

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/0458
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<b>Responsible Officer:</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 1 DP 586163, 4 Notting Lane COTTAGE POINT NSW 2084
<b>Proposed Development:</b>	Alterations and additions to a dwelling house including an inclinor
<b>Zoning:</b>	Warringah LEP2011 - Land zoned E4 Environmental Living
<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>	Garry David Sexton Dawn Marjorie Sexton
<b>Applicant:</b>	Garry David Sexton

<b>Application Lodged:</b>	08/05/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	19/05/2020 to 02/06/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 98,000.00
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### PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the following:

- Installation of a inclinor along the northern side of the subject site;
- Construction of a privacy screen;
- Alterations to the existing dwelling house and fencing to accommodate the inclinor;
- The construction of three landing pads.

### 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 - B5 Side Boundary Setbacks

Warringah Development Control Plan - B11 Foreshore Building Setback

Warringah Development Control Plan - C9 Waste Management

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

Warringah Development Control Plan - D8 Privacy

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 586163 , 4 Notting Lane COTTAGE POINT NSW 2084
<b>Detailed Site Description:</b>	<p>The site is located on the eastern side of Notting Lane and has an area of 1,098 square metres (sqm) with a frontage of 25 metres (m) to the street and a depth of 47.2m.</p> <p>The property has an irregular shape with water frontage to Coal and Candle Creek estuary. The site contains a part two storey dwelling house built toward the foreshore and a smaller detached cottage (previously used for tourist accommodation) built close to Notting Lane.</p> <p>The site is located within the E4 Environmental Living zone.</p> <p>The site also contains a detached garage, located toward the southern side of the property and a boatshed adjacent the shoreline.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p>

Adjoining and surrounding development is characterised by detached dwelling houses to the north and south of the site and bushland to the west. Cottage Point General Store and Marina is located 50m north of the site.

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:

**Development Application No. DA2019/1272** Construction of an inclinator (Withdrawn on 23 January 2020).

Following the a preliminary assessment of the application Council wrote to the applicant raising a number of concerns which resulted in Council not supporting the application. Issues raised included height, privacy and visual impact.

**Modification Application 2017/0338** for alterations and additions to a dwelling house was approved on 31 May 2018.

**Development Application No.DA2013/0677** for alterations and additions (to the main dwelling house) was approved on 12 September 2013.

**Development Application No.DA2001/1155** for demolition work and the construction of a dwelling, garage and boatshed was approved by Council on 10 April 2002.

**Building Application No.BA5002/9470** for alterations and additions (compost toilet) was approved by Council on 2 February 1995. Site plans show the presence of two dwellings on the property.

## 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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted.</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 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>
Section 4.15 (1) (b) – the likely	(i) <b>Environmental Impact</b>

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

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Scott Jarvis, dated 27 March 2020) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 19/05/2020 to 02/06/2020 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 1 submission/s from:

Name:	Address:
Mr David Ian Carlyle Holmes Mrs Emma Victorene Viljoen-Holmes	2 Lowanna Street BELROSE NSW 2085

Name:	Address:
Mr David Ian Carlyle Holmes Mrs Emma Victorene Viljoen-Holmes	2 Lowanna Street BELROSE NSW 2085

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

- **Visual and Acoustic Privacy**
- **Clearance to Boundary**
- **Side setback non-compliance**
- **Sewerage (unsewered land)**
- **Foreshore building setback**
- **Landscape Area**
- **Bushfire Prone Land**

The matters raised within the submissions are addressed as follows:

- **Visual and Acoustic Privacy**

Comment:

Concern is raised in regards to the potential visual and acoustic privacy impact of the proposed inclinator. The matter is further addressed in detail under *Part D8 Privacy* of the Warringah DCP in this report. In summary, the inclinator is supported, subject to the imposition of standard conditions of consent to mitigate potential privacy impacts.

- **Clearance to Boundary**

Comment:

Concern is raised in regards to the minimum clearance between the proposed inclinator and the adjoining northern boundary. A condition has been imposed to ensure there is 0.225m minimum clearance between the inclinator cabin and northern property boundary. Further a condition of consent has been imposed to ensure construction of the inclinator is undertaken in accordance with *Australian Standard AS1735: Lift, Escalators and Moving Walks*.

In regards boundary fencing, a further condition has been imposed to ensure approval is only given to works contained wholly within the subject site. To verify the accuracy of works, a new boundary survey is conditioned to ensure all worked are limited to the subject site only.

- **Side setback non-compliance**

Comment:

Concern is raised in regards to the proposed northern side setback non-compliance and the resulting amenity impacts including privacy to adjoining properties. An detailed assessment of the non compliance under *Part B5 Side boundary setbacks* of the Warringah DCP in this report. In summary, the significant variation to the side setback control is supported, subject to conditions relating to clearance between structures.

- **Sewerage (unsewered land)**

Comment:

Concern is raised in regards to the impact of the proposed inclinator on the effluent disposal areas. The subject site is located within unsewered lands and as such is referred to the Council's Environmental Health officer for comment. Suitable conditions have been imposed as part of this recommendation to ensure adequate management of wastewater.

- **Foreshore building setback**

Comment:

Concern is raised in regards to the setback proposed between the inclinator and the property boundary which adjoins the waterway or waterfront reserve. This matter is further addressed in detail against part *B11 Foreshore Building Setback* of the Warringah DCP in this report. In summary, the proposed development satisfies the underlying objectives of this clause.

- **Landscape Area**

Comment:

Concern was raised in regards to the level of landscaping proposed across the site. The development application proposes a significant variation to the numeric control and the proposal has been assessed in detail against Part *D1 Landscaped Open Space and Bushland* of the Warringah DCP in this report. In summary, while non-compliant with the landscaped open space control, the variation proposed under this application is considered consistent with the neighbouring development and satisfactory on merit.

- **Bushfire Prone Land**

Comment:

Concern is raised in regards to the potential increased bush fire hazard as result of the proposed works. As the subject site is located in bush prone lane Council must be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection. The bush fire report submitted by the applicant conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report including that of the water tanks have been imposed as part of the recommended conditions of consent.

## REFERRALS

Internal Referral Body	Comments
Environmental Health (unsewered lands)	<p><b>General Comments</b></p> <p>As part of this referral Environmental Health has considered noise from the inclinator and the effect of the inlinator on effluent disposal areas.</p> <p>Given the inlinator is directly on the northern boundary it is reasonable to expect that some noise would be produced as part of its use. This is especially likely with the adjacent residence being directly adjacent to the boundary. No acoustic report with background noise measurements was submitted with the development application, no reference to noise in the SEE, no specifications of the inclinator or any reference to the sound power levels of both the electric motor and the inclinator moving up the tracks on the site. Based on this a number of assumptions have been made on noise as part of this referral. Given the locality and inlinators being commonly used on a number of other properties in the area Environmental health has come to the conclusion that the expected noise produced by the inclinator would be reasonable during day and evening hours listed in noise policy for industry (7am - 10pm Monday to Saturday and 8am - 10pm on</p>

Internal Referral Body	Comments
	<p>Sunday) but not during the night period as noise produced during this time is generally more disturbing . As such a condition is to be imposed on the permitted hours of use for the inclinor.</p> <p>The property is serviced by an aerated wastewater treatment system with approximately 105m squared of subsurface effluent disposal area throughout the property. Environmental health have determined that approximately 10m squared of disposal area will be compromised as part of the installation of the inclinor. This is on a site that by today's standards for wastewater disposal would require approximately 257m squared. Due to the proximity of the unused lawn area to the water there is no other suitable locations on the site for additional land application for wastewater. Environmental health have determined that an amended wastewater design to an existing disposal areas could be converted to another disposal methods that would rely more on evapotranspiration than subsurface dispersal. An example of such a disposal method would be an ETA beds, raised conventional beds or mound systems in area 2 of the property. Based on this assessment Environmental Health propose that a condition be imposed requiring an application to amend or install a new system be submitted prior to use.</p> <p>Environmental Health recommend approval subject to conditions being imposed.</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p>
Landscape Officer	<p>No significant landscape features are indicated to be affected by the works.</p> <p>It is noted that the top station proposed will require removal of a section of an existing hedge. Whilst removal of the hedge section is not objected to in landscape terms, there appears to be insufficient room to replant that section of the hedge and therefore a physical screen such as timber battens or similar may be required to provide for adjoining resident's privacy if required.</p> <p>The DA is considered acceptable with regard to the relevant controls relating to landscape issues, subject to conditions.</p>
NECC (Bushland and Biodiversity)	<p>Councils Biodiversity team has assessed the proposal and note that no impacts to biodiversity values of the site or surrounding areas are proposed.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Warringah LEP 2011 and Warringah DCP 2011.</p> <p><b>Coastal Management Act 2016</b></p> <p>The subject site has been identified as being within the coastal zone</p>

Internal Referral Body	Comments
	<p>and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p><b>State Environmental Planning Policy (Coastal Management) 2018</b></p> <p>As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13, 14 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>On internal assessment , the DA satisfies requirements under clauses 13, 14 and 15 of the CM SEPP.</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> <p><b>Warringah LEP 2011 and Warringah DCP 2011</b></p> <p>No coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Warringah LEP 2011 and Warringah DCP 2011.</p>
NECC (Riparian Lands and Creeks)	<p>This application, which proposes the installation of an inclinor, has been assessed against relevant legislation for the protection of the receiving aquatic environment.</p> <p>An erosion and sediment control plan must be developed to detail the positioning of appropriate erosion and sediment controls. These must be implemented prior to construction and regularly maintained. With the application of these conditions the proposal is unlikely to cause an adverse impact on the integrity and resilience of the hydrological, ecological and biophysical environment and is therefore</p>

Internal Referral Body	Comments
	recommended for approval subject to conditions.
Parks, reserves, beaches, foreshore	No issues with the proposal.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
Aboriginal Heritage Office	No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites. Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development

## 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 19 - Bushland in Urban Areas

The SEPP is not applicable as the bushland is not zoned or reserved for public open space.

### SEPP 55 - Remediation of Land

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

## SEPP (Infrastructure) 2007

### Ausgrid

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

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

### Comment:

The proposal was referred to Ausgrid. Standard conditions imposed.

## SEPP (Coastal Management) 2018

The site is identified as being within the Coastal Zone, specifically the Coastal Use and Coastal Environment area, as prescribed by SEPP (Coastal Management) 2018, and the proposal is subject to the provisions of clauses 13, 14 and 15 of this policy. In this regard, Council can be satisfied of the following:

- The proposal is not likely to cause an adverse impact upon the matters listed in clause 13(1) of SEPP (Coastal Management) 2018,
- The proposal has been designed, sited and will be managed to avoid adverse impacts on the matters listed in clause 13(2) of SEPP (Coastal Management) 2018, and
- The proposal is not likely to cause an adverse impact upon the matters listed in clause 14(1) of SEPP (Coastal Management) 2018,
- The proposal has been designed, sited and will be managed to avoid adverse impacts on the matters listed in clause 15(1) of SEPP (Coastal Management) 2018, and
- The proposal is not likely to cause an increased risk of coastal hazards on the site or other land.

As such, the proposal is considered to be consistent with the provisions of SEPP (Coastal Management) 2018, including the matters prescribed by clause 13, 14 and 15 of this policy.

## 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:	8.50m	1.5m	-	Yes

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
6.1 Acid sulfate soils	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	No walls	-	N/A
B3 Side Boundary Envelope	4m	Within Envelope	-	Yes
	4m	Within Envelope	-	Yes
B5 Side Boundary Setbacks	0.9m	North - 0.155m	82%	No
	0.9m	South - 23m	-	Yes
B7 Front Boundary Setbacks (Merit Assessment)	Merit Assessment	19.7m	-	Yes
B11 Foreshore Building Setback	15m	1m	93%	No
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (439.2sqm)	20% (220sqm)	50%	No

**\*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	Yes	Yes
B5 Side Boundary Setbacks	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B8 Merit assessment of front boundary setbacks	Yes	Yes
B11 Foreshore Building Setback	No	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	No	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
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
E7 Development on land adjoining public open space	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes

#### Detailed Assessment

#### **B5 Side Boundary Setbacks**

##### Description of non-compliance

The Control requires structures be setback a minimum of 0.9m from either side boundary.

The proposed inclinor is sited 0.15m from the western side boundary, which represents a variation of 82%

##### Merit consideration

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

- *To provide opportunities for deep soil landscape areas.*

Comment:

Adequate deep soil areas are to be maintained across the site. A discussion on the provision of landscaping can be found in this report under Part D1 which concludes that the landscaped solution proposed is acceptable.

- *To ensure that development does not become visually dominant.*

Comment:

The development is not found to be of a scale or architecture that is unreasonably visually dominant. The area of non-compliance is located at ground level and is not of an unreasonable bulk and scale. Given these factors it is not considered that the inclinator will be visually dominant when viewed from the public domain.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

The proposed development is consistent with the 8.5m Height of Building development standard, the primary control of bulk and scale. No further design changes are warranted to further minimise the bulk and scale of the development.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment:

The inclinator non-compliant with the 900mm requirement, will not have any unreasonable impacts on privacy, amenity or solar access, subject to conditions relating to privacy.

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

Comment:

High valued water views from living areas of the adjoining property to the north (3A Notting Lane, Cottage Point) will not be unreasonably impacted by proposed inclinator.

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

## **B11 Foreshore Building Setback**

### Description of non-compliance

The proposed inclinator is to have a landing approximately 1m from the rear property boundary, non-compliant with the 15m control. This represents a 93% variation to the numeric control.

### Merit consideration:

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

- *To provide a reasonable sharing of views.*

Comment:

The proposed inclinor is located predominantly at natural ground level at any point throughout the site, and as such largely screened from view from the neighbouring properties. The inclinor runs parallel to the existing dividing fence along the northern side of the subject site. Views from ground and first floor living areas of No.3A Notting Lane, the adjoining property to the north, will be maintained with any view impacts to the foreshore considered negligible.

- *To reduce the visual impact of development when viewed from the waterway.*

Comment:

The inclinor is a minimal structure proposed to serve the occupants of the the site in accessing the both ends of a steeply sloped site. The visual impact of the inclinor will be offset by the existing bulk of the dwelling house and associated landscaping when viewed from the waterway.

The structure will not have an unacceptable visual impact when viewed from the waterway.

- *To enhance the scenic amenity of the foreshore areas.*

Comments:

It is considered that contravention to the foreshore building setback is supportable in this circumstance given the serves the existing deck to the rear of the sitethat accesses the waterway and due to the minimal impact that the proposed development will have on both public and private amenity.

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

## **C9 Waste Management**

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

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

### Description of non-compliance

Clause D1 of the WDCP 2011 stipulates that development is to provide at least 40% (439.2sqm) of the site area as landscaped open space. In calculating landscaped open space landscaped areas with dimensions less than 2m are excluded from the calculation. The application proposes 20% (220sqm) of the site area as landscaped open space, non-compliant with the numeric control. This represents a 50% variation to the numeric control.

### Merit consideration

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

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

#### Comment:

Generally, the plans indicate that the rear and side setback areas will be treated appropriately to improve the visual appearance of the development from the street and from neighbouring properties such that it achieves a satisfactory contextual fit through respect for streetscape and neighbourhood character.

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

#### Comment:

The site has been extensively modified through earlier residential development and does not contain any unique environmental features including habitat for wildlife. The proposed works will not have any substantive impact of 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 existing landscape treatments are sufficient and will soften the visual impact of development within the site. The remaining dimensions of LOS could potentially accommodate for further planting.

- *To enhance privacy between buildings.*

#### Comment:

The development will not result in unacceptable acoustic and visual privacy impacts, having considerations for condition of consent relating to both visual and acoustic privacy. Further to that, the minimal height of the inclinator above ground level will prevent overlooking between the subject site and adjoining northern property.

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

#### Comment:

The dwelling house had adequate private open space in the form of ground and upper floor balconies which are appropriate in providing for the anticipated outdoor recreational requirements of the occupants.

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

Comment:

Adequate space at ground level is retained for service functions including clothes drying.

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

Comment:

Council's Environmental Health Officer has assessed the proposal with respect to wastewater and have raised no objections, subject to conditions.

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

## **D8 Privacy**

### Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

### **Acoustic**

The location of the inclinator is constrained by the siting of the existing dwelling house. The inclinator is a relatively minimal structure with the largest element being the carriage to transport people to the waterway from the dwelling house across the steep slope of the site. A condition of consent will be included to ensure that noise from the incline passenger lift does not exceed 5dBA above background noise when measured from the nearest property boundary, to ensure that the incline passenger lift causes minimal acoustic disturbance to the environment and neighbours. Further, Council's Environmental Health Officer has imposed a condition, to limit the operation of the inclinator to the following hours:

#### *Hours of Operation*

*(7am - 10pm Monday to Saturday and 8am - 10pm on Sunday).*

### **Visual**



**Proposed location of station 2 - Photo taken from subject site looking North**

The outer face of the carriage of the proposed inclinator is setback 0.155m to the northern side boundary, inconsistent with the provisions of the side setbacks clause which requires all structures be setback a minimum distance of 0.9m from the side boundary. However, given the constraints of the site and as an existing dividing fence acts to restrict overlooking of the adjoining property, the reduced setback will not result in any unreasonable impacts upon the amenity of the adjoining property. To further mitigate privacy between the inclinator and the adjoining northern property a screen is proposed along the northern side of the carriage to offset the potential overlooking between the properties. Insufficient detail is provided to with regard to the design of the screen and as such a condition is to be imposed to ensure the screen is adequately designed to restrict potential overlooking. The screen is to be non-transparent screen at a height of 1.8m.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

Subject to compliance with the condition noted above, the proposed development will provide a design that is considered acceptable in the context of the site and locality.

- *To provide personal and property security for occupants and visitors.*

Comment:

The development, as modified by condition, will ensure the occupants of the site and adjoining properties maintain a sense of personal and property security.

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

## **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 2019**

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

## **CONCLUSION**

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

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

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

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

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

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

## **RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2020/0458 for Alterations and additions to a dwelling house including an inclinor on land at Lot 1 DP 586163, 4 Notting Lane, COTTAGE POINT, subject to the conditions printed below:

## **DEVELOPMENT CONSENT OPERATIONAL CONDITIONS**

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Northern elevation	N/A	PJP
Site Plan	N/A	PJP
Detail - A	N/A	PJP
Detail - B and C	N/A	PJP
DA05/ North Elevation	N/A	Karla Wilfoed Architect

<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>
Geotechnical Report	November 2019	Crozier Geotechnical Consultants
Bushfire Report	27 March 2020	Scott Jarvis

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

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

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

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

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

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Response Ausgrid Referral	N/A

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

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

3. **Inclinor lift noise**

The inclinor must be installed and operated at times so as not to cause 'offensive noise'. It must be demonstrated that the noise level will not exceed 5dBA above background noise when measured from the nearest property boundary, as defined by the Protection of the Environments Operation Act 1997.

The assessment shall include all mechanical features of the inclinometer.

Reason: To ensure compliance with legislation and to protect the acoustic amenity of neighbouring properties.

#### 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) 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 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.

**6. Encroachment of Works**

All works to be completed under this consent (including works to existing fencing) are to occur within the property boundaries and are not to encroach into the neighbouring allotments.

Reason: To ensure that all works are located within the properties boundaries.

## **FEES / CHARGES / CONTRIBUTIONS**

**7. Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security 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.

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

**8. Amendments to the approved plans**

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

- A non-transparent screen at a height of 1.8m above finished floor level is to be affixed to the entire northern elevation of the inclinators carriage.

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.

**9. 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.

**10. Approval to Install an On-site Sewage Management System**

Prior to the release of the Construction Certificate (CC), the applicant must receive an 'Approval to install or amend an On-Site Sewage Management System' from Council.

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

Reason: To ensure the wastewater is effectively managed on the site.

**11. Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:-

- Site Boundaries and contours;
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities);
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls;
- North point and scale.

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

Reason: To mitigate environmental impact resulting from site disturbance.

**12. Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards including AS1735 Part 8.

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.

**13. 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 Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

**14. Minimum Clearance - Inclinator**

The proposed inclinator cabin is to be setback a minimum of 0.225m from any dividing fence on the northern property boundary at all points. The proposed new wall of the existing dwelling shall be amended to maintain a setback of a minimum of 1.05m to any fence structure on the the northern boundary at any point.

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

Reason: To ensure compliance with Australian Standard and to ensure amenity of neighbouring properties.

**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. Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property: 3A Notting Lane, Cottage Point

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

**17. Tree protection**

- (a) Existing trees which must be retained
  - i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
  - ii) Trees located on adjoining land
- (b) Tree protection
  - i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
  - ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.
  - iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
  - iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
  - v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

**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.

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

**19. 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.

**20. 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.

**21. Aboriginal Heritage**

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection. (DACAHE01)

**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.

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

**23. Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

**24. Waste Water System**

Prior to the issuing of any interim / final occupation certificate, a copy of a s68 (Local Government Act 1993) approval to operate the Waste Water System, and the waste water system must be activated and effectively operating to the satisfaction of the Principal Certifying Authority.

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

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity.

**25. Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

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

**26. Inclinator hours of operation**

Use of the inclinator is restricted to between the hours of;

- 7am to 10pm Monday to Saturday
- 8am to 10pm Sunday

The inclinator must only be used between the hours of 10pm and 7am in an emergency.

Reason: To protect the amenity of adjacent residences during night hours.

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

**Signed**



**Maxwell Duncan, Planner**

The application is determined on 09/09/2020, under the delegated authority of:



**Anna Williams, Manager Development Assessments**