

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/0078
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<b>Responsible Officer:</b>	Jordan Davies
<b>Land to be developed (Address):</b>	Lot 24 DP 13900, 17 Playfair Road NORTH CURL CURL NSW 2099
<b>Proposed Development:</b>	Subdivision of Land including demolition of an existing dwelling house
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential
<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>Owner:</b>	Anthony Charles Roberts Daniela Roberts Jane Alexander Simson
<b>Applicant:</b>	Boston Blyth Fleming Pty Ltd

<b>Application Lodged:</b>	01/02/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Subdivision only
<b>Notified:</b>	14/02/2019 to 04/03/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	6
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 47,000.00
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### PROPOSED DEVELOPMENT IN DETAIL

The proposed development consists of the subdivision of the land into two (2) residential lots each 458.6sqm in size. All existing structures on the site are proposed to be demolished and the removal of one (1) tree is required. The tree is a 12m height Grey Gum which is noted to be in poor condition as referenced in the submitted arborist report.

The proposed development also seeks to realign an existing stormwater pipe and associated easement which currently traverses the centre of the site. The new pipe location is proposed to run along the northern boundary and then traverse the site further east within the site in order to allow a reasonable

future building footprint clear of the easement. The construction of a inverted box culvert and and flood wall (max height 0.65m) to channel overland flows within the drainage easement along the northern boundary is proposed.

## ASSESSMENT INTRODUCTION

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

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

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - C1 Subdivision

Warringah Development Control Plan - C4 Stormwater

Warringah Development Control Plan - C6 Building over or adjacent to Constructed Council Drainage Easements

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 24 DP 13900 , 17 Playfair Road NORTH CURL CURL NSW 2099
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the eastern side of Playfair Road.</p> <p>The site is irregular in shape with a frontage of 23.7m along Playfair Road and a depth of 48.16m. The site has a surveyed area of 916.9m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a two storey dwelling house and detached garage.</p> <p>The site has a moderate fall from west to east towards the rear of the site. The is a stormwater drainage pipe and associated easement which currently traverses the site.</p>

The site has a number of low to medium height shrubs along the front boundary. A 12m height grey gum is within the centre of the site.

#### **Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is characterised by detached residential dwellings both single storey and double storey, an attached dual occupancy and nearby neighborhood shops. Immediately to the north is a single storey dwelling and to the south is a single storey dwelling. Across the road to the west are two storey dwelling houses and two semi-detached dwellings. Further to the south is a mixed use building containing residential premises and commercial premises which comprise of local shops.

Map:



#### **SITE HISTORY**

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

- Pre-lodgement Meeting **PLM2018/0094** was held on 24/05/2018 for Subdivision of Subdivision of one lot into two.

#### **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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to stormwater drainage and overland flow.</p> <p><u>Clause 92</u> of the EP&amp;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&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of	(i) <b>Environmental Impact</b>

Section 4.15 Matters for Consideration'	Comments
the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(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.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 6 submission/s from:

Name:	Address:
Ms Monique Danielle Licardy	PO Box 22 COLLAROY NSW 2097
Phillip John Peter Walsh	16 Playfair Road NORTH CURL CURL NSW 2099
Mr Jay Grant Turner	PO Box 22 COLLAROY NSW 2097
Melinda McConville	11 Playfair Road NORTH CURL CURL NSW 2099
Mr Stephen James Brackenbury	11 Playfair Road NORTH CURL CURL NSW 2099
Ms Lynette Van Leeuwen	39 Parr Avenue NORTH CURL CURL NSW 2099



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

- The proposed lot width is not in keeping with the character of the streetscape or North Curl Curl.
- The subdivision may present additional flood risk to the adjoining properties.
- Concern with the impact of building over the overland flow path at the rear of the site.
- Concern with the relocation of Council's stormwater pipes within the site.
- The proposed subdivision will result in a loss of on-street parking and increase traffic for the street.

The matters raised within the submissions are addressed as follows:

- *The proposed lot width is not in keeping with the character of the streetscape or North Curl Curl.*

Comment:

The proposal has been viewed in the context of the street and surrounding properties which consists of single storey and two storey detached dwellings and an attached dual occupancy. The eastern side of Playfair Road is generally characterised by wider street frontages (14m-23m), whilst the western side consistently has properties with a 12m frontage. The proposed lot width of 11.885m is not considered to be wildly inconsistent with the properties on the western side. Further, two storey detached dwellings will ultimately be accommodated on each site, which is a form of development consistent with the surrounds.

A 5m building wall envelope control is applicable to the land under the Warringah DCP, which enables two storey development to be accommodated on a narrower frontage. This style of development is evident in nearby established streets including Blackwood Road and Spring Street, which accommodate two storey dwellings on frontages of 10m.

Concern has been raised that the subdivision will set a precedent for further subdivision within Playfair Road. However, the minimum lot size of 450sqm applicable to the lots restricts further subdivision under the current development standards contained within the Warringah LEP and the majority of lots along Playfair Road are not of sufficient area to meet the development standard. In the case of the subject land, each lot meets the minimum development standard of 450sqm, has more than sufficient depth and has demonstrate a dwelling house could be accommodated by a building envelope plan for each lot.

- *The subdivision may present additional flood risk to the adjoining properties.*

Comment:

The applicant has provided detailed flood modelling demonstrating how each site can accommodate a dwelling house without causing an additional impact to the adjoining properties with regard to flood risk and overland flows. A detailed discussion of the measures proposed to be implemented are contained later within this report under Section C4 Stormwater.

- *Concern with the impact of building over the overland flow path at the rear of the site.*

Comment:

The submitted flood modelling and proposed future building footprints have taken into account the historic overland flow path at the rear of the site. It is noted there is no easement on the land for this particular overland flow path. An 88b restriction will be placed on the title of each lot to require dwellings not to extent beyond the recommended building footprint contained within the flood report. Some minor excavation at the rear of the site is proposed to result in no loss of flood storage.

- *Concern with the relocation of Council's stormwater pipes within the site.*

Comment:

The relocation and replacement of existing stormwater pipes (and associated easements) are necessary to facilitate a suitable building footprint for future dwellings. The relocation of these pipes are at the cost of the developer and Council's engineers have reviewed the location and capacity of the new proposed pipes. Council is satisfied that the new replacement pipes have sufficient capacity to cater for the upstream flows and will not result in an adverse impact to the surrounding properties. It is noted that the existing pipes are degraded and are exposed in places throughout the backyard, therefore, the new pipes are an improvement over the current situation.

- *The proposed subdivision will result in a loss of on-street parking and increase traffic for the street.*

Comment:

Any future dwellings on each site will be required to provide two (2) off-street car parking spaces in accordance with the DCP. The additional driveway will result in the loss of one (1) on-street car space, however, this is not considered unreasonable to facilitate the development. Council's traffic team have also reviewed the application and have not raised any concerns with regard to the increase of traffic resulting from one additional lot.

## REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	<p><b>General Comments</b></p> <p>reviewed, no conditions required</p> <p><b>Recommendation</b></p> <p>APPROVAL - no conditions</p>
Landscape Officer	<p>The DA is considered acceptable with regard to the relevant controls relating to landscape issues, subject to conditions.</p>
NECC (Development Engineering)	<p>2nd Development Engineering Referral</p> <p>The applicant discussed with Mr James Leigh, Acting Executive Manager, on site about the installation of precast box culvert and overland flow issue in relation to the application.</p> <p>An additional information was submitted on 13/9/2019.</p> <p>A discussion and assessment was undertaken by Development Engineering and Stormwater &amp; Floodplain Engineering.</p> <p>We both raise no further objection to the application subject to the conditions of consent.</p> <p>1st Development Engineering referral</p> <p>Subdivision:</p> <p>The Applicant shall demonstrate that each proposed allotment</p>

Internal Referral Body	Comments
	<p>provides adequate area for the development of future dwellings. Works undertaken for the purpose of subdivision shall ensure that appropriate provision is made for future development, including any flood mitigation works for the protection of future dwellings from the impact of overland flows. Building envelopes shall be nominated on the plan of subdivision to inform the future development of land, with relevant restrictions that shall include, but not be limited to, the minimum RL of future dwellings.</p> <p><u>Overland Flow:</u></p> <p>As previously advised, the proposed future dwellings suspended over the overland flow path is not supported. The conveyance and/or storage of overland flows beneath buildings is generally not supported by Council. Council's Engineers are not satisfied that the Applicant has exhaustively investigated all design solutions to address this matter. The Applicant shall investigate and propose appropriate overland flow flood mitigation measures which may include, but not be limited to, the provision of compensatory flood storage at the rear of the property, reduction and/or adjustment of indicative building envelopes, provision of impermeable flood walls adjacent to northern easement, alternate drainage arrangements, or a combination of these measures.</p> <p>Concurrence from Council's Floodplain and Stormwater Engineering sections will be required.</p> <p>It is recommended that the Applicant consult further with Council's Engineers regarding any future proposed design solution.</p> <p><u>Council's Stormwater Assets:</u></p> <p>In accordance with Council's Building Over or Adjacent to Constructed Council Drainage Easements Technical Specification, the pipeline at the rear of the property shall provide a minimum 1 metre clearance off the edge of the easement (to the outside edge of the pipe) and shall be appropriately conditioned as part of any future approval.</p> <p>The proposed application cannot be supported by Development Engineering due to lack of information to address:</p> <ul style="list-style-type: none"> <li>• Clarity of proposed subdivision with clause C1 Subdivision.</li> <li>• Stormwater drainage and overland flows for the development in accordance with clause C4 Stormwater.</li> <li>• Council's stormwater assets for the development in accordance with clause C6 Building Over or Adjacent to Constructed Council Drainage Easements.</li> </ul> <p><u>Further assessment dated 30/9/2019</u></p> <p>Development Engineering and Certification Team and Stormwater &amp;</p>



Internal Referral Body	Comments
	<p>Floodplain Engineering Team have reviewed the applicant's memorandum (trim no. 2019/369780) and advise the following:</p> <p>1. Council does not support either of the two solutions/options that were proposed in the above response. Council does not support overland flows to pass under suspended slab dwellings as proposed as the optimum solution. The second solution would result in unacceptable impact on 15 Playfair Road and is not supported by Council.</p> <p>2. Council is led to believe that hydraulics consultant has exhausted options to achieve no adverse impacts (maximum 20mm difference in the 1% AEP storm) on flooding with the full buildings on ground solution. However, insufficient information is submitted to substantiate the above advice.</p> <p>In summary, Council is not satisfied that the applicant has exhaustively investigated all design solutions based on full buildings-to-ground solution configuration with no adverse impacts of flooding.</p> <p>The proposed application cannot be supported by Development Engineering due to lack of information to address:</p> <ul style="list-style-type: none"> <li>• Clarity of proposed subdivision with clause C1 Subdivision.</li> <li>• Stormwater drainage and overland flows for the development in accordance with clause C4 Stormwater.</li> </ul> <p>Note: Any flood modelling information submitted with future Development Applications will be peer reviewed by an independent consultant engaged by Council.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	Please refer to Development Engineering referral for relevant flood risk management commentary and conditions.
Traffic Engineer	<p>Proposed two lot subdivision.</p> <p>No concerns raised from Traffic.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW State Transit (Bus stops)	The application was referred to NSW State Transit for comment in relation to a bus stop at the property frontage. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## 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 (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. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

### 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:	450sqm	Lot A 458.6sqm	N/A	Yes
		Lot B 458.6sqm	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Part 2 Permitted or prohibited development	Yes
2.6 Subdivision - consent requirements	Yes
2.7 Demolition requires consent	Yes
Land Use Table	Yes
Part 4 Principal development standards	Yes
4.1 Minimum subdivision lot size	Yes

#### Warringah Development Control Plan

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part C Siting Factors	Yes	Yes
C1 Subdivision	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	Yes	Yes
Part D Design	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D22 Conservation of Energy and Water	Yes	Yes
Part E The Natural Environment	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

### Detailed Assessment

### 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>	<p>Lot width - Lot 1 11.885 and Lot 2 11.885</p> <p>Lot Depth - Lot 1 47m and Lot 2 48m.</p> <p>Minimum Building Area - Each lot has demonstrated a 150sqm area for future dwelling construction in accordance with the required setbacks under the WDCP 2011.</p>	No -Variation to lot width discussed in detail below.
<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 vehicles, emergency vehicles and garbage collection vehicles must be provided.</p> <p>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.</p>	<p>Vehicle access is able to be achieved for each lot.</p> <p>Legal vehicle access is achieved to a public road.</p> <p>No access required within lot, garbage collection can be facilitated from Playfair Road.</p> <p>A compliant driveway gradient can be achieved.</p> <p>Does not exceed 200m.</p> <p>Not greater than 30m.</p> <p>No passing bay required.</p>	Yes

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 standard specifications for engineering works (AUSPEC 1)

Provision of services in rights of carriageway are as follows:

Passing/turning bay not required.

No right of carriageway required.

Driveway width can be constructed at 3.5m for each lot.



	<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>	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		
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 applicant has presented an acceptable design solution with regard to the relocation of the existing stormwater drainage easement and the management of existing overland flows. This solution includes 'box culvert' along the northern boundary of the property which will be held under an easement to assist in capturing overland flows.</p> <p>Council's development engineers have undertaken a review of the solution and advised this is acceptable subject to conditions of consent.</p>	Yes						
<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 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.</p>	<p>The site benefits from an existing easement which traverses through the centre of the site. The proposal will involve realignment of the easement and installation of a new box culvert and stormwater pipe within the new easement alignment. This realignment will enable the future dwellings to be located outside the easement area and connect to the easement for stormwater drainage.</p>	Yes						

<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.	Conditions of development consent will be recommended requiring the creation of new easements to covenants to protect and maintain the stormwater drainage infrastructure within the site.	Yes
<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.	The land is not environmentally constrained.	Yes
<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.	Not bushfire prone land.	Yes

#### Description of non-compliance

The proposal is non-complaint with the minimum lot width requirement of 13m under the DCP. Each lot is proposed at a width of 11.885m.

#### 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 variation to the minimum lot width does not affect the overall density of the development, as the proposal complies with the minimum lot size and will result in two detached dwelling houses.

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

#### Comment:

The proposed development requires the removal of one tree, however there will be ample room

for replacement planting following the construction of future dwellings due to the lot depth. The site has a moderate slope from front to rear, however is suitable for the construction of a dwelling house. The lot is of sufficient width to accommodate a two storey dwelling house without presenting an unreasonable impact upon adjoining properties. The applicant has provided a building envelope plant to demonstrate how the site would be development, along with draft dwelling plans for a potential future design. The design has been reviewed and is considered to not pose an unreasonable impact upon adjoining properties. However, future dwellings will be subject to a separate application which will undergo full assessment against the residential controls.

- *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 application has demonstrated via a building envelope that future dwellings will have sufficient landscaped area around the dwelling in accordance with the DCP. The site access is suitable, with each site having its own street frontage. The relocation of the stormwater drain and associated easement will allow for future dwellings to be clear of infrastructure.

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

Comment:

The sites are orientated in an east-west direction which has been established by the existing road network. It is inevitable that the southern neighbour would experience overshadowing from a two storey dwelling house due to the site orientation. However, it is considered that a future dwelling can be accommodated on the site in accordance with the DCP controls without having an unreasonable impact upon the southern property. A full assessment of a dwelling will be subject to a further application.

- *To maximise the use of existing infrastructure.*

Comment:

The proposal uses the existing road network and can connect to existing sewer, electricity and storm water infrastructure.

- *To protect the amenity of adjoining properties.*

Comment:

The subject sites both have a street frontage and reflect the predominant neighborhood pattern. It is therefore expected that the individual sites can be developed with a dwelling house without an unreasonable impact on adjoining properties with regard to solar access, privacy, noise or impact to stormwater drainage.

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

Comment:

The site is not located within a high landslip risk area or bushfire area. The applicant has provided a detailed flood model and concept dwelling design to demonstrate how future dwelling

can be accommodated on site without having an additional impact upon adjoining properties or future dwellings on site. The recommendations of the flood report will form conditions of consent to guide the construction of future dwellings.

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

#### **C4 Stormwater**

The site is affected by an overland flow path which has been detailed within the Flood Impact Assessment prepared out by Cardno and submitted with the development application. The site also contains a stormwater easement containing a pipe which traverses the site centrally.

For Council to support the application, the applicant was required to demonstrate to Council that the subdivision of land and subsequent construction of two future dwellings (dwelling construction subject to a future application) would not result in an adverse impact upon the future dwellings and adjoining dwellings within regard to overland flows.

Firstly, the applicant has proposed to realign the existing stormwater easement located centrally within the site to enable future dwellings to be constructed outside the easement area. The proposal consists of realigning the easement along the northern boundary and then traversing the site centrally further towards the rear and connecting back into the existing stormwater system. Council's development engineers have reviewed the new easement location and associated pipes and support the realignment and reconstruction of the stormwater infrastructure. Council is satisfied the new pipe will have sufficient capacity to ensure no additional impact upon new or existing dwellings.

Secondly, the applicant has provided a range of documentation and flood modelling to support the proposal and demonstrate the development will not have an adverse impact with regard to overland flows. The submitted solution includes a box culvert along the northern boundary and a flood wall (max height 0.65m) to channel overland flow, with the retention of flood storage within the eastern portion of the site. Council's engineers have reviewed the submitted documentation and support the proposed solution, subject to conditions of consent included an 88b restriction upon the new lots which require future dwellings to be constructed in accordance with the building envelope and floor levels contained within the submitted documentation prepared by Cardno.

In summary, the applicant has demonstrated to Council that the proposed two lot subdivision and subsequent construction of two dwellings (dwellings subject to future applications) will not have an adverse impact upon stormwater drainage or overland flows to future or existing surrounding properties.

#### **C6 Building over or adjacent to Constructed Council Drainage Easements**

The proposed development seeks to realign a stormwater pipe and associated easement which traverses through the centre of the property in order to avoid future conflicts with the building footprints of future dwellings. Council's development engineers have reviewed the proposal to realign the pipe and easement and are satisfied that the realignment will not have an adverse impact upon stormwater drainage for the subject and surrounding land. The proposed new pipe is an improvement over the existing infrastructure in which the condition of the infrastructure has declined over time.

#### **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**

### **Northern Beaches Section 7.12 Contributions Plan 2019**

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

## **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 DA2019/0078 for Subdivision of Land including demolition of an existing dwelling house on land at Lot 24 DP 13900, 17 Playfair Road, NORTH CURL CURL, subject to the conditions printed below:



## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. **Approved Plans and Supporting Documentation**

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

#### a) Approved Plans

<b>Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
SUBD-001/D - Subdivision Plan	13/05/2016	Veris
Easement Plan, Issue 2	5/12/2018	Veris
Demolition Plan, Issue B	December 2019	Milan Busina
59918041-DA-00 - Revision 4	12/09/2019	Cardno
59918041-DA-01 - Revision 5	12/09/2019	Cardno
59918041-DA-02 - Revision 5	12/09/2019	Cardno
59918041-DA-03 - Revision 5	12/09/2019	Cardno
59918041-DA-04 - Revision 1	12/09/2019	Cardno
59918041-DA-05 - Revision 1	12/09/2019	Cardno
59918041-DA-10 - Revision 5	12/09/2019	Cardno
59918041-DA-11 - Revision 2	12/09/2019	Cardno

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Arboricultural Impact Assessment	26/03/2019	Standfast Tree Services
Memorandum - Revision B - Inverted Box Culvert Option with rear flood storage solution	13/09/2019	Cardno - David Whyte

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

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

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	11 December 2018	Pos Simson

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

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

### 2. **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

### 3. 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 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.

#### 4. **Works contained within property boundaries**

All works must be fully contained within the property boundaries of the subject site, including retaining walls.

Reason: To ensure adjoining properties are not disturbed.

## FEES / CHARGES / CONTRIBUTIONS

#### 5. **Security Bond**

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

**6. Construction, Excavation and Associated Works Bond (Drainage)**

A Bond of \$ 115,000 as security against any damage or failure to complete the construction of Stormwater drainage works as part of this consent.

Reason: Protection of Council's Infrastructure

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

**7. Stormwater Drainage Application**

A Stormwater drainage application under Section 68 of the Local Government Act 1993 is to be submitted to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the new stormwater pipeline, inter- allotment drainage, building footprint, filling and levelling for the overland flow channel which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1.

The plan shall be prepared by a qualified civil engineer. The design must include the following information:

1. The design of the proposed drainage system shall be provided including the location of all pipes, pits and channels.
2. A longitudinal section of the piped system to the new point of connection including pipes size, class, gradients, flow rate and hydraulic grade line
3. The cross sections of finished surface levels of the new overland flow channel with 1% AEP overland flow level
4. A structural design of the proposed overland flow channel. All structures of the channel must be built within the development site including the grate and all retaining structures.
5. The proposed stormwater easement must be plotted on the engineering plan. The proposed pipeline shall be located in the center of the proposed both 1.8 m wide and 3 m wide easements.
6. The proposed level of the building platform for both lots must be plotted on the plan.



Council drainage channel must be cut, filled and compacted with VENM to levels in accordance with plans prepared by Cardno, drawing Number 59918041-DA-005 and dated 12/9/2019

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

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

Reason: To ensure appropriate provision for disposal and Maintenance Stormwater management and compliance with the BASIX requirements, arising from the development.

8. **Pre-Construction Stormwater Assets Dilapidation Report**

Survey a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at:

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure

9. **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.

10. **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.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

11. **Tree protection**

(a) Existing trees which must be retained

i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation

ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 25mm 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 25mm 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.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. **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.

13. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- o Work Health and Safety Act
- o Work Health and Safety Regulation
- o Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- o Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]
- o Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.
- o The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

14. **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 Certifying Authority, 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.

15. **Civil Works Supervision**

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority

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

16. **Notification of Inspections**

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification

Reason: To ensure new Council infrastructure is constructed to Council's requirements.

17. **Maintenance of Sediment**

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

18. **Site Entry Access way**

An all-weather access way at the front of the property consisting of 50-75mm aggregate or similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.

Reason: To reduce sediment being taken offsite

19. **Protection of Adjoining Property - Excavation**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.

Reason: To ensure private and public safety

20. **Site Management Sign**

A clearly legible Site Management Sign is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:

- The builder's name, builder's telephone contact number both during work hours and after hours
- That no works are to be carried out in Council's Road Reserve without prior application and approval of a Road Opening Permit from Council.
- That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections.
- During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
- That no skip bins or materials are to be stored on Council's Road Reserve.
- That the contact number for Northern Beaches Council for permits is 9970 1111.

Reason: To ensure that contractors on site are aware of council permits that need to be obtained and contact for the builder/foreman.

21. **Site filling - Virgin Excavated Natural Material (VENM)**

Where site fill material is necessary, fill materials must:

1. be Virgin Excavated Natural Material (VENM) only, as defined in: The Protection of the Environment Operations Act 1997
2. be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted.
3. Certification is to be provided to the Principal Certifying Authority by a N.A.T.A. approved laboratory.

Reason: To ensure protection of the natural environment

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.

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE**

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

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

24. **Creation of Right of Carriageway Benefiting Council**

A 1.8 m wide right of carriageway (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision in favour of Council. The right of carriageway must be located on the northern side of the proposed Lot 1 from the front property boundary to proposed Council's drainage easement.

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

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919

**25. Survey Plan - Construction Identification**

A declaration by a registered surveyor shall be provided to Council as evidence that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. This shall be in the form of a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure accurate location of buildings, access and services

**26. Sydney Water Compliance Certification**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from 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 charges to be paid. Please make early contact with the Co-ordinator, 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 Certifying Authority prior to the issue of the Subdivision Certificate.

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

**27. Creation of Drainage Easement Benefiting Council**

Under the provisions of Section 88B of the Conveyancing Act 1919, a minimum 3 m wide drainage easement located centrally over Council's pipe and a minimum 1.8 m wide drainage easement located centrally over Council's channel must be created on the final plan of subdivision in favour of Council.

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

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919

**28. Release of Subdivision Certificate**

The Final plan of subdivision will not be issued by Council until the development has been completed in accordance with terms and conditions of the development consent.

Reason: To ensure that the plans relate to approved development



29. **Subdivision Certificate Application**

Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council. Nine copies of the final plan of subdivision are to be submitted. 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

30. **Certification of Drainage and stormwater overland flow works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed driveway, fill and stormwater overland flow path works have been constructed in accordance with this consent and the approved Construction Certificate plans. Works as Executed work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved construction certificate plan are to be provided to Council for approval.

Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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

31. **Post-Construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available on Council's web site.

The post construction dilapidation report must be submitted to the Council for review. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure

32. **Restriction as the User ( Stormwater Overland flow)**

A restriction as to user shall be created on the title over the area affected by the 100 year ARI stormwater overland flow in order to :

1. Prohibit the alteration of the final stormwater overland flow path.
2. Prohibit the erection of any structure (including fencing) within the overland flowpath without the written permission of Northern Beaches Council.
3. The future floor level of any dwelling and structures is not to be less than the building platform levels indicated in plans prepared by by Cardno, drawing Number 59918041-DA-001, Revision 5 and dated 12/9/2019. Such levels are to be detailed in Australian Height Datum on the Section 88B instrument and related to Australian Height Datum and submitted Council for approval.
4. The future building footprint of any dwelling and structures is not to be larger than the building

platform indicated in plans prepared by by Cardno, drawing Number 59918041-DA-001, Revision 5 and dated 12/9/2019.

Northern Beaches Council shall be nominated as a party to release, vary or modify such restriction. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure no modification of the stormwater overland flow path and the building platform without Council's approval

33. **Title Encumbrances**

All easements, rights of carriageway, positive covenants and restrictions as to user as indicated on the plans and required by this consent are to be created on the title naming Northern Beaches Council as the sole authority empowered to release or modify. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate

Reason: To ensure proper management of land

34. **Undergrounding of Telecommunications Services**

Arrangements are to be made for the provision of underground telecommunications services to the building.

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

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services.

35. **Demolition of Buildings**

Prior to the issue of a subdivision certificate, all existing buildings on the site shall be demolished.

Evidence of the demolition of buildings shall be provided to the Principle Certifying Authority prior to the issue of a subdivision certificate.

Reason: To ensure all works are complete prior to the subdivision of the land.

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

**Signed**



**Jordan Davies, Planner**

The application is determined on 23/10/2019, under the delegated authority of:



**Matthew Edmonds, Manager Development Assessments**