

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2017/0731
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Responsible Officer:	Daniel Milliken
Land to be developed (Address):	Lot 83 DP 226445, 54 Towradgi Street NARRAWEENA NSW 2099
Proposed Development:	Construction of a dwelling house
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Troy Bastiaan Vanderplas Amanda Kate Vanderplas
Applicant:	Rapid Plans Pty Ltd

Application lodged:	26/07/2017
Integrated Development:	No
Concurrence Required:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	02/08/2017 to 18/08/2017
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions Received:	1
Recommendation:	Approval

Estimated Cost of Works:	\$ 495,550.00
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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 - 4.3 Height of buildings

Warringah Development Control Plan - B1 Wall Heights

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - B9 Rear Boundary Setbacks

Warringah Development Control Plan - C9 Waste Management

SITE DESCRIPTION

Property Description:	Lot 83 DP 226445 , 54 Towradgi Street NARRAWEENA NSW 2099
Detailed Site Description:	<p>The site is located on the northern side of Towradgi Street, has an area of 557.4sqm and slopes steeply down towards the north.</p> <p>The site is currently vacant and undeveloped.</p> <p>The surrounding development consists of detached residential dwellings to the east, west and south, a creek and public reserve to the north, and a retirement village to the north of the creek.</p>

Map:



SITE HISTORY

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

The land has been vacant for an extended period of time.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the construction of a new two storey dwelling with an attached double garage.

In detail, the proposal includes:

- The construction of a four bedroom dwelling with an attached double garage and a deck to the rear.
- The construction of a new driveway and driveway crossing.
- The construction of a new front fence.
- Associated landscaping works.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental</p>

Section 79C 'Matters for Consideration'	Comments
	economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (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.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Ms Irma Claveria Parrish	56 Towradgi Street NARRAWEENA NSW 2099

The following issue was raised in the submission and has been addressed below:

- Erosion and subsidence concerns relating to the creek at the rear,
- Natural environment referral response,

The matters raised within the submission are addressed as follows:

- **Erosion and subsidence concerns relating to the creek at the rear**

The submission raised a number of concerns relating to the creek bed. Particularly that the erosion and the subsided solid debris within the creek results in an impediment to the natural creek flow, even during moderate rainfall. The submission recommends that a rectification plan be discussed and possibly put in place between affected properties.

Comment:

The proposal was referred to Council's Natural Environment (Riparian Lands/Creeks) Team who provided the following comments:

"The proposed development, which involves the construction of a new dwelling on a currently vacant block, is located adjacent to South Creek, a Group C Catchment under Council's

Warringah Creek Management Study.

Stormwater from the property is proposed to be discharged directly into South Creek. The outlet structure must be designed in accordance with DPI Water's Guidelines for Outlet Structures on Waterfront Land."

As the dwelling itself does not require a new retaining wall to, or rectification work on, the creek, it is not within the scope of his consent to require a rectification plan. Notwithstanding, a rectification plan would be of benefit to the creek and the adjoining properties.

- **Natural environment referral response**

The submission queried a recommended condition and asked if the referral response considered impacts to their already eroded area in order not to make matters worse should heavy rain happen again.

Comment:

Yes, the impact to the already eroded area was considered by Council's Natural Environment (Riparian Lands/Creeks) Team. Heavy rain will likely cause damage whether this development goes ahead or not. It is considered that the development itself will not unreasonably increase any damage.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Development Engineers	<p>Development Engineers have reviewed the proposal and advise the proposal cannot be supported due to the following reasons.</p> <ol style="list-style-type: none"> 1. Insufficient information is submitted to demonstrate the 1 in 100 year ARI overland flow path is not made worse for the development site and adjoining properties by the proposal. In this regard, cross sections detailing the 1 in 100 year ARI water surface level are to be provided at appropriate intervals, such as at the kerb alignment, front property boundary alignment, etc. 2. The overland flow surface levels of the receiving water must be indicated on the drainage layout plan (if applicable). Water surface profiles are to be detailed for the existing and proposed conditions for the development site as well as both upstream and downstream of the development site. The HEC-RAS computer program is preferred for this application. Runoff from the developed site must not cause a detrimental effect on any property. This may require the retention (and possible expansion) of existing surface flow paths. The development is to be designed to comply with Section 9.3, Overland Flow of Council's PL 850 Water : Water Management Policy.

Internal Referral Body	Comments
	<p>3.No engineering long section of the proposed driveway on the critical side of the driveway is submitted to Development Engineers for assessment. In this regard, the applicant is to submit an engineering long section of the western edge of the driveway demonstrating compliance with As2890.1 utilizing Council's standard Extra Low profile drawing. To achieve the above, the finished surface level of the garage may need to be raised.</p> <p>Not supported for approval due to lack of information to address:</p> <ul style="list-style-type: none"> • Management of stormwater overland flows for the development in accordance with clause C4 Stormwater of the DCP • Parking facilities for the development in accordance with clause C3 Parking Facilities <p><u>Further assessment dated 18/10/2017</u></p> <p>Reference is made to the additional information submitted (trim no. 2017/347392) where it is demonstrated that the proposed off-street parking facility and dwelling are not impacted by the 1 in 100 year ARI overland flow path. In this regard, no objections are raised with regards to the proposal subject to conditions.</p>
Landscape Officer	No objections subject to conditions as recommended.
Natural Environment (Biodiversity)	Councils natural environment, biodiversity section raise no objections to the proposal.
Natural Environment (Flood)	Please refer to Development Engineering comments for relevant comments regarding the overland flow path. All works are located above the Flood Planning Level within South Creek. No flood related development controls applied.
Natural Environment (Riparian Lands/Creeks)	<p>The proposed development, which involves the construction of a new dwelling on a currently vacant block, is located adjacent to South Creek, a Group C Catchment under Council's Warringah Creek Management Study.</p> <p>Stormwater from the property is proposed to be discharged directly into South Creek. The outlet structure must be designed in accordance with DPI Water's Guidelines for Outlet Structures on Waterfront Land.</p> <p>No objection to approval, subject to conditions as recommended.</p> <p><i>Note: A Controlled Activity Permit may be required</i></p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	Ausgrid raised no objections, subject to conditions.
Aboriginal Heritage	<p>No sites are recorded in the current development area and the area.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p>

External Referral Body	Comments
	Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should be contacted.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 838281S dated 4 July 2017).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	40	53

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions.

Warringah Local Environment Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	9.452m	11.2%	No

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
5.9 Preservation of trees or vegetation	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

4.6 Exceptions to development standards

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard has taken into consideration the questions established in Winten Property Group Limited v North

Sydney Council (2001) NSW LEC 46.

Requirement:	8.5m
Proposed:	9.452m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	11.2%

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the WLEP 2011. The assessment is detailed as follows:

Is the planning control in question a development standard?

The prescribed Height of buildings limitation pursuant to Clause 4.3 of the WLEP 2011 is a development standard.

What are the underlying objectives of the development standard?

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the WLEP 2011 are:

(1) The objectives of this clause are as follows:

a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The element of the dwelling that breaches the height limit is a small section of the roof in the centre of the building. This is partly caused by the steep slope of the land. From the street, the dwelling will appear single storey and minimal excavation is proposed. The surrounding dwellings on the low side of Towradgi Street are all of a similar height and scale as they deal with the slope of the land in similar ways. As such, the building will be compatible with the height and scale of surrounding and nearby development.

b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

Comment:

The orientation of the site will ensure adequate light and solar access to the neighbouring properties.

The size and placement of windows, along with the large side setbacks for the rear deck will ensure reasonable privacy protection for the adjoining properties.

The proposal will not result in any unreasonable view loss given its siting on the block and the single storey appearance from the street.

c) to minimise adverse impact of development on the scenic quality of Warringah’s coastal and

bush environments,

Comment:

The site is currently mostly vacant and there is a creek and public reserve to the rear of the site. The development will not result in the removal of any significant canopy trees and will not unreasonably impact on the creek or reserve. In this regard, the development will not have adverse impacts on the scenic quality of Warringah's coastal and bush environments.

d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities,

Comment:

The dwelling will be consistent with adjoining and nearby properties when viewed from the creek, public reserve and the street. In this regard, the visual impact of the development will be reasonable.

What are the underlying objectives of the zone?

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the R2 Low Density Residential zone.

The underlying objectives of the R2 Low Density Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment:

It is considered that the development satisfies this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

It is considered that the development satisfies this objective.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment:

It is considered that the development satisfies this objective.

Is the variation to the development standard consistent with the objectives of Clause 4.6 of the WLEP 2011?

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment:

By applying flexibility in this particular circumstance, a better development outcome will be achieved for the residents of the site, without resulting in any unreasonable impacts on surrounding properties.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

The applicant submitted a separate written request to vary the height of buildings development standard that argued, in part:

- *"The encroachment is due to the existing topography dropping sharply from the front to the rear of the property with a 7.2m drop in elevation from the front to the rear of the site. The encroachment of .952m will be contained in the NW corner of the roof only, for a distance of 4.241m.*
- *Although the bulk & scale of the building is within normal limits, the overall size & bulk in relation to the front street elevation will appear small due the slope of the block running towards the rear of the site.*
- *The proposal provides a generally consistent pattern of development with regard to adjoining building heights, and as such, the proposal will not result in any visually prominent element that will result in an unreasonable impact on the streetscape."*

It is agreed that the steep slope of the land is particular to the circumstances of the site and has a large bearing on the breach of the height limit, particularly given that the garage is located on the upper level and the dwelling will appear single storey from the street.

The proposal is not an overly large dwelling and is it also agreed that the appearance from the streetscape and the overall design will be consistent with surrounding development.

In this regard, the request for a variation is supported.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment:

The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment:

For reasons detailed above, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone in the WLEP 2011.

(b) the concurrence of the Director-General has been obtained

Comment:

Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to the Height of buildings Development Standard is assumed.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	7.33m	1.8%	No
B3 Side Boundary Envelope	East - 4m	No encroachments	N/A	Yes
	West - 4m	One encroachment of between nil and 2.1m in height for a length of 8.15m	0% - 52.5%	No
B5 Side Boundary Setbacks	East - 0.9m	Dwelling - 6.9m Deck - 4.8m	N/A N/A	Yes Yes
	West - 0.9m	1.42m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	Dwelling - 6.51m Garage - 5.5m	N/A 15.4%	Yes No
B9 Rear Boundary Setbacks	6m	Dwelling - 6.932m Deck - 3.432m	N/A 42.8%	Yes No
D1 Landscaped Open Space	40%	45% (262.42sqm)	N/A	Yes

(LOS) and Bushland Setting				
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Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	No	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D13 Front Fences and Front Walls	Yes	Yes
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
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

A portion of the wall of the dwelling reaches 7.33m in height.

The control requires a minimum of 7.2m, however, exceptions can be made for dwellings on steeply sloping sites.

Merit consideration:

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

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

Comment:

The site slopes steeply and the development, when viewed from the street, will appear single storey. As the site drops away, a minor breach of the wall height control will occur on the far northern end of the upper level. This minor breach will not result in a dwelling that has an unreasonable visual impact or one that is inconsistent with neighbouring properties.

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

Comment:

The site is vacant with no substantial canopy trees. The development will remain generally beneath the existing tree canopy level on surrounding land.

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

Comment:

The proposal (and the minor breach of the wall height) will not result in any unreasonable view loss because the dwelling sits generally in line with the neighbouring properties and will maintain a single storey appearance from the street.

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

Comment:

The development will be reasonably consistent with surrounding houses in terms of its alignment and height. As such, the minor breach of the wall height will not result in the dwelling having unreasonable impacts on adjoining or nearby properties.

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

Comment:

While the development does breach the height limit, the site slopes steeply down away from the street and there is minimal excavation proposed. From the road, the development will appear single storey and it is therefore considered that the dwelling responds appropriately to the site topography.

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

Comment:

The roof design is innovative and will be of benefit to the urban environment.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B3 Side Boundary Envelope

Description of non-compliance

The western elevation includes one encroachment of between nil and 2.1m in height for a length of 8.15m.

Merit consideration

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

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

Comment:

The site slopes steeply and the development, when viewed from the street, will appear single storey. As the site drops away, a breach of the side boundary envelope will occur on the western elevation of the upper level. The side setbacks of the dwelling are greater than the minimum requirement and the development will be generally consistent with surrounding houses. In this regard, the development will not become visually dominant by virtue of its height and bulk.

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

Comment:

The orientation of the site will ensure that adequate light and solar access is maintained to both neighbouring properties.

The side setback to the western boundary is greater than the minimum requirement and this will ensure sufficient spatial separation on what is a steeply sloping site.

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

Comment:

While the development does breach the height limit, the site slopes steeply down away from the street and there is minimal excavation proposed. From the road, the development will appear single storey and it is therefore considered that the dwelling responds appropriately to the site topography.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011, WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The garage is set back 5.5m from the front boundary.

The control requires a minimum of 6.5m.

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The site slopes steeply down away from the street. The garage is already on the upper level of the dwelling, just 5.5m from the front boundary. Increasing this setback to 6.5m would result in the dwelling breaching the height limit to an even greater extent and is not considered reasonable.

The main portion of the dwelling is set back 6.51m from the front boundary. This, along with the single storey appearance of the dwelling from the street, reduces the impact of the relatively minor front setback non-compliance with the garage. Overall, the development will maintain a reasonable sense of openness.

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

Comment:

Most other dwellings on the low side of Towradgi Street have the same issue with the slope and have designed their dwellings in a similar way, with similar setbacks and heights. In this regard, the proposal will reasonably maintain the visual continuity and pattern of buildings and landscape elements in the street.

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

Comment:

The front yard will contain sufficient landscaped open space to allow planting to enhance the streetscape and partly screen the dwelling.

- *To achieve reasonable view sharing.*

Comment:

The proposal (and the minor breach of the front setback control) will not result in any unreasonable view loss because the dwelling sits generally in line with the neighbouring properties and will appear as single storey when viewed from the street.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011, WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B9 Rear Boundary Setbacks

Description of non-compliance

The covered deck is set back 3.432m from the rear boundary.

The control requires a minimum of 6.0m.

Merit consideration:

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

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

The development will retain 45% (262.42sqm) of the site as landscaped open space, greater than the 40% minimum.

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

Comment:

The property backs onto a creek and public reserve. The dwelling is set back greater than the 6.0m minimum with just the single storey covered deck extending into the rear yard. The slope of the site means that usable open space is almost non-existent and the deck will act as the private open space for the residents.

The deck is an open structure and the land around it will be sufficient to provide appropriate planting to soften the built form. In this regard, the proposal will create a reasonable sense of openness given the circumstances of the site.

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

Comment:

The neighbouring properties also slope steeply to the rear and back onto the public reserve. The deck, while elevated, is not considered to result in a privacy impact because the rear yards of the neighbouring properties are not actively used for private open space for the same reason as the subject site. The deck is set back 4.8m and 5.31m from the eastern and western boundaries, respectively. These factors will allow the amenity of adjacent land, particularly relating to privacy, to be preserved.

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

Comment:

The development is positioned further toward the north than the neighbouring dwelling to the west but is generally in line with the dwelling to the east and with other dwellings along Towradgi Street. In this regard, the existing visual continuity and pattern of buildings, rear gardens and landscape elements will be reasonably maintained.

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

Comment:

The significant side setbacks of the deck will allow extensive planting opportunities to maintain privacy.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011, WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C9 Waste Management

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their

habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 495,550		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 4,708
Section 94A Planning and Administration	0.05%	\$ 248
Total	1%	\$ 4,956

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP

- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2017/0731 for Construction of a dwelling house on land at Lot 83 DP 226445, 54 Towradgi Street, NARRAWEENA, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA1003	20 July 2017	Rapid Plans
DA1006	20 July 2017	Rapid Plans
DA2001	20 July 2017	Rapid Plans
DA2002	20 July 2017	Rapid Plans
DA2003	20 July 2017	Rapid Plans
DA2004	20 July 2017	Rapid Plans
DA2005	20 July 2017	Rapid Plans
DA3001	20 July 2017	Rapid Plans
DA4001	20 July 2017	Rapid Plans
DA4002	20 July 2017	Rapid Plans
DA5005	20 July 2017	Rapid Plans

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Overland Flow Risk Assessment	24 July 2017	Stellen Consulting
Preliminary Geotechnical Assessment	26 July 2017	White Geotechnical Group

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

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

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

2. **Compliance with Other Department, Authority or Service Requirements**

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

Other Department, Authority or Service	EDMS Reference	Dated
Aboriginal Heritage Office	Referral Response AHO	9 August 2017
Ausgrid	Referral Response Ausgrid	14 August 2017

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

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

3. **Prescribed Conditions**

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

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

If arrangements for doing the residential building work are changed while the work is

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

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

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

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

1 per 20 persons.

- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (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.
- (j) 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.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued

- by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred 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. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 495,550.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 4,707.73
Section 94A Planning and Administration	0.05%	\$ 247.78
Total	1%	\$ 4,955.50

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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

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

6. Security Bond

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

7. Stormwater Disposal

Engineering Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the creek located to the north of the development site.

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

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development. (DACENC06)

8. Vehicle Crossings Application Formwork Inspection

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

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

Reason: To facilitate suitable vehicular access to private property. (DACENC12)

9. Structures Located Adjacent to Council Pipeline or Council Easement

All structures are to be located clear of any Council pipeline or easement traversing the development site. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Water Management Policy; in particular Section 6 - Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specification.

<https://www.warringah.nsw.gov.au/sites/default/files/documents/policies-register/environment/water-management-policy/2016-011845-water-management-policy-current.pdf>. Any proposed landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted).

Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACENC21)

10. **Off Street Parking Facility and internal driveway**

The off-street parking facility gradients, levels, internal dimensions are to comply with AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking.

Engineering longitudinal sections of the finished ground surface levels of the driveway and garage along the vehicle turning swept paths are to be provided. Surface levels, gradients, change in gradients, etc of the proposed garage and driveway are to comply with section 2.6 of AS/NZS 2890.1 to ensure vehicles will not scrape their undersides when accessing the proposed garage.

A suitably experienced and qualified civil engineer is to certify that the proposed car parking facility complies with all requirements of this condition.

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

Reason: To ensure suitable vehicular access to private property. (DACENCPCC3)

11. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

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

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

12. **Tree protection**

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

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

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

13. **Design of outlet structure prior to construction certificate**

Stormwater and overland flow must be discharged to the creek through an outlet structure designed as per DPI Water's guidelines for outlet structures on waterfront land. Guidelines can be found at http://www.water.nsw.gov.au/__data/assets/pdf_file/0011/547058/licensing_approvals_control

This design is to be submitted to Council for approval under Section 68 of the Local Government Act prior to issue of the Construction Certificate.

Note: The applicant is advised to discuss with the NSW Office of Water whether a Controlled Activity Permit is required for the outlet structure.

Reason: To protect the surrounding creek bank from the effects of localised erosion and scouring (DACNECPCC1)

14. **Compliance with Standards**

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

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

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

15. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

16. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

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

(DACPLC12)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

17. **Public Liability Insurance - Works on Public Land**

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

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

18. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. **Vehicle Crossings**

The provision of one vehicle crossing three metres wide at the kerb alignment in accordance with Warringah Council Drawing No A4-3330/5 Extra Low and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

20. **Layback Construction**

A layback three metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

21. **Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

22. **Waste Management During Development**

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

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

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

23. Trees Condition

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

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

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

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

Reason: Protection of Trees. (DACLAEO3)

24. Protection of rock and sites of significance

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

Reason: Preservation of significant environmental features (DACLAEOG1)

25. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

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

26. **Certification of Structures Located Adjacent to Council Pipeline or Council Easement**

All structures are to be located clear of any Council pipeline or easement traversing the development site. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Water Management Policy; in particular Section 6 - Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specification.

<https://www.warringah.nsw.gov.au/sites/default/files/documents/policies-register/environment/water-management-policy/2016-011845-water-management-policy-current.pdf>

A statement of compliance is to be prepared by a suitably qualified Civil Engineer and submitted to the Certifying Authority for approval prior to the issue of the Occupation Certificate.

Reason: Protection of Council's Infrastructure (DACENF11)

27. **Required Planting**

Trees shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Minimum Pot Size
1	Tree species capable of attaining a minimum height of 5 metres at maturity	Front yard	200mm

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

Reason: To maintain environmental amenity. (DACLAF01)

28. **Waste Management Confirmation**

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

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

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


Signed

Daniel Milliken, Principal Planner

The application is determined under the delegated authority of:

Lashta Haidari, Acting Development Assessment Manager


ATTACHMENT A





Notification Plan	Title	Date
 2017/253258	Plan - Notification	26/07/2017

ATTACHMENT B

Notification Document	Title	Date
 2017/261329	Notification Map	02/08/2017

ATTACHMENT C

Reference Number	Document	Date
 2017/253268	Report - BASIX Certificate	04/07/2017
 2017/253292	Report - Clause 4.6 Variation	04/07/2017
 2017/253337	Report - Waterways - Riparian - Flora and Fauna	04/07/2017
 2017/253327	Report - Land Adjoining Public Open Space	21/07/2017
 2017/253220	Builders Quote	24/07/2017
 2017/253347	Report - Hydraulic Supporting Letter	24/07/2017
 2017/253356	Plans - Stormwater	24/07/2017
 2017/253306	Report - Flood	24/07/2017
 2017/253258	Plan - Notification	26/07/2017
 2017/253593	Plans - Master Set	26/07/2017
 2017/253320	Report - Geotechnical	26/07/2017
 2017/253331	Report - Wildlife Corridor	26/07/2017
 2017/253263	Report-Statement of Environmental Effects	26/07/2017
 DA2017/0731	54 Towradgi Street NARRAWEENA NSW 2099 - Development Application - New	26/07/2017
 2017/251646	DA Acknowledgement Letter - Rapid Plans Pty Ltd	26/07/2017
 2017/253197	Development Application Form	27/07/2017
 2017/253204	Applicant Details	27/07/2017
 2017/253213	On-site Stormwater Detention Checklist	27/07/2017
 2017/253218	Cost Summary Report	27/07/2017
 2017/253254	Plans - Survey	27/07/2017
 2017/253579	Plans - Cerification of Shadow Diagrams with Plans	27/07/2017
 2017/253602	Plans - External	27/07/2017
 2017/253622	Plans - Internal	27/07/2017
 2017/261307	DA Acknowledgement Letter (not integrated) - Rapid Plans Pty Ltd	02/08/2017
 2017/261329	Notification Map	02/08/2017
 2017/261342	Notification Letter - 6	02/08/2017
 2017/280564	Confirmation of notification sign - 54 Towradgi Street Narraweena	10/08/2017
 2017/282812	Natural Environment Referral Response - Biodiversity	11/08/2017
 2017/287393	Natural Environment Referral Response - Riparian	15/08/2017
 2017/291599	Referral Response Ausgrid	16/08/2017
 2017/291822	Online Submission - Parrish	16/08/2017
 2017/297152	Natural Environment Referral Response - Flood	21/08/2017
 2017/304486	Submission Acknowledgement Letter - Irma Claveria Parrish - SA2017/291822	23/08/2017

	2017/319080	Development Engineering Referral Response	31/08/2017
	2017/346032	Landscape Referral Response	14/09/2017
	2017/400825	Development Engineering Referral Response	18/10/2017
	2017/444150	Deleted	09/11/2017