

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2025/0140 |
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| Responsible Officer: | Dean Pattalis |
| Land to be developed (Address): | Lot 10 DP 12609, 2 - 4 Kent Street COLLAROY NSW 2097 Lot 11 DP 12609, 2 - 4 Kent Street COLLAROY NSW 2097 |
| Proposed Development: | Alterations and additions to a dwelling house |
| Zoning: | Warringah LEP2011 - Land zoned R2 Low Density Residential |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Delegation Level: | DDP |
| Land and Environment Court Action: | No |
| Applicant: | Mark Jeremy Farrell |

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|----------------------------------|---|
| Application Lodged: | 24/02/2025 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Residential - Alterations and additions |
| Notified: | 04/03/2025 to 18/03/2025 |
| Advertised: | Not Advertised |
| Submissions Received: | 0 |
| Clause 4.6 Variation: | 4.3 Height of buildings: 32.47% |
| Recommendation: | Approval |

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| Estimated Cost of Works: | \$ 852,038.00 |
|---------------------------------|---------------|

EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to an existing dwelling house including internal reconfiguration works and an extension to the existing first floor.

The application is referred to the Development Determination Panel (DDP) due to contravening a development standard (Clause 4.3 'Height of Buildings' under WLEP 2011) by greater than 10%.

No objections were received during the community notification period.

Critical assessment issues included an assessment of the applicant's Clause 4.6 request to contravene the height of buildings development standard. The assessment considers that the

proposed development is of a reasonable bulk and scale, given it maintains the existing ridge line of the existing development and is predominantly located within the footprint and envelope of the existing dwelling. Amended plans received during the assessment process also altered the proposed roof from a gabled design to a flatter and hipped design, which reduced the overall building height, as well as the amount of built form located beyond prescribed height standard and existing dwelling envelope.

The 4.6 request for the non-compliance with the building height standard arises due to the continuation of the existing ridge line of the existing development, which is currently non-compliant with the standard. As a result, strict compliance with the standard would unreasonably restrict the development potential of the existing development and existing first floor. The numerical non-compliance is also exacerbated by the existing lower ground floor which has been historically excavated below the natural extrapolated ground level of the site. The Clause 4.6 is well founded and is supported.

It is also noted the subject site currently involves two separate allotments (Lots 10 and 11). The existing dwelling is located on Lot 11, whilst an existing tennis court currently occupies Lot 10. Given the nature of the proposed works, which includes extension works of the dwelling on Lot 11 towards the common boundary of Lot 10, it is considered necessary to consolidate the proposed allotments into one single allotment. This shall ensure an orderly development of land and protect against unreasonable future amenity impacts.

The application was referred to Council's Development Engineer and Heritage Officer who raised no objection to approval, subject to recommended conditions of consent.

This report concludes with a recommendation that the DDP grant approval to the development application, subject to conditions.

PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for alterations and additions to an existing dwelling house including the following works:

Lower Ground Floor

- Installation of internal lift providing access to ground and first floor above

Ground Floor

- Internal reconfiguration works
- New pantry extension at west elevation
- Extension of existing northern terrace

First Floor

- Extension works to existing first floor accommodating additional bedrooms and attached balconies.

Additional Information

Amended architectural plans were received during the assessment process in response to a Council RFI.

The amended plans altered the proposed roof to replace the initially proposed gabled roof design with a flatter pitched hip roof design.

The amended design reduced the overall height and built form of the proposed roof to maintain the ridge level of the existing dwelling house.

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 - B7 Front Boundary Setbacks

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

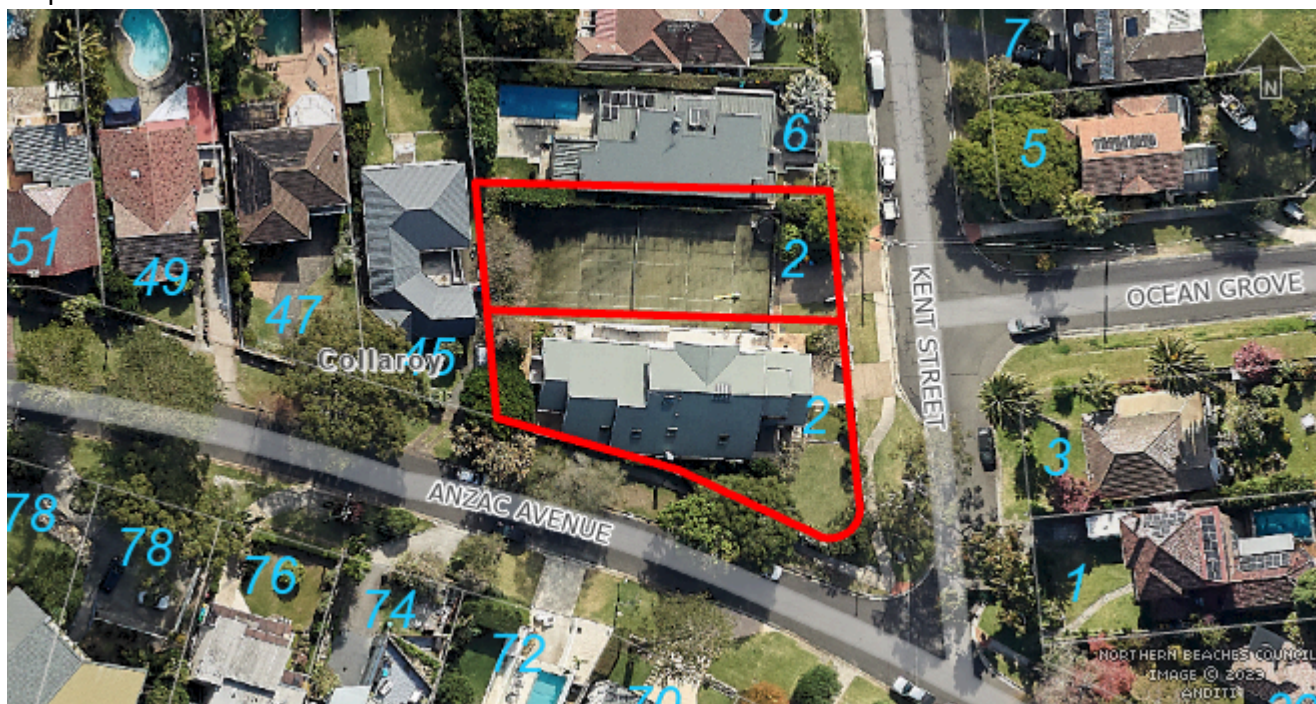
SITE DESCRIPTION

| | |
|-----------------------------------|---|
| Property Description: | Lot 10 DP 12609 , 2 - 4 Kent Street COLLAROY NSW 2097 Lot 11 DP 12609 , 2 - 4 Kent Street COLLAROY NSW 2097 |
| Detailed Site Description: | <p>The subject site formally comprises Lots 10 and 11 in Deposited Plan 12609 and is commonly known as 2 – 4 Kent Street, Collaroy.</p> <p>The site is zoned R2 Low Density Residential.</p> <p>The site is located on the western side of Kent Street, at the junction with Anzac Avenue.</p> <p>The site comprises two (2) adjoining allotments with a combined area of 1,461m².</p> |

The site is irregular in shape with frontages of approximately 37 metres to Kent Street and 42 metres to Anzac Avenue.

The site has a moderate fall towards the north-east.

Map:



SITE HISTORY

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

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

| Section 4.15 Matters for Consideration | Comments |
|--|--|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on “Environmental Planning Instruments” in this report. |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument | There are no current draft environmental planning instruments. |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan | Warringah Development Control Plan applies to this proposal. |

| Section 4.15 Matters for Consideration | Comments |
|--|---|
| 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 2021 (EP&A Regulation 2021) | <p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 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 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to amended architectural plans and received by Council on 16/06/2025.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| Section 4.15 (1) (c) – the suitability of the site for the | The site is considered suitable for the proposed development. |

| Section 4.15 Matters for Consideration | Comments |
|--|---|
| 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 application has been publicly exhibited from 04/03/2025 to 18/03/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

REFERRALS

| Internal Referral Body | Comments | | | | | |
|--|---|-------------------|-----------------------------------|---|------------------------------------|--|
| NECC (Development Engineering) | SUPPORTED WITH CONDITIONS The applicant is requesting approval for alterations and additions to an existing dwelling, with no objections from Development Engineering, provided that certain conditions are met. | | | | | |
| Strategic and Place Planning (Heritage Officer) | SUPPORTED WITH CONDITIONS <table><tr><th>HERITAGE COMMENTS</th></tr><tr><td>Discussion of reason for referral</td></tr><tr><td>The proposal has been referred to Heritage as the subject property is within the vicinity of a heritage item: Item 136 - Remnant Native Street Trees - Anzac Avenue and Hendy Avenue, Collaroy.</td></tr><tr><td>Details of heritage items affected</td></tr><tr><td><u>Statement of Significance</u> These trees are remnant components of the former open forest community on sheltered hill slopes (Sydney Sandstone Gully Forest) (Benson & Howell, 1994). This ecological community has been largely cleared in the Collaroy area. This disjunct remnant native tree group in the upper middle section of Anzac Avenue and along Hendy Avenue creates a distinctive visual and aesthetic quality to these streetscapes. Notably, Sydney Pink Gums (Angophora costata) occur with Grey Ironbarks (Eucalyptus</td></tr></table> | HERITAGE COMMENTS | Discussion of reason for referral | The proposal has been referred to Heritage as the subject property is within the vicinity of a heritage item: Item 136 - Remnant Native Street Trees - Anzac Avenue and Hendy Avenue, Collaroy. | Details of heritage items affected | <u>Statement of Significance</u> These trees are remnant components of the former open forest community on sheltered hill slopes (Sydney Sandstone Gully Forest) (Benson & Howell, 1994). This ecological community has been largely cleared in the Collaroy area. This disjunct remnant native tree group in the upper middle section of Anzac Avenue and along Hendy Avenue creates a distinctive visual and aesthetic quality to these streetscapes. Notably, Sydney Pink Gums (Angophora costata) occur with Grey Ironbarks (Eucalyptus |
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| Internal Referral Body | Comments | | |
|------------------------|--|---|--|
| | <p>paniculata) indicating a transitional sandstone-shale surface geology. This community is still common in Pittwater but rare in Warringah LGA. The group includes old growth trees including one outstanding specimen Angophora costata (No.57 Anzac Avenue). Remnant canopy trees (groups) in this area are under threat from inappropriate maintenance regimes and replacement by exotics and generic native species.</p> <p><u>Physical Description</u></p> <p>This remnant group of native canopy trees occurs in the road-side grass verges and private gardens of Anzac Avenue and Hendy Avenue. Sydney Pink Gum or Smooth-barked Apple (Angophora costata) is the dominant species in association with Grey Ironbark (Eucalyptus paniculata) in Anzac Avenue (on the higher slopes) and Bangalay (E. botryoides) in Hendy Avenue (lower slopes). The group's age structure varies with some old growth specimens present. The Angophora costata on the front boundary to No.57 Anzac Avenue is likely 100 years+ in age and has a height of approximately 22 metres, canopy diameter of 25 metres and diameter breast height (DBH) of 1500mm. All native understorey shrubs, vines and/ or groundcovers, generally typical of this community, have been cleared in the past and replaced with exotic shrubs and turf grasses.</p> | | |
| | Other relevant heritage listings | | |
| | SEPP (Biodiversity and Conservation) 2021 | N | |
| | Australian Heritage Register | N | |
| | NSW State Heritage Register | N | |
| | National Trust of Aust (NSW) Register | N | |
| | RAIA Register of 20th Century Buildings of Significance | N | |
| | Other | N | |
| | Consideration of Application | | |
| | <p>This application seeks consent for alterations and additions to the subject property. The proposed works comprise of the reconfiguration of the internal lay-out across the ground and first floor, an extension to the west of the ground floor and an extension to the south and west of the first floor. Further works include the installation of a lift and associated landscaping works. The heritage item is a group of remnant native street trees located along Anzac Avenue. The subject site is located on the corner of Anzac Avenue and Kent Street with the southern elevation of the property adjoining the heritage item. Given the proposed works are contained within the existing footprint of the subject property, the proposal is not considered to impact upon the heritage item nor its significance. However, the street trees adjoining the southern boundary of the subject property are required to be protected</p> | | |

| Internal Referral Body | Comments |
|------------------------|--|
| | <p>during construction works.</p> <p>Therefore, Heritage raises no objections subject to one condition.</p> <p>Consider against the provisions of CL5.10 of WLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? no Has a CMP been provided? no Is a Heritage Impact Statement required? no Has a Heritage Impact Statement been provided? no</p> |

| External Referral Body | Comments |
|---|--|
| Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48 | The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent. |

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No.A1755963_02 dated 20/02/2025).

The embodied emissions have been quantified in the above BASIX Certificate.

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

| Standard | Requirement | Proposed | % Variation | Complies |
|----------------------|-------------|----------|-------------|----------|
| Height of Buildings: | 8.5m | 11.26m | 32.47% | No |

Compliance Assessment

| Clause | Compliance with Requirements |
|-------------------------|---|
| 4.3 Height of buildings | No (see detail under Clause 4.6 below) |

| Clause | Compliance with Requirements |
|---|------------------------------|
| 4.6 Exceptions to development standards | Yes |
| 6.2 Earthworks | Yes |

Detailed Assessment

4.6 Exceptions to development standards

The application seeks consent to vary a development standard as follows:

Development Standard: Clause 4.3
Requirement: 8.5m
Proposed: 11.26m
Percentage of Variation: 32.47%

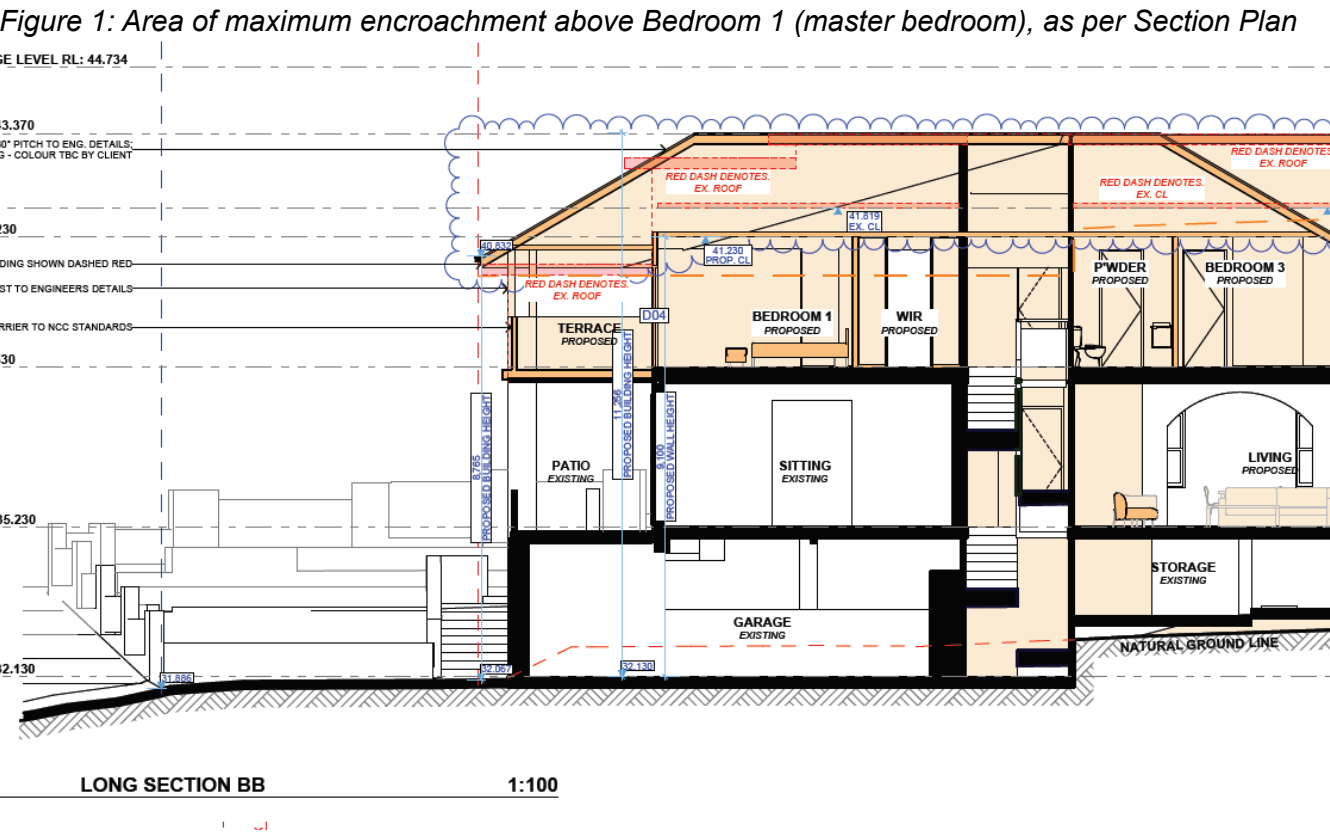


Figure 2: Area of encroachment illustrated in elevation form with existing built form to be retained represented in white, as well existing built form to be replaced represented in red dotted line

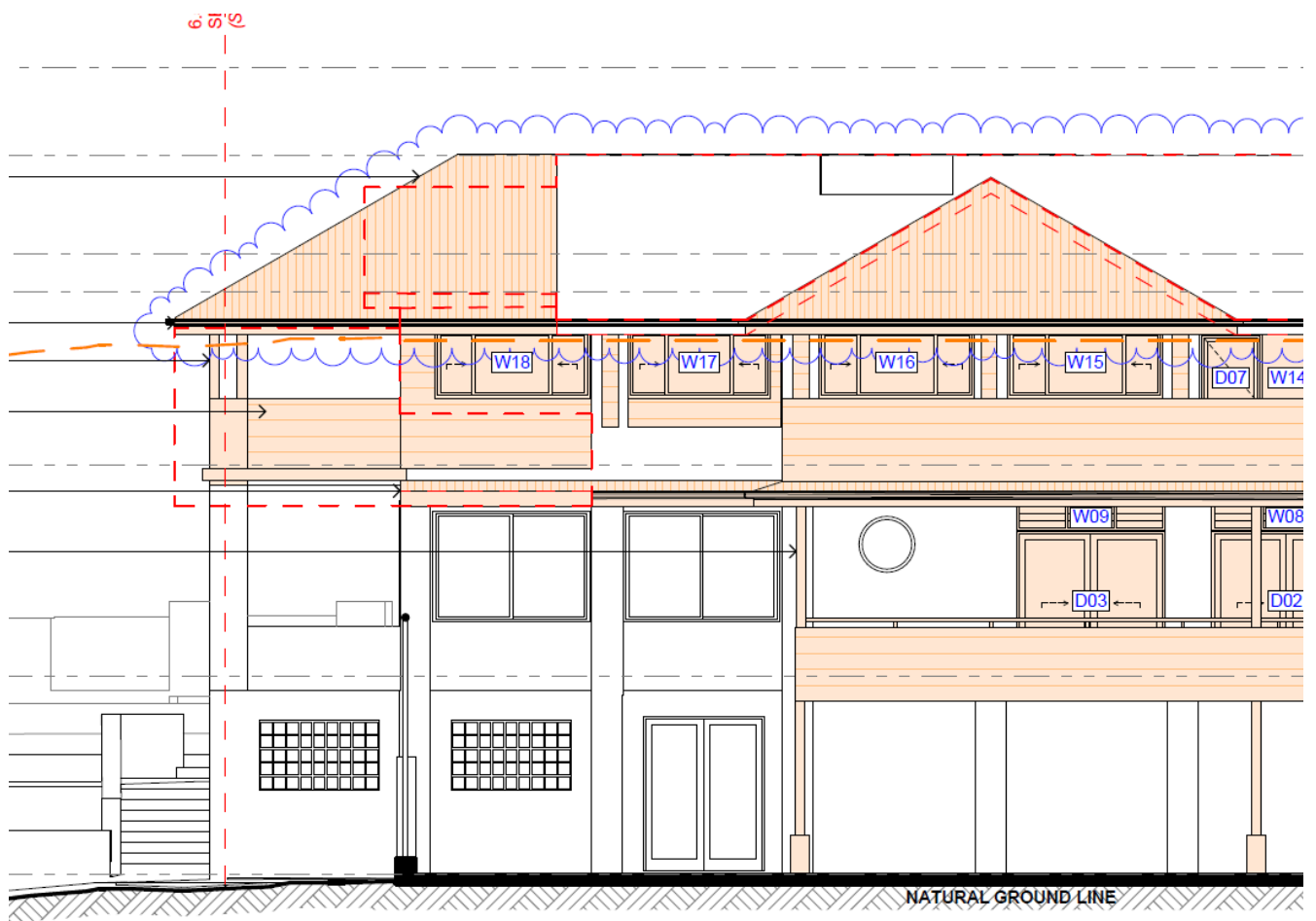
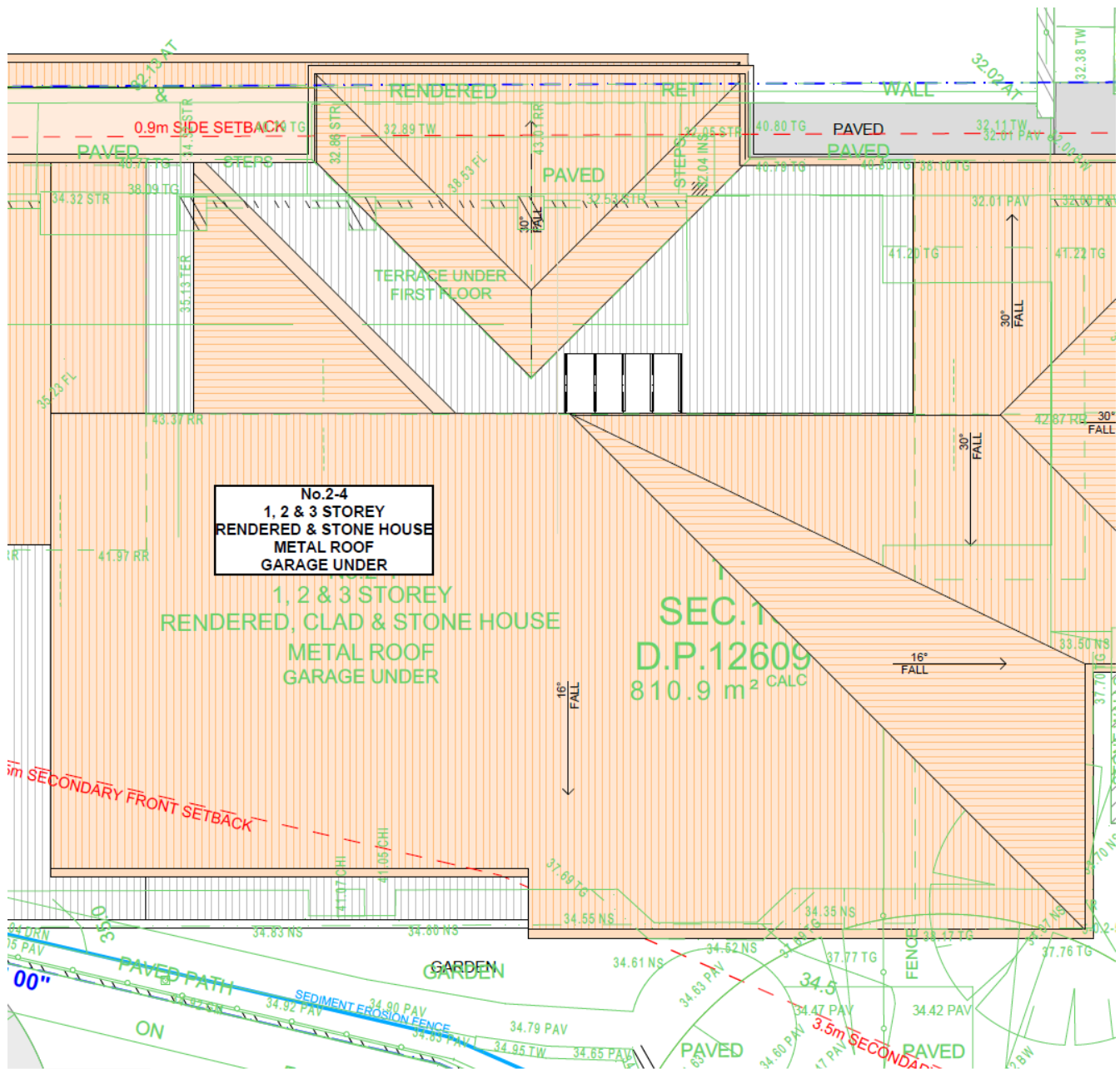


Figure 3: Site Plan with overlaid survey plan which shows topography of site sloping towards the north-east and below the first floor master bedroom



With reference to Section 35B of the *Environmental Planning and Assessment Regulation 2021*, the development application is accompanied by a document that sets out the grounds on which the Applicant seeks to demonstrate the matters set out in Clause 4.6(3)(a) and (b) of the WLEP 2011 (the 'Clause 4.6 Request').

Subclause (1) of this clause provides that:

(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:

The objectives of this clause have been considered pursuant to Section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979*.

Subclause (2) of this clause provides that:

(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.

Comment:

Clause 4.3 is not expressly excluded from the operation of this clause.

Subclause (3) of this clause provides that:

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

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

Comment:

Council is satisfied that the Applicant has demonstrated that compliance with Clause 4.3 is unreasonable or unnecessary in the circumstances of this application as the proposed dwelling maintains the existing ridge level of the current dwelling which represents an existing non-compliance, whilst also generally retaining numerical compliance with the built form controls of WDCP 2011. Therefore, strict compliance with the standard would unreasonably restrict the development potential of the proposed first floor. It is also noted that the existing ceiling level of the first floor has been lowered by the proposal in order to achieve an outcome which retains the existing ridge line.

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

Comment:

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the Applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 *at* [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

The Clause 4.6 Request argues, in part:

- *Strict compliance with the building height control would require portions of the existing dwelling house to be demolished, unreasonably restrict the proposed expansion of the first floor level,*

and otherwise require a modified roof form that would not be compatible with the architectural composition and character of the existing dwelling.

- The proposed non-compliance results from the existing lower ground floor which is excavated below the natural extrapolated ground level of the site.*
- Suitable articulation is provided in the form of varied roof lines and wall planes to soften building bulk.*
- The portion of the building that extends above the building height control maintains generous setbacks from all of the property boundaries and spatial separation from adjoining properties.*
- The landscaped setting of the site is retained and enhanced as well as suitable compliance with relevant amenity controls including privacy, solar access and views.*

Assessment Officer's Comments

Council is satisfied that the Applicant has demonstrated that there are sufficient environmental planning grounds to justify the contravention of Clause 4.3 for the following reasons:

(a) The applicant's justification that the proposed non-compliance is a result of the existing approved dwelling house, is agreed with. This is demonstrated by the fact that the existing ridge line of the approved dwelling is being maintained and not exceeded at any point.

(b) The proposed first floor is generally sited within the overall envelope and footprint of the existing dwelling, whilst the section of the roof which extends above the master bedroom terrace incorporates a 'hipped' design to slope down with the topography of the land which falls towards the north-east of the site (see figures 1 and 2). The hipped roof design replaces the originally proposed gabled roof design which was amended during the assessment process to reduce the numerical encroachment as well as soften the extent of built form located beyond the prescribed standard.

(d) The proposed ceiling level is lower than the existing level to ensure the proposed the development fits predominantly within the existing footprint and envelope.

(e) The extent of numerical non-compliance is exacerbated by the existing lower ground floor which is located below the proposed ridge and which the proposed building height is measured from. The existing lower ground floor accommodates a garage and storage and is excavated below the natural extrapolated ground level of the site as shown in Figure 1.

(f) The building mass is adequately softened and broken up by the varied wall planes and roof lines. The eastern area of the proposed first floor accommodates open and lightweight balcony structures, with a hipped roof above, which adequately responds to the topographically constraints of the site and provides a compatible presentation to the Kent St streetscape.

The proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, thereby satisfying objects 1.3(c) and (g) of the EPA Act.

Public Interest:

Matters relevant to public interest in respect of the development are considered in the relevant sections of this report as per Section 4.15(1)(e) of the EPA Act.

Conclusion:

Council is satisfied as to the matters set out in Clause 4.6 of the WLEP 2011.

It is considered on balance, that having regard to the particular circumstances, the proposed departure from the development standard is acceptable and it is reasonable that flexibility to the standard be applied.

Warringah Development Control Plan

Built Form Controls

| Built Form Control | Requirement | Proposed | % Variation* | Complies |
|---|---------------------|---|--------------|-----------------------------|
| B1 Wall height | 7.2m | 9.1m | 26.39% | No |
| B3 Side Boundary Envelope | 4m (N) | Within envelope | - | Yes |
| | 4m (W) | Within envelope | - | Yes |
| B5 Side Boundary Setbacks | 0.9m (N) | 15m to boundary of No.6 | - | Yes |
| | 0.9m (W) | 4.78m (Ground) 9.05m (First) | - - | Yes Yes |
| B7 Front Boundary Setbacks | 6.5m | Existing (Ground/Lower Ground) 6.5m (First) | - - | Existing Yes |
| | 3.5m (secondary) | Existing (Ground/Lower Ground) 2.53m (First - Min.) | - 27.72% | Existing No |
| D1 Landscaped Open Space (LOS) and Bushland Setting | 40% | 21.47% | - | No but increase to existing |

Note: The built form controls are assessed based on the existing two allotments being consolidated into one, as recommended via condition of consent.

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--------------------------------|------------------------------|-----------------------------|
| A.5 Objectives | Yes | Yes |
| B1 Wall Heights | No | Yes |
| B3 Side Boundary Envelope | Yes | Yes |
| B5 Side Boundary Setbacks | Yes | Yes |
| B7 Front Boundary Setbacks | No | Yes |
| C2 Traffic, Access and Safety | Yes | Yes |
| C3 Parking Facilities | Yes | Yes |
| C4 Stormwater | Yes | Yes |
| C7 Excavation and Landfill | Yes | Yes |
| C8 Demolition and Construction | Yes | Yes |
| C9 Waste Management | Yes | Yes |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| D1 Landscaped Open Space and Bushland Setting | 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 |
| D17 Tennis Courts | 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

B1 Wall Heights

Description of non-compliance

The control limits the external height of walls to 7.2 metres above the existing ground level. The proposed maximum ceiling height is 9.1 metres, which is a 26.39% variation to the control.

Despite the non-compliance, as demonstrated by Figure 1 within this report, the proposed ceiling level has been lowered in comparison to the existing development. This has been designed to accommodate a new extended first floor which sits predominantly within the footprint and envelope of the existing dwelling.

The proposed development does not encroach the ridge line of the existing dwelling and provides a built form which responds to and reduces with the sloping topography of the site. The proposed wall height non-compliance therefore does not give rise to any unreasonable visual or amenity impacts in the context of the control.

Merit consideration:

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

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

Comment:

The proposal is adequately setback from the front boundary to ensure it will not be visually imposing within the streetscape. Overall, the proposal is considered to achieve this objective.

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

Comment:

The development is sited generally below larger canopy trees within the locality.

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

Comment:

Overall, the application is not considered to result in an unacceptable loss of views.

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

Comment:

The wall height numeric non-compliance does not have a detrimental impact upon the amenity of nearby residential and public properties, specifically with regard to views, solar access, privacy and visual bulk.

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

Comment:

The wall height non-compliance is exacerbated due to the topography of the land whilst the proposal and the dwelling to which it relates integrate into the natural topography. The proposal does not necessitate excessive excavation.

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

Comment:

The amended proposal incorporates a hipped roof design which assists in reducing the overall built form impact.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control are achieved. Therefore, the application is supported on merit in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The control requires development with a double street frontage to be a setback a minimum of 3.5m to the secondary street.

The proposed first floor features a minor point encroachment to the control at proposed Bedroom 5, resulting in a 2.53m setback to Anzac Avenue. It is noted that the secondary front boundary to Anzac Avenue is irregularly skewed which restricts whole compliance with the control.

Despite the non-compliance, the majority of the first floor retains numerical compliance with the control. The first floor is also suitably articulated with varied wall planes whilst also being further setback from the secondary frontage compared to the existing ground floor.

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 proposal will not unreasonably impact on the sense of openness within the front setback.

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

Comment:

The proposal is not uncharacteristic of the area or adjoining pattern of development.

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

Comment:

The proposal maintains a high-quality landscape outcome for the site, therefore enhancing the visual quality of the streetscape.

- *To achieve reasonable view sharing.*

Comment:

Views will not be impacted by the proposal.

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 s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the

proposal is supported, in this particular circumstance.

D1 Landscaped Open Space and Bushland Setting

Comment

Inclusive of the consolidation of Lots 10 and 11 as recommended via condition of consent, the site area is 1461m².

The proposed landscaped open space of 283.34m² (19.4%) therefore does not comply with the 40% requirement of the control.

Despite the numerical non-compliance, suitable landscaped area calculation plans have been submitted with the proposal which demonstrate that an increased amount of landscaped open space shall result from the development in comparison to the existing (184.58m²).

The proposed works at ground level are considered to be predominantly internal and therefore the proposal will not result in an overdevelopment of the site in the context of landscaped open space.

The proposal is therefore acceptable in this regard.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$8,520 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$852,038.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental

Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

Council is satisfied that the Applicant's written request under Clause 4.6 of the Warringah Local Environmental Plan 2011 seeking to justify variation of the development standard contained within Clause 4.3 Height of Buildings has adequately addressed and demonstrated that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify the variation.

PLANNING CONCLUSION

This proposal, for alterations and additions to a dwelling house has been referred to the Development Determination Panel due to the contravention of Clause 4.3 Height of Buildings WLEP 2011 being greater than 10%.

No objections were received during the community notification period.

The critical assessment issues included the Clause 4.6 variation request in relation to building height. The variation is supported on the basis of there being adequate justification and environmental planning grounds demonstrated within the applicant's written request. The variation request is well-founded and is supported.

To ensure orderly development of land, it is considered a suitable condition of consent should be imposed for Lots 10 and 11 under DP 12609 to be consolidated into one lot prior to the issue of an Occupation Certificate.

Overall, the development is a high quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment.

The proposal has therefore been recommended for approval.

REASON FOR DETERMINATION

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

RECOMMENDATION

That Northern Beaches Council, as the consent authority, vary the development standard contained within Clause 4.3 Height of Buildings, pursuant to Clause 4.6 of the Warringah Local Environmental Plan 2011 because the Applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) of Clause 4.6.

Accordingly Council as the consent authority grant Development Consent to DA2025/0140 for Alterations and additions to a dwelling house on land at Lot 10 DP 12609, 2 - 4 Kent Street, COLLAROY, Lot 11 DP 12609, 2 - 4 Kent Street, COLLAROY, subject to the conditions printed below:

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

| Approved Plans | | | | |
|----------------|-----------------|--------------------------|--------------|--------------|
| Plan Number | Revision Number | Plan Title | Drawn By | Date of Plan |
| DA03 | B | Site Analysis/Demolition | Action Plans | 16/06/2025 |
| DA04 | B | Site Plan | Action Plans | 16/06/2025 |
| DA08 | B | Garage Floor Plan | Action Plans | 16/06/2025 |
| DA09 | B | Ground Floor Plan | Action Plans | 16/06/2025 |
| DA10 | B | First Floor Plan | Action Plans | 16/06/2025 |
| DA11 | B | North/East Elevation | Action Plans | 16/06/2025 |
| DA12 | B | South/West Elevation | Action Plans | 16/06/2025 |
| DA13 | B | Cross Section | Action Plans | 16/06/2025 |
| DA14 | B | Long Section | Action Plans | 16/06/2025 |
| DA15 | B | Cross Section CC & DD | Action Plans | 16/06/2025 |
| DA20 | B | Sample Board | Action Plans | 16/06/2025 |

| Approved Reports and Documentation | | | |
|------------------------------------|----------------|---------------|------------------|
| Document Title | Version Number | Prepared By | Date of Document |
| Geotechnical Assessment | 1 | Ascent Geo | 03/02/2025 |
| Landscape Plan | A | Pier 8 Studio | 26/11/2024 |

| | | | |
|---------------------------------|---|----------------------|------------|
| Stormwater Plan | - | Taylor Consulting | 15/11/2024 |
| Waste Management Plan | - | Mark Farrell | Undated |
| BASIX Certificate (A1755963_02) | - | Action Plans Pty Ltd | 20/02/2025 |

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

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

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

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

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

| Other Department, Authority or Service | EDMS Reference | Dated |
|--|---------------------------|------------|
| Ausgrid | Ausgrid Referral Response | 07/03/2025 |

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or directly to the Long Service Corporation. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected

- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$8,520.38 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$852,038.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

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

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

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

6. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

8. **Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

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

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 Certifier prior to the issue of the Construction Certificate.

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

10. **External Finishes to Roof**

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

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

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

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

DURING BUILDING WORK

11. **Road Reserve**

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

Reason: Public safety.

12. **Handling of asbestos during demolition**

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

- Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
- Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.

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

13. **Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

14. **Survey Certificate**

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

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

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

15. **Property Boundary Levels**

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

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

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

16.

Protection of heritage listed Street Trees

The heritage listed street trees along Anzac Parade which adjoin the southern boundary of the subject property, are to be protected at all times during construction works.

Reason: To ensure that construction works do not adversely affect the health of the heritage listed street trees.

17. **Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

18. Stormwater Disposal

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

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

19. Geotechnical Certification Prior to Occupation Certificate

A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction and that they are satisfied that development referred to in the development consent has been constructed in accordance with the intent of the Geotechnical Report referenced in Condition 1 of this consent.

Written certification is to be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

20. Waste Disposal Verification Statement

On completion of demolition work:

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

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

21. Consolidation of Allotments

The two allotments comprising the subject site (Lot 10 and Lot 11, DP 12609) are to be consolidated into a single allotment:

The new consolidated allotment must be registered prior to the issue of an Occupation Certificate.

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

Reason: To ensure orderly development of land.

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

22. **Geotechnical Recommendations**

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

Reason: To ensure geotechnical risk is mitigated appropriately.