

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/2478
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<b>Responsible Officer:</b>	Adam Croft
<b>Land to be developed (Address):</b>	Lot 1 DP 171852, 44 Kooloora Avenue FRESHWATER NSW 2096
<b>Proposed Development:</b>	Alterations and additions to a dwelling house
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Adrian Paul Stewart Nicole Margaret Stewart
<b>Applicant:</b>	Nicole Margaret Stewart

<b>Application Lodged:</b>	30/12/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	13/01/2022 to 27/01/2022
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	2
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 990,000.00
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### PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for alterations and additions to the existing dwelling resulting in:

Ground floor

- Existing driveway
- New double carport and covered entry
- Entry foyer
- Bin storage
- Relocated stair
- Storage

- Media room
- Baths 3 & 4
- Beds 3, 4 & 5
- Laundry
- Games room
- Western courtyard
- Existing studio / home office

#### First floor

- New alfresco deck
- Kitchen & pantry
- Living & dining
- Bed 2 & bath 2
- Master bed with ensuite & robe

### **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 - 6.2 Earthworks  
Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land  
Warringah Development Control Plan - B3 Side Boundary Envelope  
Warringah Development Control Plan - B9 Rear Boundary Setbacks  
Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting  
Warringah Development Control Plan - D6 Access to Sunlight  
Warringah Development Control Plan - D7 Views  
Warringah Development Control Plan - D8 Privacy  
Warringah Development Control Plan - D9 Building Bulk

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 171852 , 44 Kooloora Avenue FRESHWATER NSW 2096
<b>Detailed Site Description:</b>	<p>The subject site consists of one allotment located on the northern side of Kooloora Avenue.</p> <p>The site is regular in shape with a frontage of 10.06m along Kooloora Avenue and a depth of 57m. The site has a surveyed area of 573.3m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates an existing dwelling house.</p> <p>The site slopes approximately 2m from rear (north) to front (south).</p> <p>The site contains two significant trees and a variety of smaller planted vegetation.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by a range of residential development including detached dwellings, dual occupancies and residential flat buildings.</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:

DA2020/1147 - Demolition works and construction of a dwelling house - Approved 15 December 2020.

**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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home</p>

Section 4.15 Matters for Consideration	Comments
	<p>Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<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>	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification &amp; Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 13/01/2022 to 27/01/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mrs Alison Walker-Powell	42 Kooloora Avenue FRESHWATER NSW 2096
GBA Heritage	Address Unknown

The issues raised in the submissions are addressed as follows:

- **Visual and acoustic privacy impacts**

The submissions raised concerns that the proposed first floor alfresco deck and side and rear-facing windows will give rise to adverse visual and acoustic privacy impacts.

Comment:

A condition is imposed requiring the provision of a solid wall at the northwestern elevation of the proposed alfresco deck to minimise noise disturbance to the adjoining property. The external sliding screens to windows W118 and W119 are also conditioned to be fixed and inoperable to mitigate direct viewing to the adjoining property. Provision of privacy screening to window W120 is not considered necessary, as discussed in the detailed assessment under D8 Privacy.

- **Heritage impact**

The submissions raised concerns that the proposal will adversely impact the heritage value of the adjoining property, 46 Kooloora Avenue.

Comment:

The application was referred to Council's Heritage Officer, who raised no objection to the proposed development. The Heritage assessment concludes that the impact to the visibility of the adjacent heritage item will be minor based on the secondary nature of the affected view corridor and the open design of the proposed additions at the front of the subject dwelling.

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p><b>Supported with conditions.</b></p> <p>The application seeks consent for alterations and additions to an existing dwelling.</p> <p>The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 and the following Warringah Development Control Plan 2011 controls (but not limited to):</p> <ul style="list-style-type: none"> <li>• D1 Landscaped Open Space and Bushland Setting</li> <li>• E1 Preservation of Trees or Bushland Vegetation</li> </ul> <p>The site is adjacent to a heritage item (Street Trees Kooloora Ave).</p> <p>Conditions have been provided to require protection of the tree forward of the property during works.</p>

Internal Referral Body	Comments
	<p>The plans indicate that no other significant landscape features are affected by the proposed works.</p> <p>No objections are raised with regard to landscape issues subject to conditions.</p>
NECC (Development Engineering)	<p><b>Supported with conditions.</b></p> <p><b>7/3/2022:</b> Application is for alterations and additions to an existing two storey dwelling.</p> <p><b>Access</b> Vehicular access currently is available to the site from Kooloora Avenue via a concrete and gravel driveway, No changes are proposed. New double carport is proposed.</p> <p><b>Stormwater</b> Proposal is to direct stormwater to Council's drainage system in accordance with existing arrangements.</p> <p>Council's record has identified that Council's drainage systems are traversing the subject property and will be impacted by the proposed development. As a result Development Engineer cannot support the proposal due to following reasons:</p> <ul style="list-style-type: none"> <li>• Applicant has not located Council's drainage systems traversing the site in accordance with Northern Beaches Council's Water Management for Development Policy. In this regards Council's drainage pipe and pits must be accurately located, confirming dimensions and plotting any Council's stormwater drainage assets and associated infrastructure to scale on the DA plans, which must include the proposed works. This should be carried out by a registered surveyor.</li> <li>• Applicant has not provided details to show that all proposed structures are located clear of any Council's drainage system.</li> <li>• Applicant has not shown that all structures included any overhangs are located clear of Council's pipe and drainage easements.</li> <li>• Any excavation proposed must ensure sufficient cover is provided to Council's pipe drainage systems.</li> </ul> <p><b>30/03/2022:</b> Existing Council pipes are located on the supplied site survey map.</p>
Strategic and Place Planning (Heritage Officer)	<p><b>Supported without conditions.</b></p> <p><u>Planning comments</u></p>

Internal Referral Body	Comments																																							
	<p>The Heritage Referral notes that the existing driveway crossover is proposed to be replaced (as stated in the SoEE). However, no change to the existing crossover is shown on the proposed plans, nor approved by this consent. Regardless, appropriate tree protection conditions are imposed as recommended.</p> <table border="1" data-bbox="520 562 1442 2136"> <thead> <tr> <th colspan="3" data-bbox="520 562 1442 600">HERITAGE COMMENTS</th> </tr> <tr> <th colspan="3" data-bbox="520 600 1442 638">Discussion of reason for referral</th> </tr> </thead> <tbody> <tr> <td colspan="3" data-bbox="520 638 1442 734"> <p>The proposal has been referred to Heritage as the subject site adjoins two heritage items</p> </td> </tr> <tr> <td colspan="3" data-bbox="520 734 1442 801"> <p><b>170 - House known as 'Felicita'</b> - 46 Kooloora Avenue</p> </td> </tr> <tr> <td colspan="3" data-bbox="520 801 1442 891"> <p><b>169 - Street Trees</b> - Kooloora Avenue</p> </td> </tr> <tr> <th colspan="3" data-bbox="520 891 1442 929">Details of heritage items affected</th> </tr> <tr> <td colspan="3" data-bbox="520 929 1442 1025"> <p>Details of the item as contained within the Warringah inventory is as follows:</p> </td> </tr> <tr> <td colspan="3" data-bbox="520 1025 1442 1272"> <p><b>House known as Felicita</b>  <u>Statement of significance:</u>            A rare example of a post-war functionalist dwelling in the Harbord area. Displays high integrity with much original fabric &amp; detailing. Historically indicates the variety of post-war beach-side development.</p> </td> </tr> <tr> <td colspan="3" data-bbox="520 1272 1442 1518"> <p><u>Physical description:</u>            Two storey dwelling, brick on ground floor &amp; fibro to 1st floor (?). Garage on ground floor with original decoration. Skillion roof. Front facade of extensive glazing with low projecting balcony with inclined handrails and posts.</p> </td> </tr> <tr> <td colspan="3" data-bbox="520 1518 1442 1765"> <p><b>Street Trees</b>  <u>Statement of significance:</u>            Socially significant as plantings by the local school. Although some are in poor health they are a prominent visual element in the Freshwater Beach area &amp; are representative of seaside plantings &amp; associated with recreation/holiday themes.</p> </td> </tr> <tr> <td colspan="3" data-bbox="520 1765 1442 1989"> <p><u>Physical description:</u>            Norfolk Island Pines (22) along both sides of Kooloora Avenue, with an average height of 15 - 20 metres. Those in the western section of the street are in poorer condition, however most are not very healthy. Some have been removed. Planting is not regular</p> </td> </tr> <tr> <th colspan="3" data-bbox="520 1989 1442 2027">Other relevant heritage listings</th> </tr> <tr> <td data-bbox="520 2027 852 2136">           Sydney Regional Environmental Plan (Sydney Harbour         </td> <td data-bbox="852 2027 951 2136">           No         </td> <td data-bbox="951 2027 1442 2136"></td> </tr> </tbody> </table>	HERITAGE COMMENTS			Discussion of reason for referral			<p>The proposal has been referred to Heritage as the subject site adjoins two heritage items</p>			<p><b>170 - House known as 'Felicita'</b> - 46 Kooloora Avenue</p>			<p><b>169 - Street Trees</b> - Kooloora Avenue</p>			Details of heritage items affected			<p>Details of the item as contained within the Warringah inventory is as follows:</p>			<p><b>House known as Felicita</b>  <u>Statement of significance:</u>            A rare example of a post-war functionalist dwelling in the Harbord area. Displays high integrity with much original fabric &amp; detailing. Historically indicates the variety of post-war beach-side development.</p>			<p><u>Physical description:</u>            Two storey dwelling, brick on ground floor &amp; fibro to 1st floor (?). Garage on ground floor with original decoration. Skillion roof. Front facade of extensive glazing with low projecting balcony with inclined handrails and posts.</p>			<p><b>Street Trees</b>  <u>Statement of significance:</u>            Socially significant as plantings by the local school. Although some are in poor health they are a prominent visual element in the Freshwater Beach area &amp; are representative of seaside plantings &amp; associated with recreation/holiday themes.</p>			<p><u>Physical description:</u>            Norfolk Island Pines (22) along both sides of Kooloora Avenue, with an average height of 15 - 20 metres. Those in the western section of the street are in poorer condition, however most are not very healthy. Some have been removed. Planting is not regular</p>			Other relevant heritage listings			Sydney Regional Environmental Plan (Sydney Harbour	No	
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Internal Referral Body	Comments		
	Catchment) 2005		
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register		
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
<b>Consideration of Application</b>			
<p>The proposal seeks consent for alterations and additions to the existing dwelling. This includes an extension towards the street with a carport, alfresco area and enlargement of the upstairs kitchen/dining/living area as well an extension to the rear at both levels. Felicita is located immediately to the east of the site on the adjoining property. The street trees are located in the road reserve, with a pine tree located immediately adjacent to the existing driveway crossover. A heritage objection has also been received from the owners of Felicita.</p> <p>The objection from Felicita has been provided via GBA Heritage and relates primarily to the impact on views and setting of the item. The objection states that the forward extension of the dwelling at 44 Kooloora will reduce views of the item from the west along Kooloora Street. Heritage notes that the existing dwelling at 44 Kooloora Avenue is already located significantly closer to the street than Felicita with existing impacts upon views.</p> <p>Heritage agrees with the general conclusion of GBA Heritage that there will be an impact on views from the proposed works but disagrees to the extent of the impact. The proposed forward extension will decrease the visibility of Felicita from the west however the upper level solid area extension represents only a minor increase in impact over the existing situation. Further, the majority of the forward extension is to be relatively open and porous comprising the alfresco area and carport which does allow for some filtered views of Felicita to the west while breaking down the visual bulk of the dwelling. However it is important to note these views would be considered a secondary view corridor and are gained via a deep historical setback due to development patterns along the street. In this case the primary views of the heritage item are still retained when viewed directly from the street. When combined with some of the other efforts made to reduce the bulk of the works such as remaining below the maximum building height, reducing the roof pitch and providing lightweight elements to the front, Heritage can on balance tolerate this impact. In summary, while there is an impact to views from the west, the proposed works have made some concessions and the primary view directly from</p>			

Internal Referral Body	Comments
	<p>the street outside the item will be retained. Heritage also raises no objections to the rear extension.</p> <p>While the existing gravel driveway is not proposed to be changed, the SoEE indicates the driveway crossover directly adjoining a heritage street tree is to be replaced. As such, conditions for the protection of this street tree during construction will be required. Heritage supports the suggested conditions of Landscape in this regards.</p> <p>Therefore Heritage raises no objections and supports the conditions for Landscape for the heritage street tree adjoining the driveway crossover.</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> <p><b>Further Comments</b></p> <p>COMPLETED BY: Brendan Gavin, Principal Planner</p> <p>DATE: 13 April 2022</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable without conditions.

### 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. A439165 dated 25 November 2021).

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

**SEPP (Infrastructure) 2007**

Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid who raised no objections.

**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	6.9m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

### Detailed Assessment

#### 6.2 Earthworks

The proposal includes minimal excavation works and complies with this control.

#### 6.4 Development on sloping land

The site is mapped as Landslip Risk Area A and no geotechnical assessment is necessary in this case.

### Warringah Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	7m	N/A	Yes
B3 Side Boundary Envelope	SE: 5m	Two breaches: - 0.6m, length 11.4m - 0.7m, length 11.4m	11.7%	No
	NW: 5m	Two breaches: - 0.3m, length 9.2m - 1m, length 8.6m	16.7%	No
B5 Side Boundary Setbacks	SE: 0.9m	0.9m	N/A	Yes
	NW: 0.9m	0.983m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	15.99m	N/A	Yes
B9 Rear Boundary Setbacks	6m	Proposed works: 7.922m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% 229.2m <sup>2</sup>	27.9% 159.9m <sup>2</sup>	30.2%	No

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes

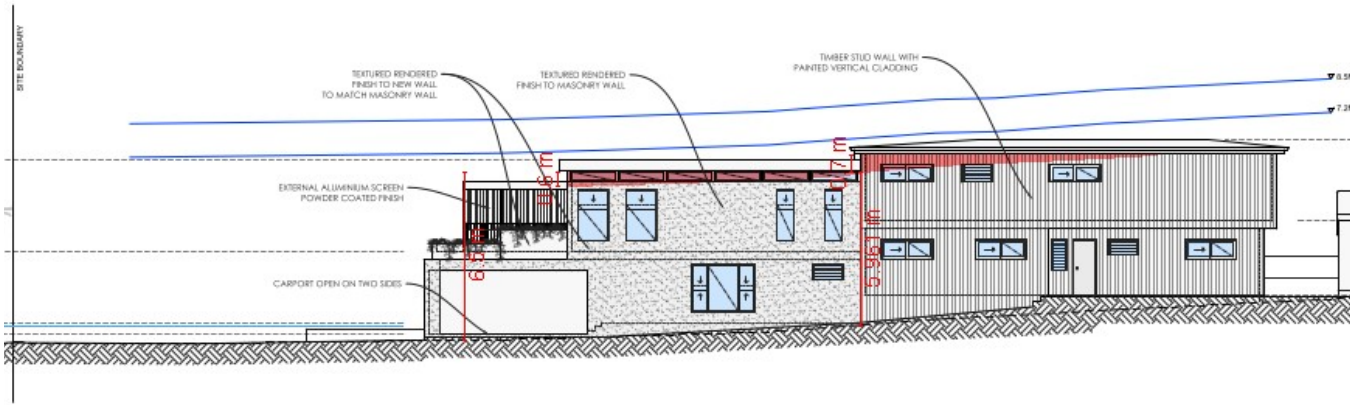
Clause	Compliance with Requirements	Consistency Aims/Objectives
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	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
D14 Site Facilities	Yes	Yes
D20 Safety and Security	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

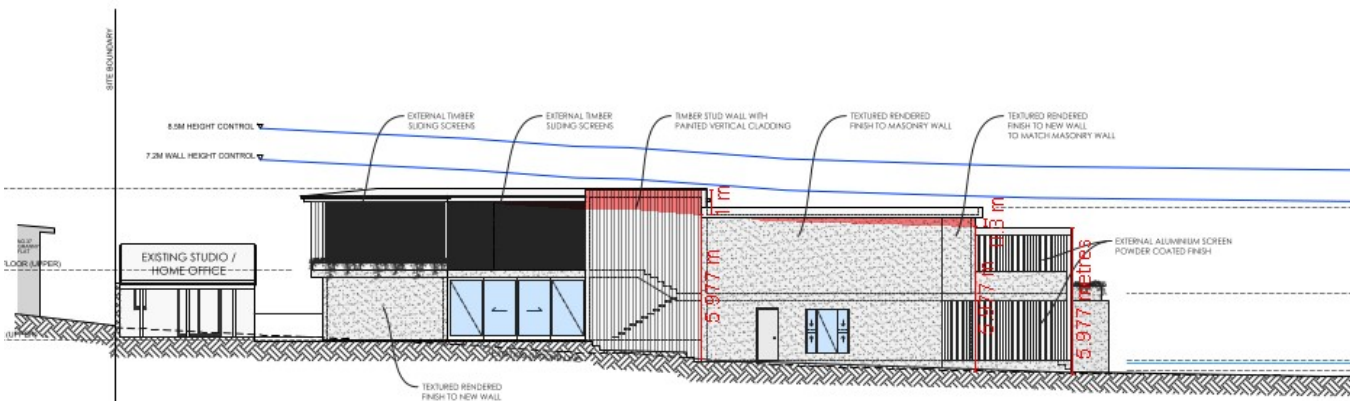
#### **B3 Side Boundary Envelope**

##### Description of non-compliance

The proposal includes breaches of the building envelope control at the south-eastern and north-western elevation, shown shaded on the plans below.



SOUTH EAST ELEVATION



NORTH WEST ELEVATION

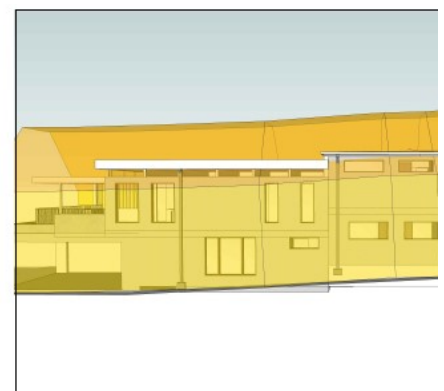
**Merit consideration**

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 proposed envelope breaches are relatively minor in extent and do not result in a visually dominant development. It is noted that the proposed alterations and additions will reduce the overall height and bulk of the roof form in comparison to the existing dwelling, as shown in the below analysis provided by the applicant.



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

Comment:

The proposal will maintain adequate light, solar access and privacy to the adjoining properties.

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

Comment:

The proposed dwelling responds appropriately to the topography of the site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the control. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

### **B9 Rear Boundary Setbacks**

The proposed dwelling rear setback complies with the control and the existing non-compliant setback to the studio/home office remains unchanged.

### **D1 Landscaped Open Space and Bushland Setting**

#### Description of non-compliance

The proposed landscaped area of 27.9% is non-compliant with the 40% control, resulting in a shortfall of 69.3m<sup>2</sup>. Despite the extent of the proposed breach, the development results in a minor net reduction of 1.7m<sup>2</sup> to the landscaped area on the site.

#### Merit consideration

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

- *To enable planting to maintain and enhance the streetscape.*

Comment:

The proposal maintains adequate landscaped area within the front setback to accommodate planting.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

The proposal will not impact on existing indigenous vegetation, topographical features and habitat for wildlife.

- *To provide for landscaped open space with dimensions that are sufficient to enable the*

*establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

The areas of landscaped open space are of sufficient dimensions to provide for the establishment of a variety of landscaping.

- *To enhance privacy between buildings.*

Comment:

The landscape open space variation will not give rise to privacy impacts between buildings.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The proposal provides appropriate areas for outdoor recreational opportunities that meet the needs of the occupants.

- *To provide space for service functions, including clothes drying.*

Comment:

Sufficient space is provided for service functions including clothes drying.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

Adequate areas are provided to facilitate water management, including the infiltration of stormwater.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the control. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

## **D6 Access to Sunlight**

### Compliance with control

At 9am the additional overshadowing is limited to the front setback of the subject site. At 12pm and 3pm there is additional overshadowing of the front setback and northwestern wall and windows of 46 Kooloora Avenue. The private open spaces of No. 46 include the rear yard and front deck. The proposal will not result in any substantial overshadowing of these private open space areas and maintains a compliant level of sunlight access in accordance with the control.

## **D7 Views**

### Merit consideration



The affected view/outlook from 42 Kooloora Avenue is to Freshwater Reserve. The view is not a whole view as it is partially obstructed by existing development and vegetation between No. 42 and the reserve.



Photo 1. View from 42 Kooloora Avenue first floor bedroom.

The view is obtained across a side boundary from the first floor bedroom. The view will be largely lost as a result of the development, however, based on the value of the view the impact is considered to be minor-moderate. The impact is caused by the proposed alfresco deck at the front of the first floor. Given the full compliance of the alfresco deck and the consistency of the proposed 17.3m front setback with the surrounding developments, it is not considered reasonable to require the retention of this side-boundary view.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives the control. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

## **D8 Privacy**

### Compliance with control

The proposal is generally designed appropriately to maintain privacy between the subject site and adjoining properties.

At the southeastern elevation, the proposed windows W103-W106 are limited in width and result in a significant reduction to the existing glazed areas. Windows W113-W115 are highlight windows.

At the northwestern elevation, windows W118 and W119 incorporate external sliding screens. Based on the size of these windows and their proximity to the 42 Kooloora Avenue, the proposed sliding timber screens are conditioned to be fixed and inoperable. Based on the rear setback provided to window W117, the proposed sliding screens are acceptable in this location. Window W120 is located over a stair and void with a limited view angle to No. 42 from the hallway area; as such no screening to this window is considered necessary.

The proposed external aluminium screen at the northwestern elevation of the first floor alfresco deck is conditioned to be replaced with a solid wall to minimise noise transmission to the adjacent bedroom of No. 42. The proposed alfresco deck incorporates a planter box at the southeastern elevation and is offset from the private open space areas of 46 Kooloora Avenue.

## **D9 Building Bulk**

### Compliance with control

The proposed dwelling is appropriate in bulk and scale, and is designed to minimise visual impact as viewed from the street frontage and adjoining properties. The proposal complies with the wall height control and results in a lower overall building height than the existing dwelling. The proposal is adequately articulated to reduce building bulk, and incorporates a variety of materials and finishes, vertical elements and landscaping. The open design of the proposed carport and alfresco deck at the front of the dwelling also mitigates the bulk of the dwelling as viewed within the streetscape.

## **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 2021**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$9,900 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$990,000.

## **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;

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

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/2478 for Alterations and additions to a dwelling house on land at Lot 1 DP 171852, 44 Kooloora Avenue, FRESHWATER, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

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

##### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA03 Proposed Roof Plan	Issue 3, 23 November 2021	Emma Macindoe Interior Design
DA04 Proposed Floor Plan and Landscape Plan	Issue 3, 23 November 2021	Emma Macindoe Interior Design
DA05 Proposed Elevations - South West & North West	Issue 3, 23 November 2021	Emma Macindoe Interior Design
DA06 Proposed Elevations - North East & South East	Issue 3, 23 November 2021	Emma Macindoe Interior Design

DA07 Proposed Sections - A & B	Issue 3, 23 November 2021	Emma Macindoe Interior Design
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<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Flood Risk Management Report	Issue C, 25 November 2021	NB Consulting Engineers
BASIX Certificate No. A439165	25 November 2021	Flavio Antonio Gerbolini Rivero

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

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

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

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

## 2. **Prescribed Conditions**

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

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

that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

### 3. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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.
- (c) 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.
- (d) 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.

- (e) 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.
- (f) 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) 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.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) 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.
- (k) 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.

- (l) 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.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) 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

### 4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$9,900.00 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 2021. The monetary contribution is based on a development cost of \$990,000.00.

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 2021 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](http://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.

#### 5. **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 Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

The applicant is to lodge a bond of \$15,000.00 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

Details confirming 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**

#### 7. **Heritage Listed Trees**

The site is adjacent to Heritage Listed Trees as identified in the Local Environmental Plan. Heritage Listed Trees are to be protected from damage during construction.

- a) The following Heritage Listed Trees are located within the vicinity of the approved works:
  - i) *Araucaria heterophylla* (Norfolk Island Pine) street tree
- b) A Tree Protection Plan is to be prepared by an Arborist with minimum AQF Level 5 in arboriculture incorporating the following:
  - i) annotated photographs of the tree(s) trunk, branches and any exposed roots,
  - ii) tree protection measures in accordance with AS4970-Protection of Trees on Development Sites.



The Tree Protection Plan for the Heritage Listed Trees shall be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: protection of significant community assets.

8. **Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's WATER MANAGEMENT FOR DEVELOPMENT POLICY. 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.

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

All structures are to be located clear of any Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Water Management Policy; (in particular Section 6 - Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specification). Any proposed landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted) - Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure

10. **Flood Mitigation Measures**

Drainage plans detailing the provision of flood mitigation measures as recommended in the Flood Risk Management Report, Job No. 200273 by NB Consulting Engineers, Dated 25/11/2021, Issue C, such as;

- Vehicle barriers or restraints to be provided in carport to prevent floating vehicles leaving the site.
- To allow flood waters to unimpeded and no net loss of flood storage the proposed entry walkaway is to be built as an open timber deck.
- All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be located above the level of 5.05m AHD.
- Any proposed fencing along the boundaries should be provisioned with openings to ensure floodwater is able to flow through.

Details demonstrating compliance are 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. **Amendments to the approved plans**

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

- The proposed external timber sliding screens to W118 and W119 shall be fixed and inoperable.
- The proposed external aluminium screen at the north-western elevation of the first floor alfresco deck shall be replaced with a solid wall.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

12. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, 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 Certifying Authority 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.

13. **Vehicle Driveway Gradients**

The Applicant is to ensure driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent.

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

Reason: To ensure suitable vehicular access to private property.

14. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

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

The Applicant is to submit a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at: <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.1>

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

Reason: Protection of Council's infrastructure.

16. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

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

17. **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](http://www.sydneywater.com.au) for:

- o "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- o 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.

18. **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 TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

19. **Protection of Sites of Significance**

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should

cease in the area and the Aboriginal Heritage Office contacted to assess the finds.

Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

20. **Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum, the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

21. **Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected including:
  - i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
  - ii) all trees and vegetation located on adjoining properties,
  - iii) all road reserve trees and vegetation.
  
- b) Tree protection shall be undertaken as follows:
  - i) tree protection shall be in accordance with the approved Tree Protection Plan and Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
  - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
  - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
  - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
  - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,

- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

## 22. 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.

## 23. Removing, Handling and Disposing of Asbestos

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

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

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

**24. Survey Certificate**

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

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

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

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

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

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

**25. Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, 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.

**26. Waste Management During Development**

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

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

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

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

**27. Condition of Retained Vegetation**

Prior to the issue of any Occupation Certificate a report prepared by an Arborist with minimum

AQF Level 5 in arboriculture shall be submitted to the Certifying Authority assessing the health and impact on all heritage listed trees forward of the property including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree protection.

28. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Council's Water Management for Development Policy by a suitably qualified person. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of Final Occupation Certificate.

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

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

All structures are to be located clear of any Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Water Management Policy; (in particular Section 6 - Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specification). Any proposed landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted) - Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure

30. **Positive Covenant and Restriction as to User for Flood Mitigation Measures**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the Flood Mitigation Measures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for Flood Mitigation Measures as to user is to be submitted.

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

Reason: To ensure the Flood Mitigation Measures is maintained to an appropriate operational standard.

31. **Post-Construction Stormwater Assets Dilapidation Report**

The Applicant is to submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset. Council's Guidelines are available at:  
<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/generalinformation/engine>

The post-construction dilapidation report must be submitted to Council for approval and the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

32. **House / Building Number**

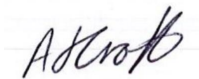
House/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

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

**Signed**



**Adam Croft, Planner**

The application is determined on 06/05/2022, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**