

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/1507
----------------------------	-------------

Responsible Officer:	Clare Costanzo
Land to be developed (Address):	Lot 5 SP 77933, 5 / 150 - 152 Ocean Street NARRABEEN NSW 2101 Lot 6 SP 77933, 6 / 150 - 152 Ocean Street NARRABEEN NSW 2101 Lot 8 SP 77933, 8 / 150 - 152 Ocean Street NARRABEEN NSW 2101
Proposed Development:	Alterations and additions to a Residential Flat Building
Zoning:	Warringah LEP2011 - Land zoned R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Karen Louise Richards
Applicant:	Developable Pty Ltd

Application Lodged:	26/10/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	02/11/2023 to 16/11/2023
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	4.3 Height of buildings: 34%%
Recommendation:	Approval

Estimated Cost of Works:	\$ 45,000.00
---------------------------------	--------------

EXECUTIVE SUMMARY

This development application seeks consent for the construction of alterations and additions to a residential flat building, consisting of the three new pergolas at the roof top level.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to contravening the building height of a Class 2 building by greater than 10%.

Concerns raised in the objections predominantly relate to building height and overshadowing.

Critical assessment issues included building height, overshadowing and bulk and scale.

The Clause 4.6 request for the non-compliance with the building height development standard arises from the site being excavated underneath the existing building, thereby creating a 34% or 2.7m variation, as per the Bettar court judgement.

Based on extrapolated natural ground levels as per the Merman court judgement, the effective height would only be measured at 9.1m, which is 7% or 600mm above the 8.5m height control.

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

PROPOSED DEVELOPMENT IN DETAIL

The proposal comprises of the construction of a pergola to existing roof terraces of Unit 5, 6 and 8 of an existing residential flat building. The proposal also comprises of associated 1.7m high privacy screening to the southern edge of Unit 8 roof terrace and the northern and southern edge of Unit 6.

External colours and finishes have not been provided and as such a condition will be included recommending the colours and finishes to complement the existing residential flat building.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings

Warringah Development Control Plan - B7 Front Boundary Setbacks

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

Warringah Development Control Plan - D6 Access to Sunlight

SITE DESCRIPTION

Property Description:	Lot 5 SP 77933 , 5 / 150 - 152 Ocean Street NARRABEEN NSW 2101 Lot 6 SP 77933 , 6 / 150 - 152 Ocean Street NARRABEEN NSW 2101 Lot 8 SP 77933 , 8 / 150 - 152 Ocean Street NARRABEEN NSW 2101
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the corner of Ocean Street and Loftus Street. The street address, pedestrian access and primary frontage is located along the western side of Ocean Street. The vehicular access to the on site car parking and secondary frontage is located on Lofus Street.</p> <p>The site is regular in shape with a primary frontage of 30.48m along Ocean Street and a secondary frontage of 30.48m to Lofus Street. The site has a surveyed area of 929m².</p> <p>The site is located within the R3 Medium Density Residential zone and accommodates a two storey residential flat building with eight units and basement car parking. Vehicular access to the basement carparking is available via Lofus Street.</p> <p>The site is generally flat and is located within the coastal management zone.</p> <p>The site has some vegetation along the perimeter of the residential flat building.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by similar residential flat buildings, two storey dwelling houses and a residential aged care.</p>

Map:



SITE HISTORY

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

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

Application History

A site visit was conducted at the subject site.

Following the notification and assessment of the application, the applicant was notified of a number of concerns raised by Council and the respondents to the notification regarding shadow diagrams, revised Clause 4.6 and amended plans.

The applicant responded by providing amended shadow diagrams and a revised Clause 4.6. The applicant did not agree with Council's position regarding the amended plans and provided a submission for the Northern Beaches Local Planning Panel with their request to delete recommended condition requiring a setback of 1.0m of the northern and southern pergolas to the edge of the residential flat building.

The requirement for a 1.0m setback to the northern and southern edges of the building has been imposed by way of condition.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social	<p>(i) Environmental Impact</p> <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>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 02/11/2023 to 16/11/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

Name:	Address:
Richard Thomas Leslie Inkster	4 / 150 - 152 Ocean Street NARRABEEN NSW 2101
Steven Clifford Faddy	7 / 150 - 152 Ocean Street NARRABEEN NSW 2101

The following issues were raised in the submissions:

- Building Height
- Solar Access
- Engineering Plans and Construction Materials

The above issues are addressed as follows:

- **Building Height**

The submissions raised concerns that the breach of the building height as a result of the pergola structures will set precedence for the height of any future redevelopment.

Comment:

Each application is assessed on its individual merits and circumstances.

- **Solar Access**

The submissions regarding shadow impacts were made by an owner within the development, who is not part of the proposal to install pergolas. In this regard, the owner is concerned that the proposed pergolas will have an unreasonable level of overshadowing of their roof top terrace area. The submission also raised concerns regarding the accuracy of the shadow diagrams.

Comment:

Council has assessed the application in accordance with the planning controls under the Warringah Development Control Plan 2011 and have found the proposal complies with the relevant controls, see D6 Access to Sunlight within the assessment report for further discussion.

Council requested amended shadow diagrams which have been used to assess the development.

- **Engineering Plans and Construction Materials**

The submissions raised concerns that there are no engineering plans provided as part of the development application to support the construction and no materials details have been supplied. This concern of the property owner is based this area being subject to high winds.

Comment:

Engineering plans are produced at the Construction Certificate stage and the construction of the pergolas will be required to meet all relevant Australian Standards and construction related requirements.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department.

Internal Referral Body	Comments
	<p>There are no concerns with the application.</p> <p><i><u>Note:</u> The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</i></p>

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

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

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

Comment:

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

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
 - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - b) coastal environmental values and natural coastal processes,
 - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - f) Aboriginal cultural heritage, practices and places,
 - g) the use of the surf zone.

Comment:

The proposal is not expected to have any adverse impacts on any of the above.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The consent authority is satisfied the works have been designed, sited and will be managed to avoid an adverse impact on any of the above.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - i) existing, safe access to and along the foreshore, beach, headland or rock
 - ii) platform for members of the public, including persons with a disability,
 - iii) overshadowing, wind funnelling and the loss of views from public places to
 - iv) foreshores,
 - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
 - b) is satisfied that:
 - i) the development is designed, sited and will be managed to avoid an
 - ii) adverse impact referred to in paragraph (a), or
 - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The consent authority is satisfied the works have been designed to not have any impacts on any of the above.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposal is not likely to cause any increased risk of coastal hazards on that land or other land.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

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

and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	11.2m	34% (2.7m)	No

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

4.6 Exceptions to development standards

Description of non-compliance:

Development standard:	Height of buildings
Requirement:	8.5m
Proposed:	11.2m
Percentage variation to requirement:	34%

Assessment of request to vary a development standard:

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard, has taken into consideration the judgements contained within *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61, and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130.

Clause 4.6 Exceptions to development standards:

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to

particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

Clause 4.3 – Height of Buildings development standard is not expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

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

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

Clause 4.6 (4)(a)(i) (Justification) assessment:

Clause 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6(3) and these are addressed as follows:

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

Comment:

The Applicant's written request has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard.

In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

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

Comment:

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

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

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

Applicants Written Request

The applicants written request argues, in part:

- *The height breach of 34% is not an accurate representation of the overall height breach as this is measured from the existing excavated ground level. If the calculation was taken from natural ground level, the non-compliance would only be 600mm, which is minimal of a pergola structure with louvers. This is a true representation of the non-compliance, and demonstrates that the height and scale of the pergola is compatible with the surrounding area.*
- *A portion of the structure will only be visible from the road reserve when looking at the site from the South of the development. The pergola is considered to not cause unreasonable visual impacts as the structure is only 600 millimetres above the natural ground level when viewed from the public domain.*
- *The proposed building height variation does not contravene any of the zone objectives.*
- *The pergola is not enclosed and will not result in any additional floor area.*
- *The building height is compatible with the three storey residential flat buildings within the area.*

- The pergola is consistent with the design and character of the building and streetscape with examples of similar development within the area.

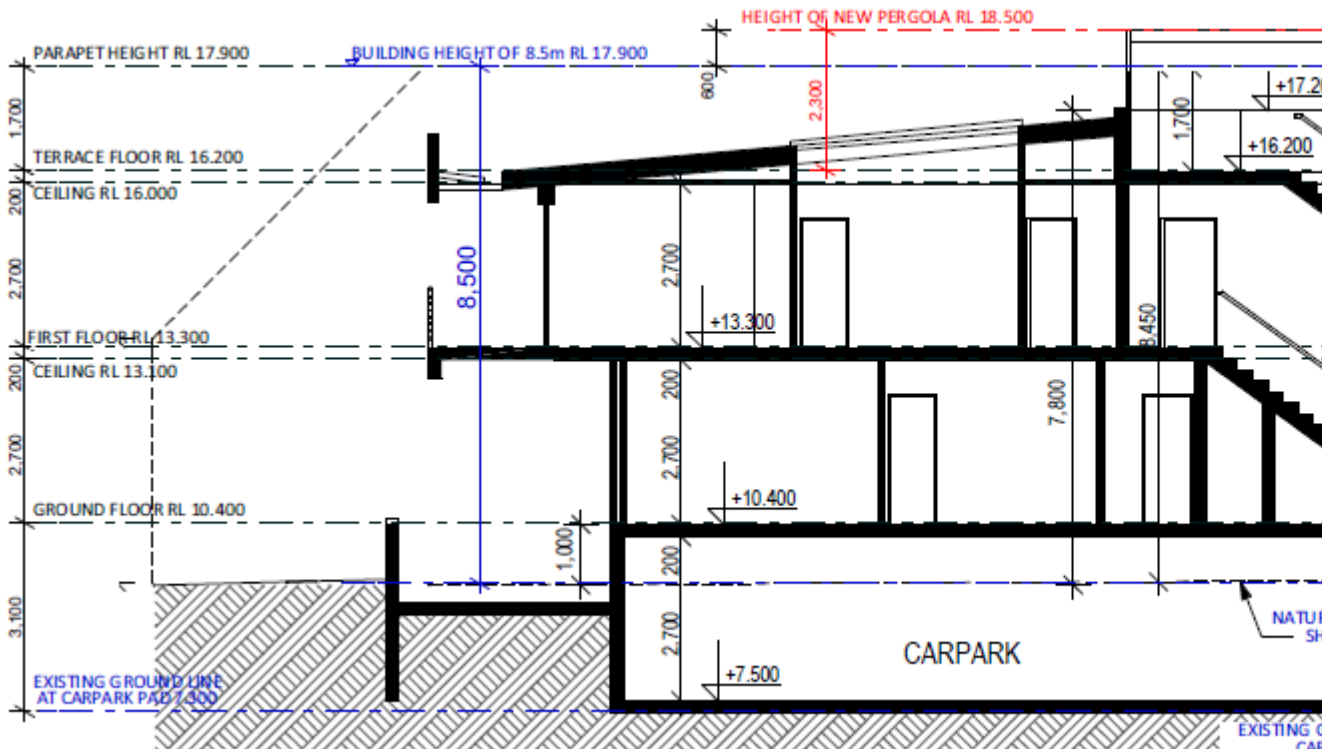


Figure 1: Excerpt from applicant's Clause 4.6 outlining the height of the new pergola

Council agrees with the applicant that the variation is as a result of historical excavation for the basement level of the existing RFB, the works are not expected to have any unreasonable amenity impacts and will not be highly visible in the streetscape given the design and location of the pergolas.

The modest height of the new pergolas and open nature and location will ensure the works will not result in significant increase of bulk and scale of the existing residential flat building.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, therefore satisfying cls 1.3 (c) and (g) of the EPA Act.

Therefore, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

Clause 4.6 (4)(a)(ii) (Public Interest) assessment:

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development

is proposed to be carried out

Comment:

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of Buildings development standard and the objectives of the R3 Medium Density Residential zone. An assessment against these objectives is provided below.

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the WLEP 2011 are:

(1) The objectives of this clause are as follows:

a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The definition of building height is taken from existing ground level. The natural ground level has been disturbed by the construction of a basement for the existing development and therefore, by definition the calculation needs to be taken from below the basement slab. If the calculation was taken from natural ground level, the non-compliance would only be 600mm, which is minimal of a pergola structure with louvres.

The building height is compatible with the 3 storey residential flat buildings located at 149 Ocean Street and 157 Ocean Street.

b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

Comment:

The proposal is not expected to result in any unreasonable visual impact given the centralised location of the pergolas. In addition the works are not expected to result in any view loss, loss of privacy or solar access with the shadows generally overshadowing the road reserve. The works will continue to meet the requirements under the Apartment Design Guidelines under Part 4A. There are no adjacent windows to the west that the proposed development would impact from adjoining properties. Any additional overshadowing will fall within the existing site and road reserve.

c) to minimise adverse impact of development on the scenic quality of Warringah’s coastal and bush environments,

Comment:

The development is not considered to have any impact upon the scenic quality of the surrounding coastal and Bush environments.

d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities,

Comment:

A portion of the structure will only be visible from the road reserve when looking at the site from the South of the development. The pergola is considered to not cause unreasonable visual impacts as the structure is not expected to be highly visible when from natural ground level when viewed from the public domain.

Zone objectives

The underlying objectives of the R3 Medium Density Residential zone are:

- *To provide for the housing needs of the community within a medium density residential environment;*
- *To provide a variety of housing types within a medium density environment;*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents;*
- *To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah; and*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

Comment:

The proposed pergolas will provide a shade structure to meet the needs of the residents and does not proposed to change the existing approved use of the building. The proposed development will not significantly disrupt the existing presentation an facade of the building to the public domain. The development retains high visual quality to the public streets and spaces.

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R3 Medium Density Residential zone.

Exception to Development Standards conclusion

The submitted written Clause 4.6 variation request is considered to be well founded having regard to the circumstances of the development breaching the maximum height control. It is considered appropriate that in this instance, flexibility in the application of the development standard height of buildings be applied. In this context the proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the Act. Consequently, the development is considered to be in the public interest, subject to conditions.

Clause 4.6 (4)(b) (Concurrence of the Secretary) assessment:

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS20-002 dated 5 May 2020, as issued by the NSW Department of Planning & Infrastructure, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Height of buildings Development Standard is

assumed by the Local Planning Panel.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	no changes	N/A	N/A
B3 Side Boundary Envelope	4m	within (new works)	N/A	Yes
	4m	within (new works)	N/A	Yes
B5 Side Boundary Setbacks	4.5m (northern)	4.5m (pergola)	N/A	Yes
	4.5m (western)	16m (pergola)	N/A	Yes
B7 Front Boundary Setbacks	6.5m (eastern primary)	12.6m (pergola)	N/A	Yes
	3.5m (southern secondary)	3.2m (pergola)	9%	No
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	no changes	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B2 Number of Storeys	N/A	N/A
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	N/A	N/A
C3 Parking Facilities	N/A	N/A
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	N/A	N/A
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	N/A	N/A
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D9 Building Bulk	No	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
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	N/A	N/A
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B7 Front Boundary Setbacks

Description of non-compliance

The proposed pergola on the roof terrace of Unit 5 does not comply with the secondary front setback of 3.5m to Lofus Street. The works will be setback 3.2m from the southern boundary, which is a 9% or 300mm non-compliance with the control requiring a minimum setback of 3.5m.

It is worth noting that strict compliance with this control is limited given the existing non-compliant secondary front boundary setback.

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The proposed pergola structures are of an open nature when viewed from the streetscape and a modest height that is expected to continue to create a sense of openness. Privacy screens are proposed along the southern edge of Unit 8 and the northern and southern edge of Unit 6. Given the centralised location of the privacy screens and significant setbacks from the boundaries they will not be highly visible from the streetscape and as such are not considered to have an unreasonable impact on maintaining the open character as viewed from the streetscape.

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

Comment:

The works follow the pattern of the existing building and will maintain the existing visual continuity.

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

Comment:

The pergolas are of a modest height and generally open structure and are not expected to have an impact on the visual quality of the streetscape. The structures are reasonably setback from the boundaries to reduce their visibility from Ocean Street. A condition has been recommended requiring an additional setback of 1m from the northern and southern edge of the residential flat building to ensure the visual quality of the streetscape is protected and view lines minimised.

- *To achieve reasonable view sharing.*

Comment:

The proposal is not expected to have any view impacts.

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.

D1 Landscaped Open Space and Bushland Setting

The works are proposed over the existing building footprint and therefore there will be no changes to the existing approved landscaped area on site.

No assessment is necessary in these circumstances.

D6 Access to Sunlight

A compliant level of solar access will be available to all units in accordance with the controls, the rooftop terrace and first floor balcony of the units will also retain existing solar access.

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

- *To ensure that reasonable access to sunlight is maintained.*

Comment:

Given this is a residential flat building the terrace and balconies are considered to be the

private open space. All units will retain a reasonable level of solar access to the roof terraces and their first floor balconies.

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

Comment:

The proposed pergolas will have louvres and therefore allowing additional sunlight penetration when desired. In addition, the separation between the pergola of Unit 8 and Unit 7 and the modest height of the pergola will reduce the overall overshadowing.

- *To promote passive solar design and the use of solar energy.*

Comment:

The proposal will promote passive solar design.

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

The proposal comprises of new pergolas for three units to cover previously approved roof top terraces. The pergola structures will not result in any additional privacy impacts and no further assessment is required.

D9 Building Bulk

Council raised concerns during the assessment of the application regarding the setback of the pergolas to the edge of the building and requested in Council's RFI that the applicant provide an additional setback of the pergola to the edge of the building by a minimum of 1.0m to reduce visibility of the pergolas when viewed in the streetscape.

The applicant did not agree with the proposition and rather responded to the request with examples of other pergolas within the area.

Three (3) examples were provided along Ocean Street and Waterloo Street:

- **99 Ocean Street, Narrabeen**

Comment:

This site is located approximately 430m to the south of the subject site and is also located on the corner. The pergola on this building has been centrally located above the building and has a 1m setback to the edge of the building.

- **92 Ocean Street, Narrabeen**

Comment:

The site is located approximately 475m south of the subject site and has a primary frontage to Ocean Street. Again the pergola structures are centrally located above the building. The pergola as part of this development is sufficiently setback from the front and side boundaries and features high levels of articulation.

- **11 Waterloo Street, Narrabeen**

Comment:

This site is located approximately 400m south of the subject site and is also a corner allotment. This site is developed with shop top housing and is located within the E1 Local Centre zone where the maximum building height is 11m and therefore the character of this area is generally buildings of this height and scale.

It is evident from the discussion above that each of these sites have their own site conditions and structures have been designed according to the site and streetscape circumstances. In addition, the pergola structures are minimal and recessed from the edge of the buildings, with a minimum setback of 1.0m to the building edge.

In their current form, Council does not consider the proposed pergolas to adequately meet the objectives of the control, as such a merit assessment including recommended conditions is conducted below.

Merit consideration

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

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment:

The pergolas height and proposed size generally meet the control, however a condition has been recommended to increase the setback to the northern and southern boundaries to ensure the pergolas are centrally located to reduce any perceived bulk and scale when viewed from the streetscape. The recommended setback will encourage an articulated design to reduce bulk and scale.

1.7m high privacy screens have been proposed along the southern edge of Unit 8 roof terrace and the northern and southern edge of Unit 6 roof terrace. The privacy screens are centrally located on the roof of the building and as such are not expected to be highly visible from the streetscape.

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

Comment:

A condition has been included to increase the setback of the pergola along the northern and southern side boundaries by 1.0m to increase the setback of the pergola to be 1m from the edge of the building. The building has a prominent corner location and therefore the visual impact of development shall be minimised. This has been done through increasing the setback of the pergolas through a recommended condition.

Having regard to the above assessment, it is concluded that the proposed development, with the proposed conditions to create a setback from the facade of the building, that the pergolas are 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 subject to the recommended conditions of consent.

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 2022

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

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

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

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

Council is satisfied that:

1) The Applicant's written request under Clause 4.6 of the Warringah Local Environmental Plan 2011 seeking to justify a contravention of Clause 4.3 Height of Buildings has adequately addressed and demonstrated that:

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

2) The proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

PLANNING CONCLUSION

This proposal involves alterations and additions to a residential flat building in the form of pergolas to be erected at the roof top terrace level of the building has been referred to the Northern Beaches Local Planning Panel (NBLPP) due to a variation to the Height of Buildings development standard by greater than 10% to a Class 2-9 building.

The critical assessment issues related to the proposed height of the pergolas and building bulk.

The applicant provided a clause 4.6 request to vary the building height control which is considered to be well founded and is supported.

The submissions received related to building height, overshadowing and construction of the pergolas. The issues raised have been considered and will not result in any unreasonable impacts.

Overall, the development is a high quality design that performs well against the relevant controls, subject to the special condition for increased northern and southern setbacks to the pergolas, and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment.

The proposal has therefore been recommended for approval.

REASON FOR DETERMINATION

The proposal provides sufficient reasons why it is unreasonable or unnecessary to comply with the height standard and there are sufficient environmental planning grounds to vary the height of buildings control as demonstrated in the applicants Clause 4.6 written request.

The assessment concluded that the proposed pergolas will be sympathetic to the character of the area, subject to recommended condition increasing the northern and southern pergola setback by 1.0m to the edge of the building.

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

RECOMMENDATION

That Northern Beaches Council as the consent authority permits a contravention of clause 4.3 Height of Building development standard pursuant to clause 4.6 of the WLEP 2011 as the applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) and the proposed development will be in the public interest and is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

Accordingly the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2023/1507 for Alterations and additions to a Residential Flat Building on land at Lot 5 SP 77933, 5 / 150 - 152 Ocean Street, NARRABEEN, Lot 6 SP 77933, 6 / 150 - 152 Ocean Street, NARRABEEN, Lot 8 SP 77933, 8 / 150 - 152 Ocean Street, NARRABEEN, subject to the conditions printed below:

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
1/09	Rev D	Site Plan	Daniel Attard Designs	12 March 2024
2/09	Rev D	Ground Floor Plan	Daniel Attard Designs	12 March 2024
4/09	Rev D	Terrace Levels	Daniel Attard Designs	12 March 2024
5/09	Rev D	Elevation	Daniel Attard Designs	12 March 2024
6/09	Rev D	Elevation	Daniel Attard Designs	12 March 2024
7/09	Rev D	Section B-B	Daniel Attard Designs	12 March 2024

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

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

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

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	28 November 2023

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

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

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the

work relates (not being the Council) has given the Council written notice of the updated information.

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

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

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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 an 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 following is required:
- i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (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

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 Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed

with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Amendments to the approved plans

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

- The pergola structures on the rooftop terrace of Unit 5 and 8 shall be setback 1m from the edge of the northern and southern edge of the residential flat building.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

7. Compliance with Standards

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

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

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

8. External materials and finishes

External materials and finishes schedule shall be provided for the pergolas and privacy screens. The external materials and finishes schedule shall be of colours and materials to complement the existing residential flat building.

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

Reason: To ensure colours and finishes have been selected to protect and maintain desired streetscape character.

DURING BUILDING WORK

9. Survey Certificate

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

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

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

10. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance

with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

11. Removal of All Temporary Structures/Material and Construction Rubbish

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure bushland management.

12. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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