m maximum	1.2m	-	Yes
G9 Site Consolidation / Lot Dimensions	7.5m width and 30m depth	Lot 22: 8.148m width and 31.1m depth	-	Yes
		Lot 22A: 8.036m width and 30.695m depth	-	Yes

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C1 Subdivision	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	No	Yes
D9 Building Bulk	Yes	Yes
D12 Glare and Reflection	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes
1 Introduction	Yes	Yes
2 Desired future character	Yes	Yes
5 Site specific requirements	Yes	Yes
5.3 Precinct 06 Karingal Crescent Neighbourhood	No	Yes
6 Parking	Yes	Yes
8 Sustainability	Yes	Yes
9 Water management	Yes	Yes
10 Waste management	Yes	Yes

#### Detailed Assessment

#### **C1 Subdivision**

Component	Requirement	Proposed	Compliant
<b>Lot requirements</b>	<p>R2 Low Density Residential zone requirements:</p> <p>Proposed new allotments:</p> <p>a) Minimum width: 13 metres b) Minimum depth: 27 metres; and c) Minimum building area: 150m<sup>2</sup></p>	As prescribed by section G9(1.1) of WDCP, the minimum requirements of this control do not apply to land in the Frenchs Forest Town Centre, including the subject site.	N/A
<b>Access</b>	<p>Motor vehicle access to each residential allotment is required from a constructed and dedicated public road.</p> <p>Where access is proposed to a section of unconstructed public road, then the subdivision will need to provide legal, constructed access to the Council's satisfaction.</p> <p>Access for Council service</p>	The vehicular access arrangements comply with these requirements.	Yes

vehicles, emergency vehicles and garbage collection vehicles must be provided.

Driveways, accessways, etc, to allotments should have a gradient not exceeding 1:4 and allow for transitions at a minimum length of 1.5m and at a grade no steeper than 1:10.

Driveways in excess of 200 metres will not be allowed for residential development.

Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m.

Passing bays should have regard to sight conditions and minimise vehicular conflict.

Vehicular ingress/egress points to internal lots may be used as passing/turning bays, subject to extension of a right-of-carriageway over the passing/turning bay.

Rights-of-carriageway should be located so as to accommodate all vehicle turning facilities.

Width of accessways are to be as follows:

Number of lots to be serviced	Width of clear constructed accessway (m)
1 - 5	3.5
6 - 10	5.0
in excess of 10	Access is to be provided by a private or public road constructed with a width that is in accordance with Council

	<table><tr><td></td><td>standard specifications for engineering works (AUSPEC 1)</td></tr></table> <p>Provision of services in rights of carriageway are as follows:</p> <table><tr><td>Number of lots to be serviced</td><td>Additional width to be provided in Right of Carriageway (m)</td></tr><tr><td>Up to 3 lots</td><td>0.5</td></tr><tr><td>4 or more lots</td><td>1.0</td></tr></table>		standard specifications for engineering works (AUSPEC 1)	Number of lots to be serviced	Additional width to be provided in Right of Carriageway (m)	Up to 3 lots	0.5	4 or more lots	1.0		
	standard specifications for engineering works (AUSPEC 1)										
Number of lots to be serviced	Additional width to be provided in Right of Carriageway (m)										
Up to 3 lots	0.5										
4 or more lots	1.0										
<b>Design and construction</b>	<p>All roads, rights of carriageway, drainage design and construction is to be in accordance with Council's policy requirements including; AUSPEC 1 - Council's Specification for Engineering Works, Development Engineering Minor Works Specification, On Site Stormwater Detention (OSD) Technical Specification and Council's Water Sensitive Urban Design Policy. Additionally, internal roads must be designed in accordance with the relevant Australian Standards.</p> <p>Subdivision design needs to maximise and protect solar access for each dwelling by considering factors such as orientation, shape, size and lot width.</p>	<p>The drainage design and vehicular access arrangement complies with these requirements.</p>	<p>Yes</p>								
<b>Drainage</b>	<p>Provision should be made for each allotment to be drained by gravity to a Council-approved drainage system. The topography of the land should not be altered to adversely affect the natural drainage patterns. Stormwater should drain directly to a Council-approved drainage system and not via adjoining properties unless via a formalised interallotment drainage system. The proposed allotments are to</p>	<p>As detailed earlier within this report, stormwater from the development is discharged within the rear yard via on-site dispersion trenches (i.e. level spreaders). Hence, the stormwater arrangement does not comply with this control.</p>	<p>Refer to discussion below this table</p>								



	be drained to the direction of the natural fall of the land. Interallotment drainage easements will be required through adjoining properties to adequately drain land to Council's downstream system.		
<b>Restrictions</b>	Any easement, right-of-carriageway, or other restriction that is placed on the title of any land as a requirement of the approval of the subdivision is to be protected by a positive covenant or like instrument with the Council nominated as a party.	N/A	N/A
<b>Environmentally constrained land</b>	In areas subject to constraints such as flooding, tidal inundation, threatened species, landslip risk, bushfire or any other matter, adequate safe area for building, where the risk from hazard is minimised, is to be provided within an allotment.  Where possible, lot boundaries should utilise natural land features such as creeks, escarpments and rock outcrops.	N/A	N/A
<b>Bushfire</b>	Subdivision should be designed to minimise the risk from potential bushfire. Asset protection zones should be contained within the property boundaries of the new subdivision.	N/A	N/A

#### Description of non-compliance

As detailed above, the stormwater management scheme does not comply with section C1 of the WDCP, given stormwater is not conveyed to the kerb and gutter, but rather disposed of within the rear yard via dispersion trenches.

#### Merit consideration

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

- *To regulate the density of development.*

#### Comment:

The development provides two semi-detached dwellings, which is consistent with the density of development anticipated within the Karigal Crescent Neighbourhood precinct under the WLEP and WDCP.

- *To limit the impact of new development and to protect the natural landscape and topography.*

Comment:

The development does not necessitate the removal of any significant vegetation, nor does it result in substantial alterations to the natural topography of the site.

- *To ensure that any new lot created has sufficient area for landscaping, private open space, drainage, utility services and vehicular access to and from the site.*

Comment:

The development provides a compliant quantum of landscaped area and private open space. The proposed vehicular access arrangement is also acceptable. While the development conveys stormwater to the rear yard, which is contrary to section C1 of the WDCP, the proposed on-site dispersion trench complies with the Northern Beaches Council Water Management for Development Policy and Council's Development Engineers have raised no objections to the proposed stormwater management scheme. As such, suitable drainage is provided, while not technically consistent with section C1 of the WDCP. For these reasons, this objective is achieved.

- *To maximise and protect solar access for each dwelling.*

Comment:

The proposed semi-detached dwellings receive compliant sunlight on June 21 in accordance with the WDCP. The adjacent properties will also receive compliant solar access, noting that their living rooms and private open space retain an unobstructed northern aspect.

- *To maximise the use of existing infrastructure.*

Comment:

The development does not constrain existing infrastructure.

- *To protect the amenity of adjoining properties.*

Comment:

The amenity of adjoining properties will not be adversely impacted upon, subject to a condition of consent requiring window W-1 06 to contain privacy attenuation measures. This is discussed later within this report.

- *To minimise the risk from potential hazards including bushfires, land slip and flooding.*

Comment:

The site is not environmentally constrained with bushfire, landslip or flooding hazards.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the objectives of section C1, notwithstanding the technical non-compliance. Therefore, flexibility is afforded to the control, consistent with section 4.15(3A)(b) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## **D8 Privacy**

### Description of non-compliance

Section D8 of the WDCP requires development to maintain reasonable levels of privacy for occupants of the subject site and adjoining properties.

The proposal has generally been designed to allow for reasonable levels of privacy to be maintained to the development and adjoining properties; however, window W-1 06 within bedroom 2 on Lot 22A would enable the future occupants to overlook into the future private open space area of the approved semi-detached dwelling at 24 Karingal Crescent.

### 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:

To mitigate the privacy impacts, a condition is recommended to require window W-1 06 to contain either frosted glazing to 1.5m above the finished floor level of the window or for the window to have a 1.5m high window sill. This will still provide an outlook from bedroom 2, while precluding downward overlooking into the adjoining private open space. Subject to compliance with this condition, this objective will be achieved.

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

Comment:

The development, as amended via recommended condition, will provide an acceptable design that will have an acceptable impact on the urban environment.

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

Comment:

The development, as amended via recommended condition, will provide personal and property security for occupants and visitors of adjoining development and the subject site

Having regard to the above assessment, it is concluded that the development will achieve the objectives and requirements of section D8 of the WDCP, subject to compliance with the recommended conditions of consent.

### **5.3 Precinct 06 Karingal Crescent Neighbourhood**

#### Description of non-compliance

##### *Front Setback*

As detailed within the WDCP Built Form Control Table, the development has a varied front setback between 4.2m - 5.7m, which is partially non-compliant with the WDCP control of 5m. The non-compliant elements are caused by the irregularity of the splayed front boundary, which do not follow the curvature of the road. The non-compliance is largely limited to the semi-detached dwelling on Lot 22.

##### *Rear Setback*

As detailed within the WDCP Built Form Control Table, the development has a varied rear setback between 5.1m - 5.8m for the rear verandah and pergola, which does not comply with the WDCP control of 8m. The facade of the building also has a varied setback between 7.8m - 8.7m from the rear boundary, which is partially non-compliant with the WDCP control of 8m.

#### Merit Assessment

Noting the technical non-compliance above, a merit assessment against the objectives of the control is provided below.

*A. To maintain the existing visual continuity and pattern of residential buildings' street setbacks, rear gardens and landscape elements in order to achieve the Desired Future Character and Character Statement for the precinct.*

#### Comment:

As outlined above, the partial front setback non-compliance is attributable to the irregularity of the splayed front boundary, which is not a straight line and does not follow the curvature of the roadway. As such, despite the minor non-compliance, the resultant dwellings will appear to have the same setback from the edge of the road as the approved semi-detached dwellings on 24, 26, 28, 38 and 46 Karingal Crescent. In this regard, the development will maintain the visual continuity and pattern of residential buildings' street setbacks, notwithstanding the technical non-compliance.

In relation to the rear setback, the rear setback of the semi-detached dwellings is consistent with those that were approved on 24, 26, 28, 38 and 46 Karingal Crescent. In this regard, while there is a variation to the numerical requirement, the rear setback of the building and the quantum of landscaping within the rear yard will be compatible with the emerging character of the precinct.

For these reasons, the assessment finds that this objective is achieved.

*B. To ensure spatial separation between buildings in order to provide a reasonable level of privacy, amenity and solar access.*

Comment:

The side setbacks of the building are compliant and the development allows for the required 3 hours of sunlight to be maintained to adjoining properties. Furthermore, as detailed earlier within this report, the privacy impacts of the development will be appropriately mitigated through the recommended conditions of consent. Overall, this objective is achieved.

*C. To ensure opportunities for deep soil landscape areas are provided.*

Comment:

The development provides a compliant quantum of landscaped area and therefore, this objective is achieved.

*D. To ensure that buildings are appropriately setback at upper levels to achieve a transition in building bulk and scale at street frontages and at interfaces to adjoining low density residential areas.*

Comment:

The development is only two storeys in height and the WDCP only requires the third storey elements within the Karingal Crescent to be stepped in at the upper level.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the objectives of the control, notwithstanding the technical non-compliance. Therefore, flexibility is afforded to the control, consistent with section 4.15(3A)(b) of the EP&A Act.

## **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.

## **BIODIVERSITY CONSERVATION ACT 2016**

The Biodiversity Conservation Act 2016 (BC Act) applies to the land pursuant to section 1.7 of the EP&A Act and aims to maintain a healthy, productive and resilient environment for the greatest wellbeing of the community, now and into the future, consistent with the principles of ecological sustainable development.

As depicted in **Figure 1**, portions of the site are mapped on the NSW Government's Biodiversity Values Map (BVM) as being land with high biodiversity value, as defined by the Biodiversity Conservation Regulation 2017.





**Figure 1 - BVM (source: State Government's Spatial Viewer)**

Notwithstanding, the development does not include the removal of any native vegetation within the BVM area, as confirmed within Council's Biodiversity Officer's referral response.

As the works do not encroach into the BVM area and the development does not exceed the native clearing thresholds of 0.25 hectares or more, as identified in the BC Act, the application does not require the submission of a Biodiversity Development Assessment Report or require entry into the Biodiversity Offset Scheme.

Overall, the development is not likely to have adverse impacts on threatened ecological communities, species, or their habitats and is consistent with the provisions of the BC Act.

## 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 2021;
- 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 DA2025/0463 for Demolition works and construction of a two semi-detached dwellings and subdivision of one (1) lot into two (2) on land at Lot 108A DP 36755, 22 Karingal Crescent, FRENCHS FOREST, subject to the conditions printed below:

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

## GENERAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A001	A	Site Analysis Plan and Site Plan	MHDP Architects	13 March 2025
A002	A	Tree Retention and Removal Plan	MHDP Architects	13 March 2025
A003	A	Erosion & Sediment Control Plan	MHDP Architects	13 March 2025
A004	A	Subdivision Plan	MHDP Architects	13 March 2025
A101	A	Ground Floor Plan	MHDP Architects	13 March 2025
A102	A	First Floor Plan	MHDP Architects	13 March 2025

A103	A	Roof Plan	MHDP Architects	13 March 2025
A201	A	North and South Elevations	MHDP Architects	13 March 2025
A202	A	East and West Elevations	MHDP Architects	13 March 2025
A203	A	Front Fence Elevation	MHDP Architects	11 June 2025
A221	A	Section A-A & B-B & C-C	MHDP Architects	11 March 2025
A222	A	Driveway Profile	MHDP Architects	11 March 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Noise Impact Assessment	Project No. 250352, Rev. 0	Pulse White Noise Acoustics Pty Ltd	12 June 2025
Landscape Plans No. 22-000 - 22-502	Job No. SS25-5464	Site Image	11 April 2025
BASIX Certificate	1787460M	ESD SYNERGY PTY LTD	14 March 2025
Stormwater Management Plan Drawing No. STORM-1	-	Taylor Consulting	5 March 2025
Arboricultural Impact Assessment	Version No. 002	Arborsaw	18 March 2025
Waste Management Plan	22 Karingal Crescent Frenchs Forest 2086	-	-

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

## 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	Referral - Ausgrid	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](http://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/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of semi-detached dwellings. The Warringah Local Environmental Plan 2011 defines a semi-detached dwelling as follows:

- ***semi-detached dwelling*** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

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 (Demolition):**

(a) 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 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
- (ii) 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.

(b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier 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 Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(c) 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.

Reason: Legislative Requirement.

## 5. 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 Certifier 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 Certifier 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 Certifier 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.

**6. General requirements (Demolition):**

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. The consent shall be available for perusal of any Authorised Officer.

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

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

(e) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

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

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy. )

(i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads,

reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

## 7. 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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) 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.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.
- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
  - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
  - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any

contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.

- iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) 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.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) 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.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (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.

#### 8. **Removal of Tree 4 excluded from this Development Consent**

The removal of Tree No. 4 (Hakea tree) that is shown on the approved site plans does not fall under this Development Consent.

Reason: Tree No. 4 was approved for removal under Tree Application No. TA2025/0026.

### FEES / CHARGES / CONTRIBUTIONS

#### 9. **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 Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is

located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

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

10. **Special Infrastructure Contributions (Frenchs Forest) Determination 2021**

A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Frenchs Forest) Determination 2021 (as in force when this development consent takes effect).

A person may not apply for a Construction Certificate in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

**More information**

A request for assessment by the Department of Planning, Housing and Infrastructure of the amount of the contribution that is required under this condition can be made through the NSW Planning Portal (<http://www.planningportal.nsw.gov.au/special-infrastructure-contributions-online-service>). Please refer enquiries to [SIContributions@planning.nsw.gov.au](mailto:SIContributions@planning.nsw.gov.au).

11. **Frenchs Forest Town Centre Section 7.11 Contributions Plan 2023**

A monetary contribution of \$40,896.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.11 of the Environmental Planning & Assessment Act 1979 and the Frenchs Forest Town Centre Section 7.11 Contributions Plan 2023 (as amended).

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Frenchs Forest Town Centre Section 7.11 Contributions Plan 2023 (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land (other than land identified above) in lieu of the monetary contribution above (or any portion of that monetary contribution) through a Planning Agreement between Council and the Applicant in accordance with the Frenchs Forest Town Centre Section 7.11 Contributions Plan 2023.

The Planning Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Frenchs Forest Town Centre Section 7.11 Contributions Plan 2023 that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Frenchs Forest Town Centre.

## 12. Housing and productivity contribution - Development consents

1. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

Contribution Type	Amount
Housing and Productivity Contribution	\$12,000
<b>Total:</b>	<b>\$12,000</b>

2. The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

***highest PPI number***

***consent PPI number***

where—

***highest PPI number*** is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

***consent PPI number*** is the PPI number last used to adjust HPC rates when consent was granted.

***June quarter 2023 and PPI*** have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

3. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata	Before the issue of the first strata certificate



subdivision and a change of use of an existing building	
Manufactured home estate for which no construction certificate is required	Manufactured home estate for which no construction certificate is required

4. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
5. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
  - a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
  - b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.
6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

## BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

### 13. **No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

### 14. **On-Site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Taylor Consulting, drawing number Storm-1, dated 05.03.2025. Detailed drainage plans are to

be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

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.

**15. Vehicle Crossings Application**

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing 4.0 metres wide on the kerb line and a maximum of 6.0 metres wide on the property boundary in accordance with Northern Beaches Council Standard Drawing A4 3330/1 N in accordance with Section 138 of the Roads Act 1993.

Note, driveways are to be in plain concrete only.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

**16. Stormwater Treatment Measures - Minor**

The applicant must install a filtration device (such as a sediment control pit, absorption trench, flow spreader system) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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

Reason: Protection of the receiving environment.

**17. Amendments to the approved plans**

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

- Window W-1 06 within bedroom 2 on Lot 22A must be amended to contain a 1.5 metre tall window sill when measured from the finished floor level or contain frosted glazing to a height of 1.5 metres above the finished floor level.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

**18. Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered

Surveyor, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

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

19. **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 Certifier prior to the issue of the Construction Certificate.

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

20. **External Finishes to Roof**

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier 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.

21. **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 Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://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.

22. **Fire Separation of Common Walls**

A separating wall between Class 1 buildings, or a wall that separates a Class 1 building from a Class 10a building which is not associated with the Class 1 building is required to comply with Part 9.3 of the National Construction Code – Housing Provisions – 'Fire Protection of Separating Walls and Floors'.

Details demonstrating compliance are to be provided to the Certifier prior to the issue of the

Construction Certificate.

Reason: To ensure adequate provision is made for fire safety and for building occupant safety.

**23. Acoustic Design**

A suitable qualified acoustic consultant must provide written certification demonstrating that the noise mitigation design recommendations outlined within Section 4 'Acoustic Recommendations' of the Noise Impact Assessment referenced in Condition 1 of this consent have been incorporated into the construction plans.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure compliance with State Environmental Planning Policy (Transport and Infrastructure) 2021.

## **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

**24. Project Arborist**

a) A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment.

c) All tree protection measures specified 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.

d) The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS 4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

## **DURING BUILDING WORK**

**25. Tree and Vegetation Protection**

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

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project 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/Project 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/Project Arborist to the Principal Certifier,
- 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 AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 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 AS 4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) The Principal Certifier must ensure that:

- i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

## 26. **Wildlife Protection**

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

## 27. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

28. **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.

29. **Handling of asbestos during demolition**

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
- Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.

Reason: To ensure that the removal of asbestos is undertaken safely and professionally.

30. **Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

31. **Survey Certificate**

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

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

(b) At ground level to ensure the finished floor levels are in accordance with the approved

levels, prior to concrete slab being poured/flooring being laid.

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

Details demonstrating compliance are to be submitted to the Principal Certifier.

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

### 32. **Maintenance of Sediment and Erosion Controls**

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

### 33. **Property Boundary Levels**

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To maintain the existing profile of the nature strip/road reserve.

### 34. **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 Certifier.

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

## **BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

### 35. **Landscape Completion**

a) Landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawings 22-000, 22-101 revision B by Site Image dated 11/04/25), and inclusive of



the following conditions:

- i) landscape works are to be contained within the legal property boundaries,
- ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
- iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of AS2303 – Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings and other trees or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
- iv) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

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

Reason: Environmental amenity.

**36. Condition of Retained Vegetation**

- a) Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:
- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
  - ii) extent of damage sustained by vegetation as a result of the construction works,
  - iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

**37. Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Details demonstrating compliance are to be provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

**38. No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

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

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

**39. Stormwater Disposal**

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

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

**40. Waste Disposal Verification Statement**

On completion of demolition work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and
- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within 14 days of completion of the demolition work.

Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

**41. Acoustic Design**

A suitable qualified acoustic consultant must provide written certification demonstrating that the noise mitigation design recommendations outlined within Section 4 'Acoustic Recommendations' of the Noise Impact Assessment referenced in Condition 1 of this consent have been incorporated into the as-built development.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure compliance with State Environmental Planning Policy (Transport and Infrastructure) 2021.

**42. Reinstatement of Kerb**

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces.

**43. Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure bushland management.

**44. House / Building Numbers**

House/building numbers are to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Proper identification of buildings.

**ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES****45. Landscape Maintenance**

a) If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) 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.

c) 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(s) and any conditions of consent.

d) The approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

**46. Maintenance of Stormwater Treatment Measures - Minor**

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

**47. Mechanical Ventilation/Plant Noise**

Any mechanical ventilation / plant shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

**BEFORE ISSUE OF A SUBDIVISION CERTIFICATE****48. Positive Covenant for On-site Stormwater Detention**

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the final plan of subdivision and accompanying 88B instrument, requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council.

Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate

Reason: To ensure ongoing maintenance of the on-site detention system.

**49. Provision of Services for Subdivision**

The applicant is to ensure all services including water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure that utility services have been provided to the newly created lots.

**50. Restriction as to User (On-site Stormwater Detention)**

The Applicant shall create a restriction as to user (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument for the on-site stormwater detention system, restricting any alteration or additions to the system. The terms of such restriction are to be prepared to Council's standard requirements. Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure no modification to the on-site stormwater detention structure without Council's approval.

**51. Sydney Water Compliance Certification**

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and fees to be paid. Please make early contact with the coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

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

**52. Subdivision Certificate Application**

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted

to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

**53. Title Encumbrances**

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to be created on the title naming Council as the sole authority empowered to release or modify.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure proper management of land.

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

**Signed**



**Thomas Burns, Principal Planner**

The application is determined on 16/06/2025, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**