

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0093
Responsible Officer:	Nick England
Land to be developed (Address):	Lot 202 DP 1126065, 8 Coastview Place FRESHWATER NSW 2096
Proposed Development:	Alterations and additions to a dwelling house including a swimming pool and conversion of existing garage into detached studio
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Benjamin James Humel
Applicant:	Humel Architects Pty Ltd
Application lodged:	07/02/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	12/02/2019 to 28/02/2019
Advertised:	Not Advertised
Submissions Received:	6
Clause 4.6 Variation:	Nil
Recommendation:	Deferred Commencement Approval
Estimated Cost of Works:	\$ 942,975.00

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral

to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;

- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - B7 Front Boundary Setbacks

SITE DESCRIPTION

Property Description:	Lot 202 DP 1126065 , 8 Coastview Place FRESHWATER NSW 2096
Detailed Site Description:	<p>The subject site consists of two (2) allotments located on the southern side of Coastview Place and the western side of Dick Street.</p> <p>The Coastview Place allotment (No.8) is irregular in shape with a surveyed area of 1,152m². The Dick Street allotment (No.6) is irregular in shape with a surveyed area of 450m².</p> <p>The land is located within the R2 Low Density Residential zone and accommodates a dwelling house each. No.8 contains a large residence with a detached garage and a right-of-way on its western boundary as access for the adjoining property at No.6 Coastview Place.</p> <p>The land has an easterly aspect with a significant slope adjoining the boundary with No.8 and No.6 Dick Street.</p> <p>The site has significant rock outcrops on the north-west corner of the site.</p> <p>Adjoining and surrounding development is characterised by residential dwellings to the east, north and south. To the west of the site is a residential flat building with four (4) units.</p>

Map:



SITE HISTORY

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

TA2018/0214: A tree removal application was lodged on 6 November 2018. The application involved the removal of a mature Norfolk Island Pine tree, located 1.3m from northern corner of the existing building. This application was withdrawn when Council acknowledged that the tree met the exceptions to the requirements of Part E1 Preservation of Trees or Bushland Vegetation and as such, no consent was required to remove it. This was acknowledged in correspondence from Council's Tree Assessment Officer on 23 November 2018.

PLM2018/0285: Pre-lodgement meeting to discuss alterations and additions to the existing dwelling house on 11 December 2018. The applicant was provided with the following advice in the conclusion of the notes:

The proposal is generally acceptable, subject to the following amendment being made:

- *Setback the proposed home office to be at a distance of no closer than 2m from the front boundary; and*
- *Achieve full compliance with the minimum landscaped open space requirement.*

PROPOSED DEVELOPMENT IN DETAIL

The application consists of the alterations and additions to an existing dwelling house, consisting of the following:

- subdivision (boundary adjustment) to land at both No.8 Coastview Place and No.6 Dick Street, to add approximately 112m² of land to the allotment at No.8 Coastview Place;
- excavation to create a new basement level to accommodate parking for three (3) vehicles, wine cellar, storage and home gym;
- new vehicular access on eastern boundary of the site

- new podium level landscaped area with pond, lawn, extended deck and swimming pool;
- conversion of an existing freestanding garage to a home office; and
- removal of one (1) tree.

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	<i>Warringah Development Control Plan 2011</i> applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, permits Council to request additional information. However, no additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the</p>

Section 4.15 Matters for Consideration'	Comments
	<p>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>Clause 143A of the EP&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 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 2011 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

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:
John Peter Mair	7 Dick Street FRESHWATER NSW 2096
Mr Ralph Robert Kemmler	9 A Coastview Place FRESHWATER NSW 2096
Steven Layman Consulting Pty Ltd	141 Arcadia Avenue GYMEA BAY NSW 2227

Name:	Address:
Mr Paul Joseph Gorman	Po Box 1161 MANLY NSW 1655
Mrs Angela Mary Campton	Po Box 1161 MANLY NSW 1655
Tomasy Planning	1073 Pittwater Road COLLAROY NSW 2097

A total of four (4) submissions were received during the notification period, from adjoining properties. The following issues were raised in the submissions. Each have been summarised and are addressed below:

- The proposed development will have an adverse visual impact when viewed from the adjoining property at No.7 Dick Street.*

Comment: The height of any structure on the subject site will be accentuated by the slope of the site, which is generally 18-20m higher than the adjoining property at No.7 Dick Street. The proposed works are also located at a distance of at least 47m from the boundary with No.7 Dick Street. Based on these circumstances, the proposed works are not considered to have an adverse visual impact, when viewed from adjoining properties o

- The proposal will result in a high level of reflectivity, when viewed from the adjoining property at No.7 Dick Street.*

Comment: This matter can be addressed via a condition of development consent.

- The proposed development will have an adverse impact on the visual and acoustic privacy of the adjoining property at No.7 Dick Street.*

Comment: As stated previously, the proposed works are located at both a significant distance and elevated well above, the adjoining property at No.7 Dick Street. Based on these circumstances, the proposed works will not have an adverse impact on the privacy of this adjoining property.

- The proposal will have an adverse impact on the acoustic and visual privacy of the adjoining dwelling at No.5 Coastview Place.*

Comment: When viewed from the adjoining dwelling at No.5 Coastview Place, the proposed area of private open space forward of the existing dwelling will be screened by the altered garage building, which is to be converted to a home office. Additional screening is provided by a substantial rock outcrop on the north-west corner of the site. At its closest point, the area of private open space will be at least 25m from the adjoining dwelling at No.5 Coastview Place. Hence, there will be no potential for an adverse impact on the privacy of this adjoining dwelling.

- The application does not comply with the front setback control of the WDCP 2011.*

Comment: A consideration of the variation with the minimum front setback control is provided elsewhere in this report. In summary, the variation to the control is justified and this is not considered to be a valid reason to refuse the application.

- The application does not comply with the side boundary envelope control of WDCP 2011.*

Comment: A consideration of the variation with the side boundary envelope control is provided elsewhere in this report. In summary, the variation to the control is justified and this is not

considered to be a valid reason to refuse the application.

- *The proposed development is not sympathetic to the topography of the site.*

Comment: This matter is considered in the section of the report pertinent to the side boundary envelope control of the WDCP 2011. In summary, the proposed works are considered to be a reasonable response to the topography of the site.

- *The application relies on previous consents to justify the non-compliances proposed.*

Comment: The application is considered on its own merits and any previous consents on the land cannot prejudice the assessment undertaken as part of this application.

- *The proposal will create adverse traffic impacts on Coastview Place.*

Comment: Council's Traffic Engineer has reviewed the application and is satisfied that the proposed development will not adversely effect the efficiency and safety of the local road network.

- *The proposed removal of the Norfolk Island Pine tree is not justified as an existing condition of consent requires its removal.*

Comment: This matter is discussed elsewhere in this report, in the commentary on the Landscape Officer's comments. In brief, the current Council policy will permit the removal of this tree without consent, hence no condition of consent will be applied in this application to require its retention.

- *The proposed additional driveway is not required and has not demonstrated that it will comply with access and safety standards.*

Comment: Council's Traffic Engineer has reviewed the application and is satisfied that the proposed vehicular access is consistent with the relevant standards and therefore will not be an unacceptable risk to efficiency and safety of the adjoining roadway in Coastview Place. A second access to the property is justified under the circumstances as the land is burdened with the requirement to provide vehicular access to the adjoining property at No.6 Coastview Place, via an existing right-of-way on the west boundary of the site.

- *The home office will function as a granny flat (secondary dwelling).*

Comment: The proposed layout for the home office does not conclusively demonstrate that the home office could be used as a secondary dwelling. Nonetheless, a condition of consent is recommended that this structure not be used for such a purpose.

- *The proposed subdivision should be considered as a separate application.*

Comment: The application includes a subdivision, which relates to an adjustment of the boundaries between No.6 Dick Street and No.8 Coastview Place. There is nothing to restrict this not being sought as part of the subject application.

- *The height of the structure may not support adequate planting depth and provide off-street parking at the same time.*

Comment: The information provided with the application demonstrates that both the sufficient

planting area and clearance height for parking is provided.

- *The vehicles and machinery required for the construction of the proposal will have an adverse impact on the amenity of adjoining properties.*

Comment: This is a temporary impact that is not considered a valid reason to refuse the application.

- *The development site must be formally registered before Council can grant consent to the subdivision.*

Comment: A condition of Deferred Commencement is recommended to ensure that the boundary adjustment is legally created, before the consent is activated.

- *The land is being used illegally as a residential flat building and sufficient documentation must be provided to ensure that this is not occurring on the site.*

Comment: Based on the plans provided to Council as part of this application and the existing records in Council's possession, there is nothing to conclusively determine that an illegal land use is occurring on the land.

- *Insufficient landscaped open space is provided to comply with Council's objectives.*

Comment: Whilst a significant area of landscaped open space is provided above the existing ground level, the design of the proposal is adequate to meet the objectives of the landscaped open space control.

- *The proposal does not comply with the swimming pool policies of Council.*

Comment: The application is sufficient to achieve the objectives of Council's DCP with regard to swimming pools.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>Council's Landscape Officer has provided the following comments:</p> <p>"The plans indicate removal of a mature <i>Araucaria heterophylla</i> (Norfolk Island Pine) located adjacent to the existing dwelling. The tree was required to be retained as a condition of DA2010/1191. Condition 11 read as follows:</p> <p>11. Trees and / or Landscaping <i>In order to protect and enhance onsite vegetation and trees the following applies to the development site:</i> <i>(a) Existing trees which must be retained</i></p>

Internal Referral Body	Comments
	<p><i>Approval is NOT granted for the removal of the following trees, which Council has determined to be significant landscape elements.</i></p> <p><i>(i) All trees not listed as exempt or noxious in Warringah.</i></p> <p>The application indicates that the tree is to be removed under an Exception listed in Clause E1 of WDCP, which permits removal of a tree within 2m of an approved building without approval from Council.</p> <p><i>Council's authorisation of a Vegetation Clearing Permit is not required for:.....</i></p> <p><i>•The removal of a tree, where the base of the trunk of the tree at ground level, is located within two (2) metres of an existing approved building (not including decks, pergolas, sheds, patios or the like, even if they are attached to a building).</i></p> <p>A question therefore arises as to whether the applicant gains the benefit of the exception for a tree that was required to be retained as part of the approval that enabled the building to be located within 2m of the tree.</p> <p>From a landscape perspective, the retention of the tree is still considered important and preference is for retention. If however, the applicant does benefit from the exemption, the matter of removal could not be objected to.</p> <p>If the proposal is to be approved, the following conditions are recommended to be included.."</p> <p><u>Comment:</u> As detailed in the Site History section of this report, a previous application to remove this tree was withdrawn after Council formally acknowledged that the tree did not require consent to be removed. The exceptions quoted in the report are from Council's development control plan which is currently in effect and was formulated in response to the recently introduced <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>.</p> <p>Based on these circumstances, the applicant does benefit from the exception and the removal of the tree is supported.</p>
NECC (Bushland and Biodiversity)	<p>This proposal has been assessed against the following provisions:</p> <ul style="list-style-type: none"> - WDCP Clause E1 (Preservation of trees or bushland vegetation) - WDCP Clause E2 (Prescribed Vegetation) - WDCP Clause E6 (Retaining unique environmental features) <p>Given the heavily modified nature of the site, the proposal is unlikely to significantly impact upon native vegetation or biodiversity values at the site. However, the submitted Landscape Plan does include plants which have potentially invasive distribution patterns and should therefore be deleted from plans. This can be conditioned.</p>
NECC (Coast and Catchments)	<p>12 Development on land within the coastal vulnerability area</p> <p><i>Development consent must not be granted to development on land</i></p>

Internal Referral Body	Comments
	<p><i>that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:</i></p> <ul style="list-style-type: none"> <i>(a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</i> <i>(b) the proposed development:</i> <ul style="list-style-type: none"> <i>(i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and</i> <i>(ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and</i> <i>(iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</i> <i>(c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</i> <p><u>Comment:</u> The proposed development is supported without condition and has been assessed to comply with SEPP Coastal Management for matters related to coastal vulnerability area. It is not likely to alter coastal processes to the detriment of the environment or other land and is not likely to reduce public amenity or existing access to and use of the foreshore.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p>
NECC (Development Engineering)	<p><u>Subdivision:</u></p> <p>The proposed development is located on the adjacent property and is dependent on a previously approved boundary adjustment (DA2014/0677). As such, evidence for registration of the lots previously approved is required prior to the issue of an Operational Consent.</p> <p>In addition, a condition has been applied for the registration of lots with the current proposed boundary adjustment prior to the issue of an Occupation Certificate. Please consider whether the timing of the condition is appropriate for the development.</p> <p>No objections are raised to the proposed development, subject to conditions.</p>
NECC (Riparian Lands and Creeks)	No objection to the proposed development subject to conditions.

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.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.A333300_02 dated 14 December 2018)

The BASIX Certificate indicates that the development will achieve the sustainability targets of the SEPP.

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:	450m ²	Lot 1: 1,152m ² Lot 2: 450m ²	N/A	Yes
Height of Buildings:	8.5m	6.5m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.1 Minimum subdivision lot size	Yes
4.3 Height of buildings	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	6.7m	N/A	Yes
B3 Side Boundary Envelope	5m (east)	Two (2) breaches of: 4.2m (length) x 0.3m (height) 8.7m (length) x 0.3m (height)	N/A	No
	5m (west)	No breach	N/A	Yes
B5 Side Boundary Setbacks	0.9m (east)	0.9m	N/A	Yes
	0.9m (west)	10.8m	N/A	Yes

B7 Front Boundary Setbacks	6.5m	2 - 3.5m	46-70	No
B9 Rear Boundary Setbacks	6m	12.5m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	511m ² or 44%	N/A	Yes

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

Description of non-compliance

A breach of the side boundary envelope is proposed on the eastern side boundary.

The breach occurs on the upper portion of the balustrade to the pool / private open space area and occurs in two areas.

The maximum height of the breach is estimated at 300mm. The combined length of the breach is estimated at 12.9m, in two lengths of 4.2 and 8.7m.

Merit consideration

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

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

Comment: The extent of the breach is very minor and relates to an ancillary structure, which is a clear glass balustrade. Under these circumstances, the breach will not result in a visually dominant structure. The development hence achieves this objective.

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

Comment: There will no adverse impact on adjoining residences in regard to solar access, privacy or visual impact as a result of the proposed breach. The development is hence consistent with this objective.

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

Comment: The height of the proposed structure as it faces the eastern boundary is adequately expressed to respond to the topography of the site, which in turn satisfies this objective.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The front setback of the altered garage building is setback at a distance of 2 to 3.5 metres. This represents a variation of between 46-70% with the minimum front setback of 6.5m.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying

Objectives of the Control as follows:

- *To create a sense of openness.*

Comment: The proposed home office is a substantial alteration to an existing freestanding garage. The existing garage is located at a distance of between 0.8 and 2.5m from the front boundary. The proposed works will have the effect of moving this existing structure back approximately 1m. By direct comparison of the existing and the proposed, there will be an increased sense of openness. In context with the other features of the site adjoining the frontage with Coastview Place, this building is adjacent to a significant rock outcrop on the north-west corner of the site that is approximately the same height as the proposed structure and extends out over the adjoining road reserve. In these circumstances, the proposed development will have an adequate sense of openness to achieve these objectives.

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

Comment: Coastview Place demonstrates a varied pattern of front setback, based on the irregular path of the roadway. As stated previously, when viewed from the west, the proposed home office will be obscured by a significant rock outcrop. In this regard, the proposed front setback will not represent a loss of the existing visual continuity and pattern of buildings in Coastview Place.

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

Comment: The proposed structure is modest in bulk and scale and will not represent an adverse impact on the visual quality of the streetscape and adjoining public spaces.

- *To achieve reasonable view sharing.*

Comment: There will be no adverse loss of any views enjoyed by surrounding properties as a result of the proposed variation to the minimum front setback.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 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.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$9,430 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$942,975.

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

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a Five (5) year time frame for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2019/0093 for Alterations and additions to a dwelling house including a swimming pool and conversion of existing garage into detached studio on land at Lot 202 DP 1126065,8 Coastview Place, FRESHWATER, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

DEFERRED COMMENCEMENT CONDITIONS

1. The Registration of New Lots

The Applicant shall provide Council with evidence for creation of the new lots with NSW Land Registry Services in accordance with the approved subdivision plans of Development Consent DA2014/0677, in order to activate the consent.

Reason: To ensure that the plans relate to approved development.

2. Creation of Allotments

Evidence is to be provided to Council that the proposed allotments 1 and 2 have been legally created.

Reason: To ensure the orderly development of the land (DACPLADC1)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

3. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA02 Revision D	28 January 2019	Humel Architects
DA03 Revision D	28 January 2019	Humel Architects
DA04 Revision D	28 January 2019	Humel Architects
DA05 Revision D	28 January 2019	Humel Architects
DA06 Revision D	28 January 2019	Humel Architects
DA08 Revision D	28 January 2019	Humel Architects
DA09 Revision D	28 January 2019	Humel Architects
DA10 Revision D	28 January 2019	Humel Architects
DA11 Revision D	28 January 2019	Humel Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
DR-000 Rev 1	31 January 2019	Stellen
DR-001 Rev 2	31 January 2019	Stellen
DR-002 Rev 2	31 January 2019	Stellen
DR-003 Rev 1	31 January 2019	Stellen
DR-004 Rev 1	31 January 2019	Stellen
SD-001 Rev 1	31 January 2019	Stellen

Reports / Documentation – All recommendations and requirements contained within:		
Report Title / No.	Dated	Prepared By

Geotechnical Investigation Report No.G18179-1	19 November 2018	GCA
BASIX Certificate No.A333300_02	14 December 2018	Efficient Living Pty Ltd
Construction Traffic Management Plan	January 2019	Humel Architects

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
LA LP01/04	27 November 2018	black beetle
LA LP02/04	27 November 2018	black beetle
LA LP03/03	27 November 2018	black beetle

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	-	Humel Architects

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.

4. **Prescribed Conditions**

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

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

work relates (not being the Council) has given the Council written notice of the following information:

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

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

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

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

Reason: Legislative Requirement

5. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether

the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) 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.

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$9,429.75 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 2019. The monetary contribution is based on a development cost of \$942,975.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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

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

7. 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 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).

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

8. Construction, Excavation and Associated Works Bond (Crossing / Kerb)

The applicant is to lodge a Bond of \$20,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and any vehicular barriers required as part of this consent. Details demonstrating payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

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

9. Stormwater Disposal

The Applicant is to demonstrate stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Warringah Water Management Policy PL850. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

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

The Applicant is to submit an application for approval for Infrastructure works on Councils roadway. Engineering plans for the new development works within the road reserve within this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The application is to include four (4) copies of Civil Engineering plans for the design of suspended driveway slab and associated vehicle barriers which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The suspended driveway slab within Council's roadway shall be structurally independent of the internal driveway, and Structural Certification shall be submitted with the application. The plans shall be prepared by a qualified civil engineer.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges. An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

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

11. **Pre-commencement Dilapidation Report**

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The pre-construction/demolition dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifying Authority prior to the issue of the any Construction Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

12. **Amend Landscape Drawings**

The Landscape drawings, submitted in conjunction with the approved Development Application and as amended by these conditions of consent, are to be amended to delete the following species: *Echium fastuosum*, *Gazania tomentosa*, *Liriope muscari* 'Munroe White'. Replacement species are to be selected from locally native species. Plans are to be amended and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To achieve compliance with relevant Natural Environment controls.

13. **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.

14. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

15. **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

16. **Tree Protection**

a) Existing trees and vegetation shall be retained as follows:

- i) all trees and vegetation within the site not indicated for removal on the approved plans, shall be protected during all construction stages, excluding exempt trees under the relevant planning instruments or legislation,

ii) all other trees and vegetation located on adjoining properties,

iii) all road reserve trees and vegetation.

b

) Tree protection shall be undertaken as follows:

i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4,

ii) any tree roots exposed during excavation with a diameter greater than 30mm within the TPZ must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,

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

iv) no tree roots greater than 30mm diameter are to be cut from protected trees unless authorized by the Project Arborist on site,

v) all structures are to bridge tree roots greater than 30mm diameter unless directed by a AQF Level 5 Arborist on site,

vi) should either or both iv) and v) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures provided.

Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites, and protect the existing amenity that trees and/or bushland vegetation provide.

17. Public Liability Insurance - Works on Public Land

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

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

18. Installation and Maintenance of Sediment and Erosion Control

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. 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.

20. Trees Condition

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

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.

- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

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

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

Reason: Protection of Trees.

21. Protection of rock and sites of significance

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

Reason: Preservation of significant environmental features.

22. Installation and Maintenance of Sediment Control

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

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

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

23. Construction Vehicles

All vehicles associated with the construction are to not exceed 11 metres in length and are not be articulated (with the exception of trailers for light vehicles not exceeding an aggregate trailer mass of 4.5 tonnes consistent with NSW Roads and Maritime Service standards)

Reason: To ensure that reasonable service and safety of the adjoining road network is maintained (DACPLEDW1)

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

24. Landscape Certification

A qualified Landscape Consultant is to submit a Certificate of Practical Completion to the Principal Certifying Authority prior to the issue of the Occupation Certificate, stating the work has been carried out in accordance with the approved Landscape Drawing and a maintenance program has been established.

Reason: This is to ensure the landscaping is planted in accordance with the drawing and maintained appropriately.

25. Stormwater Disposal

The Applicant shall submit a certificate from a suitably qualified person that the stormwater drainage works have been constructed/installed in accordance with all relevant Australian Standards and Codes. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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

26. **Post-Construction Dilapidation Report**

The applicant must submit a post-construction dilapidation report prepared by suitably qualified civil engineer. The report must clearly detail the final condition of all public property, infrastructure, natural and man-made features that were originally recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure.

The post-construction / demolition dilapidation report must be submitted to Council for review after the completion of all building works. Any damage to Council's infrastructure is to be rectified to the satisfaction of Council prior to the refund of any security deposits.

Reason: To ensure security against possible damage to Council.

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

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

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

Reason: To ensure bushland management. (DACPLF01)

28. **Subdivision Certificate for Boundary Adjustment**

The Applicant shall obtain a Subdivision Certificate for boundary adjustment prior to the issue of any final Occupation Certificate.

Reason: To ensure the registration of new lots.

29. **Swimming Pool Requirements**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the 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

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life (DACPLF09)

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

30. **Environmental and priority weed control (PLEP)**

Condition: All weeds are to be removed and controlled in accordance with the Biodiversity Conservation Act 2016.

Reason: Preservation of environmental amenity.

31. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

32. **Dead or Injured Wildlife**

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

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

33. **Use of home office**

Nothing authorises the use of the home office as a "secondary dwelling" as currently defined under the relevant environmental planning instruments that apply to the site.

Reason: To ensure the orderly use of the land (DACPLGOG1)

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

34. Sydney Water Compliance Certification

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> 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.

35. Subdivision Certificate Application

The Applicant shall submit a Subdivision Certificate with Council for the boundary adjustment, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, four copies of the final plan of subdivision and all relevant documents including electronic copies, are to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

The Subdivision Certificate shall be obtained prior to the issue of any final Occupation Certificate.

Reason: Statutory requirement of the Conveyancing Act 1919.

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

Signed



Nick England, Planner

The application is determined on 16/08/2019, under the delegated authority of:



Anna Williams, Manager Development Assessments