

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/1141
Responsible Officer:	Tyson Ek-Moller Creative Planning Solutions Pty Limited
Land to be developed (Address):	30 Careebong Road Frenchs Forest NSW 2086 Lot 78, DP 29463
Proposed Development:	Alterations and additions to a dwelling house, including a front fence
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Stuart Daniel Sprott
Applicant:	Stuart Daniel Sprott
Application Lodged:	22/07/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential – Alterations and Additions
Notified:	03/08/2021 to 17/08/2021
Advertised:	Not Advertised
Submissions Received:	None (0)
Clause 4.6 Variation:	No
Recommendation:	Approval, subject to conditions
Estimated Cost of Works:	\$26,545

EXECUTIVE SUMMARY

Council is in receipt of a development application DA2021/1141, which proposes alterations and additions to a dwelling house, including a front fence at 30 Careebong Road, Frenchs Forest (Lot 78, DP 29463). The site is zoned R2 Low Density Residential under the *Warringah Local Environmental Plan 2011* (WLEP 2011) and the proposed development is permissible with consent. It is noted that the applicant has advised Council that is no longer wants to pursue the front fence as part of this application. Accordingly, the front fence has not been considered in the assessment of the application and will not form part of the approval.

Independent assessment of this application has been completed by CPS Planning, in accordance with Council's Management of Conflicts of Interest Guide for applications whereby the applicant or landowner is a councillor.

The application has been assessed against the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations 2000), relevant Environmental Planning Instruments (EPIs), and Council policies.

The application was notified for a period of 14 days in accordance with Council's Community Participation Plan; no submissions were received in response to notification.

Following an assessment of the application, it is recommended the application be approved, subject to conditions.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the EP&A Act and the EP&A Regulations 2000. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the EP&A 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 EP&A Act, EP&A 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.

SITE DESCRIPTION

Property Description:	Lot 78, DP 29463 30 Careebong Road, Frenchs Forest NSW 2086
Detailed Site Description:	<p>The subject site is a corner allotment on the southwest side of Careebong Road; due to the curvature of the road adjoining the site however, both the northern and eastern frontages address Careebong Road. Both the southern and western boundaries adjoin residential allotments.</p> <p>The land is irregularly-shaped, with a site area of 665.4m² (survey). Excluding the curved 9.575 metre corner splay, the northern and eastern boundaries are 12.19 and 25.465 metres long respectively; the western and southern boundaries are 32.145 and 24.385 metres long respectively. The site is moderately sloped, with a north-to-southwest downhill slope of approximately 3.4 metres.</p> <p>Development on the subject site consists of a two-storey detached dwelling house that is diagonally located on the site, with the frontage being oriented towards the northeast. Adjacent to the southern boundary is a brick garage, with a carport located between this structure and the dwelling house. Other parts of the site also contain paved areas (including a large paved area to the southwest side of the dwelling), an awning to the rear (i.e. western side of the garage) and pathways around the site. Vehicular access is obtained via a crossover from the eastern boundary. A number of trees of varying size are also located around the site.</p>

	<p>The site is bushfire prone and is within a landslip prone area (Area B, denoting flanking slopes of between 5 and 25 degrees), however no other major affectations are mapped as affecting the site. The site does not contain a heritage item, is not within a heritage conservation area, and not in close proximity to a heritage item.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>To the east of the subject site is 28 Careebong Road, which contains a two-storey dwelling house with a detached garage-type structure within the site's rear southwest corner.</p> <p>To the south of the subject site is 32 Careebong Road, which contains a single-storey dwelling housing with a detached garage-type structure within the site's southwest rear corner.</p> <p>Development within the surrounding area predominately consists of low-density residential development (i.e. dwelling houses and dual occupancies) in a predominantly landscaped setting.</p>
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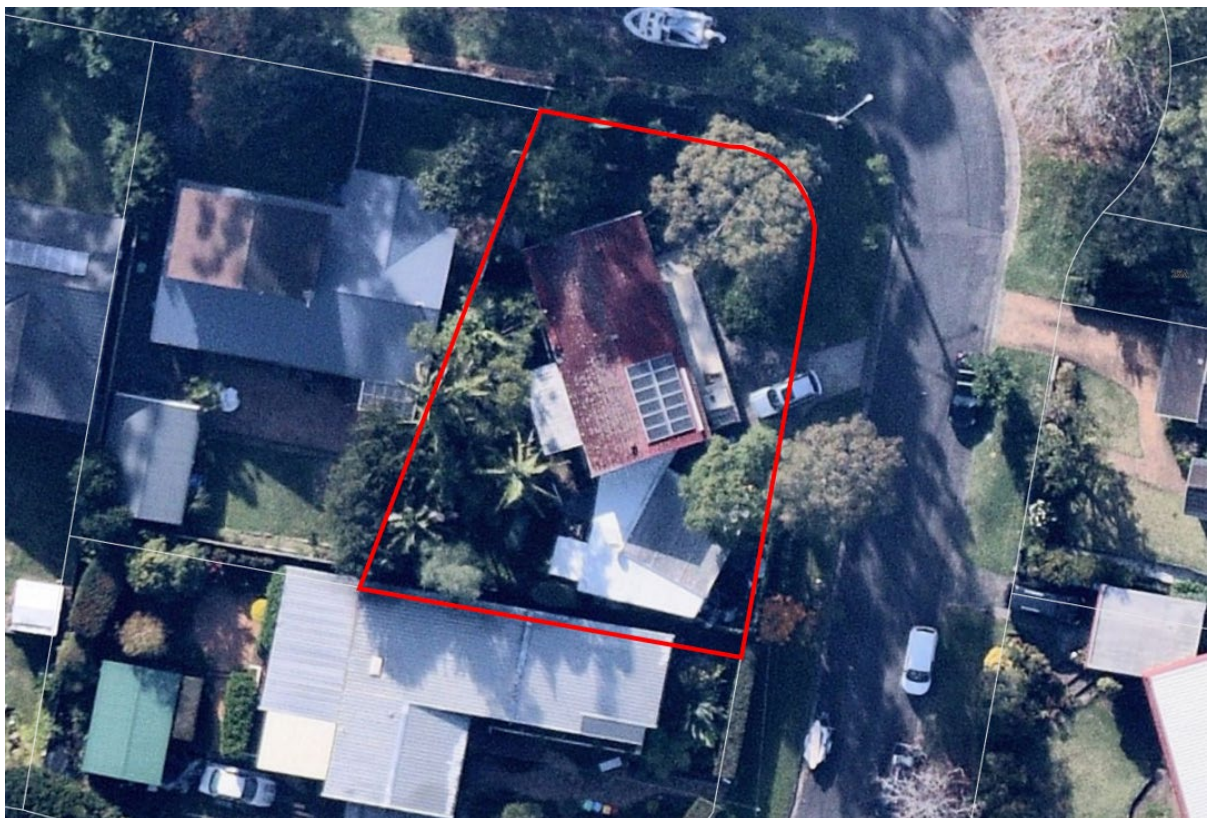


Figure 1: An aerial photograph of 30 Careebong Road, Frenchs Forest (subject site outlined in red).

Source: Nearmap, 1 June 2021

PROPOSED DEVELOPMENT IN DETAIL:

The subject application proposes alterations and additions to a dwelling house. The details of the proposal are as follows:

Dwelling house:

- Replacement balustrades for the existing 9.6 x 2.45 metre front deck and associated access stairs.

- Demolition of internal walls, and layout changes to the kitchen and living area.
- An expansion at the rear of the dwelling that will include a new dining room that is enclosed by bi-fold doors, a new elevated deck and associated outdoor BBQ area. A roof will cover the BBQ area, while all other outdoor parts of the deck will remain uncovered.

Boundary fences

Note: The following descriptions of the fence follow modifications to the plans.

- The plans originally proposed new boundary fences to the road frontages, however these elements have since been removed following amendments to the plans. The following is however noted with regard to the most recent plans:
 - It is unclear whether an existing brick wall within this area is to be modified and replaced. The plans suggest this is an existing wall that is to be extended, however the wall (as depicted by the submitted 3D montages and the elevation plans) is inconsistent with what was observed during the site inspection.
 - The plans also show an existing 1.8-metre-high timber fence along the northern boundary (i.e. between the curved corner splay and the western boundary). An internal timber fence is also proposed to connect the eastern-most point of this fence to the northeast corner of the dwelling. Online imagery indicates these fences were erected at some point during 2016, however Council's DA tracker does not show any consent history for this site.

SITE HISTORY

There is no earlier Development Application history for the site.

APPLICATION HISTORY

- 22 July 2021: Subject Development Application lodged.
- 12 August 2021: Site inspection undertaken.
- 31 August 2021: Request for additional information prepared by Council's consultant planner and forwarded by Council to the applicant. Such information sought clarification of the proposed cost of works, inconsistencies regarding the placement of rear stairs and non-compliant fences along the road frontage.
- 6 September 2021: Amended plans received.
- 21 September 2021: Further amended plans received, which deleted boundary fencing. Additional information received also related to the cost of works.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and the Community Participation Plan (CPP).

No submissions were received.

REFERRALS

Internal Referral Body	Comments
Landscape Referral	<p>Comments summarised below: <i>The application seeks consent for alterations and additions to an existing house and construction of a boundary fence.</i></p> <p><i>Council's Landscape Referral section has considered the application against the Warringah Local Environmental Plan, and the following Warringah DCP 2011 controls:</i></p> <ul style="list-style-type: none"> • <i>D1 Landscaped Open Space and Bushland Setting</i>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <i>E1 Preservation of Trees or Bushland Vegetation</i> <p><i>The plans indicate that no significant landscape features are affected by the proposed works.</i></p> <p><i>No objections are raised to approval subject to conditions as recommended.</i></p> <p><i>The proposal is therefore supported.</i></p>

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EP&A Act)

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None of particular relevance.
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 regulations	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via conditions of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Council requested additional information in order to address the design of the walls, inconsistencies on the plans and cost of works. The Applicant provided amended plans and information which responded to such concerns.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire</p>

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

BUSHFIRE PRONE LAND

The site is identified as bush fire prone land. A bushfire risk management report has been submitted with the subject application (prepared by Bushfire Planning & Design, dated 4 May 2021), which indicates that the proposal can satisfy relevant Australian Standards and is to be built to a Bushfire Attack Level (BAL) of 12.5. The site is not within a BAL40/Flame Zone area, and a referral to the NSW Rural Fire Service was not required in this instance. In the event of approval, it is recommended there be a condition to consent that requires adherence to the recommendations of the submitted bushfire report.

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

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

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS) AND STATE REGIONAL ENVIRONMENTAL PLANS (SREPS)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses little 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 proposed development.

SEPP (Building Sustainability Index: BASIX) 2004

In accordance with the Regulations, the proposed development does not constitute 'BASIX affected development', as the cost of works is valued at less than \$50,000. A BASIX certificate has therefore not been submitted with this application.

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

Compliance Assessment

Clause	Compliance with requirements
4.3 Height of buildings	Yes Building height standard: 8.5 metres Maximum proposed height: 5.1 metres
4.4 Floor Space Ratio	Not applicable.
5.10 Heritage conservation	Not applicable. The site does not contain a heritage item, is not within a heritage conservation area, and is not in close proximity to a heritage item.
5.21 Flood planning	Not applicable. The site is not flood affected.
6.1 Acid sulfate soils	Not applicable. The site is not affected by acid sulphate soils.
6.2 Earthworks	Yes

Clause	Compliance with requirements
	Excavation is limited to footings for proposed structures. The amount of excavation proposed is acceptable for the site.
6.4 Development on sloping land	<p>Yes</p> <p>The subject site is within Area B of the Landslip Risk Map, denoting gradients of between 5 and 25 degrees. The DA package includes a geotechnical report (prepared by Hodgson Consulting Engineers, dated 18 May 2021), which confirms that significant excavation is not proposed and that the development is considered to be acceptable, subject to conditions.</p>

Warringah Development Control Plan Built form Assessment:

Built Form Control	Requirement	Proposed	Complies
B1 Wall Heights	7.2m Maximum	4.73m	Yes
B3 Side Boundary Envelope	4m	Complies	Yes
B5 Side Boundary Setbacks	0.9m	East: Min. 3m South: Min. 6m	Yes
B7 Front Boundary Setbacks	Front setback: 6.5m Secondary setback: 3.5m	Front: <ul style="list-style-type: none"> Deck: 3.16m (unchanged) Building line: Unchanged Secondary: Unchanged	No
B9 Rear Boundary Setbacks	6m	N/A – Corner allotment	N/A
D1 Landscaped Open Space and Bushland Setting	40% (266.16m ²)	40.2% (267.25m ²) (unchanged)	Yes
D2 Private Open Space	35m ²	Min. 59m ² POS area provided.	Yes

Compliance Assessment

Control	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B2 Number of Storeys	N/A	N/A
B3 Side Building Envelope	Yes	Yes
B4 Site Coverage	N/A	N/A
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B8 Merit assessment of front boundary setbacks	Yes	Yes
B9 Rear Boundary Setbacks	N/A	N/A
C2 Traffic, Access and Safety	N/A	N/A
C3 Parking Facilities	N/A	N/A
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes

Control	Compliance with Requirements	Consistency Aims/Objectives
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	No	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	No	Yes
D7 Views	N/A	N/A
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D13 Front Fences and Front Walls	No	No
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E10 Landslip Risk	Yes	Yes

Discussion of DCP noncompliances

B7 Front Boundary Setbacks

No changes are proposed to the setbacks of existing building lines; the existing front and secondary building lines will also remain unchanged, and therefore shall not be discussed further.

Despite the above, the plans propose new works on the front balcony, which will be set back as little as 3.13 metres from the primary (i.e. western) boundary at its closet point; this constitutes a 3.370 metre (i.e. a 51.8%) variation to the primary setback. It is important to note that such works will replace an existing structure on the balcony, therefore the variation is technical in nature.

Despite such a variation, the design will still allow for the sufficient setback of structures from both the primary and secondary street frontages. As the new balustrades will replace existing structures within this location, there will be no adverse visual impact in terms of encroachment upon the setback and apparent bulk and scale when viewed from the public domain. Further, as the balcony is already located above an existing hardstand area, the variation will have no impact on landscaped areas (noting that a compliant amount of landscaped area is to be provided regardless).

With regard to the above, the objectives of the control will be satisfied, and the variation is acceptable and supportable on merit.

D2 Private Open Space and D6 Access to Sunlight

Note: Issues regarding solar access to private open space are related, therefore both controls are addressed together.

While the proposed private open space (POS) is compliant with DCP requirements (both in terms of area and dimensions), technical noncompliances arise with regard to solar access. Based on submitted information, more than 50% of the POS area will be overshadowed on June 21. Whilst non-compliant, such an issue arises from the location of the existing POS area in relation to the existing dwelling (the design of which is to remain unchanged except for the minor additions at the rear). Further, the design, placement, elevation and orientation of the principal use area of the POS areas (i.e. the proposed deck) will remain mostly unshadowed after 12:00pm on June 21. The element of the POS area that is likely to be most heavily used by the residents of the dwelling will therefore be well located, accessible from internal living areas and will obtain sufficient solar access.

With regard to the above, the relevant objectives of the controls will be satisfied. The proposed technical variation associated with the additions is therefore considered to be acceptable and supportable on merit.

D13 Front Fences and Front Walls

Note: This discussion refers to the amended plans, which significantly reduce the length of the fence.

As indicated within the proposal section of this report, the plans have been amended to remove new boundary walls and gates on the road frontages. Earlier variations are no longer proposed, and as such are not discussed further.

It is however unclear if the existing brick wall along the southern-most section of the eastern road frontage is to be amended, noting that the plans contain inconsistencies (e.g. wall articulation features, steps along the slope, etc.) when compared to existing site conditions.

To ensure that new boundary fences/walls are not erected in contravention of development controls however, a condition is recommended which provides that consent of the subject application does not approve any new fences and/or gates nor modifications to existing fences along either road frontage.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

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
- Relevant 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 concludes that the proposal does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation, including the deletion of the carport.

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 approval to DA2021/1141 for alterations and additions to a dwelling house, including a front fence at Lot 78 DP 29463, 30 Careebong Road, Frenchs Forest, subject to conditions.

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA1 – Perspectives, Materials and Finishes	15 September 2021	Phil Brown Drafting
DA3 - Site, Site Analysis & Waste Management Plan	15 September 2021	Phil Brown Drafting
DA4 - Ground Floor Plan	15 September 2021	Phil Brown Drafting
DA5 – Roof Plan	15 September 2021	Phil Brown Drafting
DA6 - Elevations, N, S	15 September 2021	Phil Brown Drafting
DA7 - Elevations, E, W	15 September 2021	Phil Brown Drafting
DA17.19 - SS - Elevations, Boundary Fence	15 September 2021	Phil Brown Drafting
DA8 - Sections A-A, B-B, C-C	15 September 2021	Phil Brown Drafting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Risk Assessment (3345)	4 May 2021	BPAD
Preliminary Geotechnical Assessment (QP 00210A)	8 May 2021	Hodgson Consulting Engineers

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	6 April 2021	Phil Brown

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

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

2. Prescribed Conditions

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

- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

3. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
8.00 am to 1.00 pm inclusive on Saturday,
No work on Sundays and Public Holidays.
- Demolition and excavation works are restricted to:
- 8.00 am to 5.00 pm Monday to Friday only.
- (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).
- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
 - (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the

issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

4. Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

5. Stormwater Drainage Disposal

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifying Authority prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

6. **Compliance with Standards**

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

7. **Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected including:
 - i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
 - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
 - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
 - vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
 - viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken

using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,

- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

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

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

Reason: Tree and vegetation protection.

8. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

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

9. Stormwater Drainage Disposal Certification

Certification from an appropriately qualified person demonstrating the stormwater drainage systems have been designed and installed in accordance with the requirements of Council's Water Management for Development Policy and where relevant a Geotechnical Engineer shall be provided to the Certifying Authority prior to the issue of an Occupation Certificate, and;

If any on site stormwater detention system is installed the Applicant shall lodge the Legal Documents Authorisation Application with Council.

The application is to include the completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification. A guide to the process and associated Legal Document Authorisation Application form can be found on Council's website

The Applicant shall create on the Title a positive covenant in respect to the ongoing

maintenance and restriction as to user over the on-site stormwater detention system within this development consent.

The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure satisfactory management of stormwater.

10. **Approved works**

This development consent does not provide approval or permit works for:

1. any new fences or gates on any road boundary or;
2. any alterations or additions to existing boundary fences on any road boundary

Plans submitted with the Construction Certificate are to reflect the above consent condition.

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

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

11. **Geotechnical Recommendations**

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

Reason: To ensure geotechnical risk is mitigated appropriately.