

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2022/0162
----------------------------	-------------

Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 30 DP 1376, 40 Crown Road QUEENSCLIFF NSW 2096
Proposed Development:	Alterations and additions to a residential flat building including parking area
Zoning:	Warringah LEP2011 - Land zoned R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Suncoast Apartments Pty Ltd
Applicant:	Suncoast Apartments Pty Ltd

Application Lodged:	14/03/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	21/03/2022 to 04/04/2022
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Deferred Commencement Approval

Estimated Cost of Works:	\$ 95,000.00
---------------------------------	--------------

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to an existing residential flat building. The works consist of:

- Removal of existing parking hardstand.
- New parking hardstand at the rear to provide 9 off-street parking spaces.
- New vehicle access way.
- Stormwater drainage works.
- Associated earthworks and landscaping.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B9 Rear Boundary Setbacks
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - C4 Stormwater
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
 Warringah Development Control Plan - E6 Retaining unique environmental features

SITE DESCRIPTION

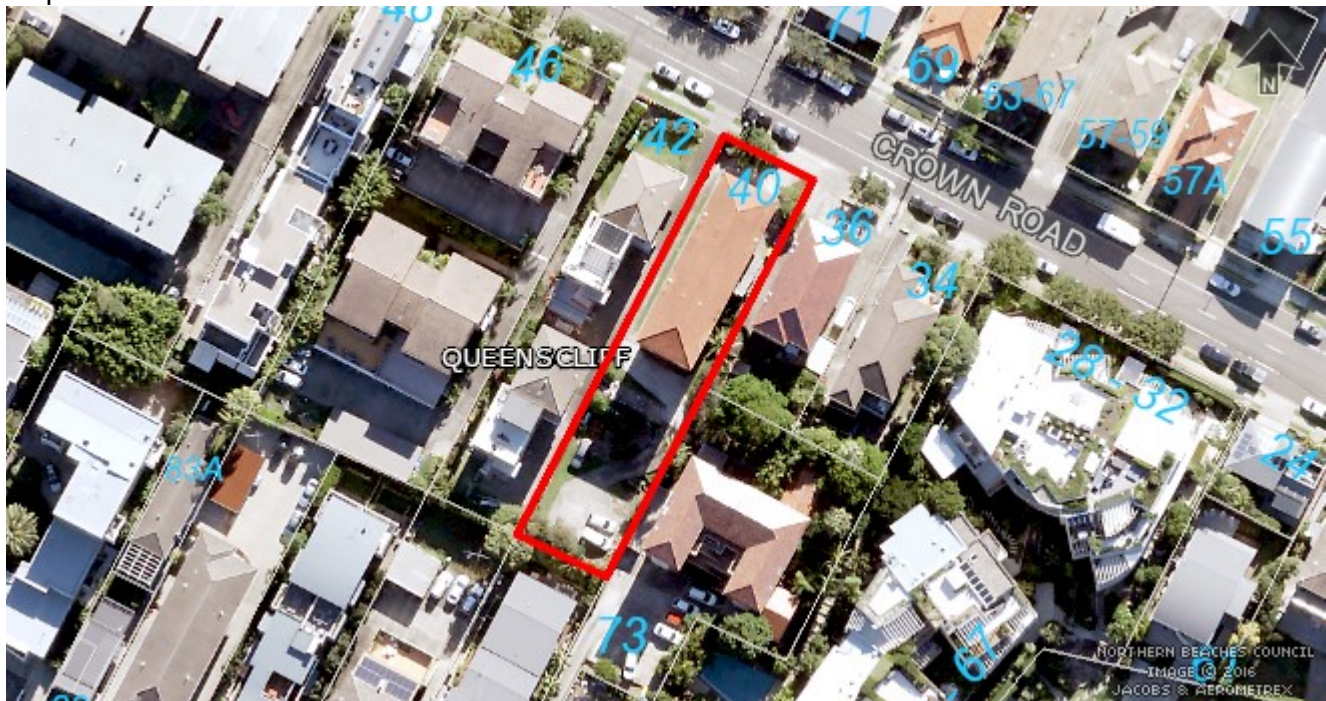
Property Description:	Lot 30 DP 1376 , 40 Crown Road QUEENSCLIFF NSW 2096
Detailed Site Description:	<p>The subject site consists of one allotment located on the south-western side of Crown Road, Queenscliff.</p> <p>The site is rectangular in shape with a frontage of 15.24m and respective depths of 69.63m and 69.01m along the north-western and south-eastern side boundaries. The site has a surveyed area of 1056sqm.</p> <p>The site is located within the R3 Medium Density Residential zone pursuant to Warringah LEP 2011 and accommodates a part 2-3 storey residential flat building. The rear yard contains a concrete hardstand parking area.</p> <p>The site is devoid of significant vegetation. The rear yard contains a number of exposed rock outcrops sited near ground level.</p>

The site experiences a fall of approximately 10.2m that slopes away from the front boundary towards the rear. This represents an approximate slope of 14.6%.

Description of Surrounding Development

Development on the south-western side of Crown Road consists of residential flat buildings, typically 2-3 storeys in height. Development on the north-eastern side of Crown Road consists of both dwelling houses and residential flat buildings.

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

The Development Assessment Planner examined the subject site and the surrounds on 8 April 2022.

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	Draft State Environmental Planning Policy (Remediation of Land)

Section 4.15 Matters for Consideration	Comments
of any draft environmental planning instrument	seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the 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 and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 21/03/2022 to 04/04/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

Name:	Address:
Mr Antonio Paul Durante	71 Crown Road QUEENSCLIFF NSW 2096
Natalie Waller	4 / 75 Queenscliff Road QUEENSCLIFF NSW 2096

Numerous pieces of correspondence amounting to two individual (2) submissions were received following the public exhibition period. The following issues were raised in the submissions:

- **Loss of On-Street Parking as a result of additional Vehicle Crossover**

The submissions raised concerns that the additional vehicle crossover will result in a loss of on-street parking.

Comment:

Suitable conditions have been included with this consent that require the redundant vehicle crossing to be reinstated to kerb and footpath. This will ensure that there is not a net reduction of on-street parking as a consequence of the proposed development.

- **Removal of Power Pole to facilitate new Vehicle Crossover**

The submissions raised concerns that the proposed development will facilitate the removal of a power pole to facilitate the new vehicle crossover.

Comment:

Council acknowledges that an existing power pole will be re-located to accommodate for the new vehicle crossover. Suitable conditions have been imposed with this consent to ensure the power pole is re-located in accordance with Ausgrid Network Standards and Safe Work NSW Codes of Practice. It is noted that Ausgrid have reviewed the proposal and raised no objections, subject to this condition.

- **Stormwater Management**

The submissions raised concerns of how stormwater will be managed from the development.

Comment:

Due to the slope of the land that falls towards the rear of the site, stormwater will need to be dispersed via a downstream inter-allotment drainage easement. This is demonstrated on the applicant's stormwater drainage plans. However, the applicant has not provided evidence that a downstream easement has been created in accordance with Sections 88B and/or 88K of the Conveyancing Act 1919. Accordingly, an additional deferred commencement condition has been imposed that requires the applicant to provide evidence of the creation of a downstream easement. The applicant will have 2 years to satisfy this condition and activate the development consent.

- **Safety of Hardstand Parking Area**

The submissions requested that a solid wall be built to the rear of the hardstand parking platform to prevent vehicles from rolling to downslope properties.

Comment:

The plans depict kerb/wheelstops at the rear of the parking hardstand area, which will prevent vehicles from rolling to downslope properties.

- **Overgrown vegetation at 71A Queenscliff Road**

The submissions raised concerns that a nearby site at 71A Queenscliff Road contained overgrown vegetation, which is a nuisance for neighbouring residents.

Comment:

This concern does not relate to the subject development application and thus, is not a relevant consideration for this assessment.

Conclusion

The issues raised within the submissions have been addressed above and resolved through conditions where appropriate. The concerns do not warrant refusal of the application, subject to conditions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Code of Australia. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. It may be determined at Construction Certificate stage.</p>
NECC (Coast and Catchments)	<p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Coastal Management Act 2016; • State Environmental Planning Policy (Coastal Management) 2018 (clauses 13, 14 & 15) • Relevant LEP and DCP clauses. <p>The application meets the requirements of the relevant Environmental Planning Instruments.</p>

Internal Referral Body	Comments
NECC (Development Engineering)	<p>05/05/2022: Application is for</p> <ul style="list-style-type: none"> Formalisation of an existing area at the rear of the site for carparking with provisic car parking spaces and associated vehicle manoeuvring areas New vehicle accessway within the rear of the site <p>Access New vehicle crossing is proposed. New vehicle crossing to be 1m away from existing electric post along frontage of site in C New layback to be merged with neighboring layback No 42 Crown Road.</p> <p>Stormwater Property is on the low side of the road. Onsite stormwater detention system is proposed discharging to Queenscliff Road via a p neighbor No. 73 Queenscliff Road.</p> <p>Applicant to provide stormwater plans with longitudinal section of proposed easement wit of discharge connection to Queenscliff Road .The discharge rate to street kerb and gutter</p> <p>06/06/2022: The easement is to be created under Sections 88B and/or 88K of the Conveyancing Act provide Council with evidence of the created easement on title and the power pole along driveway is to be relocated, evidence of concurrence from the relevant authority is to be s commencement of any works at site.</p> <p><u>Planner Comment:</u></p> <p>In regards to the deferred commencement condition for the re-location of the power pole, appropriate condition to address this issue is as follows:</p> <p><i>Relocation of Power Pole near Proposed Vehicular Crossing</i></p> <p><i>The power pole adjacent to the frontage of site near the proposed driveway is to be reloc location that would not obstruct the proposed vehicle crossing. The re-location of the pow in accordance with relevant Ausgrid Network Standards and Safe Work NSW Codes of F near existing electrical assets. Any costs for the relocation of power pole will be incurred site.</i></p> <p><i>Reason: To facilitate suitable and safe vehicular access to private property.</i></p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of

External Referral Body	Comments
	Practice. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP 65 - Design Quality of Residential Apartment Development

Clause 4 of State Environmental Planning Policy No. 65 – Design Quality for Residential Apartment Development (SEPP 65) stipulates that:

(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

(a) the development consists of any of the following:

- (i) the erection of a new building,
- (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
- (iii) the conversion of an existing building, and

(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and

(c) the building concerned contains at least 4 or more dwellings.

The proposed development involves the construction of a new parking hardstand area with access. It is noted that the envelope of the existing residential flat building remains unaltered. The works are not considered to constitute a substantial development or substantial refurbishment of an existing building.

Accordingly, no further assessment is required with regard to the provisions of SEPP 65.

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, noting that the site is identified within the Coastal Environment Area. 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 site is sufficiently separated from Freshwater Beach and Queenscliff Lagoon and the proposal will not preclude access to or along the foreshore; will not compromise the use of the surf zone; will not impact upon marine/foreshore vegetation or rock platforms; will not impact upon natural coastal

processes; or have an adverse impact upon Aboriginal cultural heritage, practices and places.

- 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:

For the reasons outlined above, it is considered that the development is designed, sited and will be managed to avoid an adverse impact upon the matters referred to in subsection (1).

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:

Given the minor scale of the works, sufficient separation from Freshwater Beach and Manly Lagoon, and the mitigation measures enforced during works (i.e. sediment and erosion control measures), it is concluded that the proposed development is unlikely to cause increased risk of coastal hazards within the locality.

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:	11m	0.76m (driveway)	-	Yes

Compliance Assessment

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

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B2 Number of storeys	3 storeys	no change	N/A	N/A
B3 Side Boundary Envelope	5m then projected at 45 degrees (NW)	within envelope	-	Yes
	5m then projected at 45 degrees (SE)	within envelope	-	Yes
B5 Side Boundary Setbacks	4.5m (NW)	0.14m (hardstand)	96.89%	No
	4.5m (SE)	0.17m (hardstand)	96.22%	No
B7 Front Boundary Setbacks	6.5m	no change and hardstand over 6.5m from front boundary	-	Yes
B9 Rear Boundary Setbacks	6m	0.29m	95.17%	No
D1 Landscaped Open Space (LOS) and Bushland Setting	50% (528sqm)	15.83% (167.2sqm)	68.33%	No

Note: driveways are permitted within the setback areas.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C4 Stormwater	No	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D19 Site Consolidation in the R3 and IN1 Zone	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	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	No	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B5 Side Boundary Setbacks

Description of non-compliance

The control states that development within the R3 Medium Density Residential zone shall be setback 4.5m from the side boundaries. The proposed parking hardstand area within the rear yard is setback 0.14m and 0.17m respectfully from the north-western and south-eastern side boundaries, which does not meet the prescribed requirement.

Merit consideration

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

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

Comment:

The proposal results in a 78.5sqm reduction in landscaped open space on the site to facilitate the parking hardstand area. Notwithstanding, this is considered to be well justified as the

proposal reduces the demand for on-street parking within Crown Road and the development maintains areas of deep soil landscaping that is generally consistent with the quantities of deep soil landscaping on surrounding sites within the R3 zone.

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

Comment:

The hardstand is an open structure and is sited near or below natural ground level. Thus, the development will not be visually dominant, notwithstanding the numeric side setback non-compliance.

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

Comment:

The envelope of the existing residential flat building remains unchanged. Thus, the bulk and scale of development on the subject site will not be excessive.

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

Comment:

The hardstand parking platform is sufficiently separated from habitable rooms on surrounding properties and the subject site to ensure that a reasonable level of amenity is maintained.

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

Comment:

The hardstand parking platform is sited near or below ground level and does not compromise significant view lines from surrounding public and private properties.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control have been achieved. Therefore, the application is supported on merit in this particular circumstance.

B9 Rear Boundary Setbacks

Description of non-compliance

The control states that development within the R3 Medium Density Residential zone shall be setback 6m from the rear boundary. The proposed hardstand parking platform is setback 0.29m from the rear boundary, which does not satisfy the prerequisite.

Merit consideration:

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

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

The proposal results in a 78.5sqm reduction in landscaped open space on the site to facilitate the parking hardstand area. Notwithstanding, this is considered to be well justified as the proposal reduces the demand for on-street parking within Crown Road and the development maintains areas of deep soil landscaping that is generally consistent with the quantities of deep soil landscaping on surrounding sites within the R3 zone.

- *To create a sense of openness in rear yards.*

Comment:

The hardstand parking platform is sited near and below ground level and will not preclude a sense of openness within the rear portion of the site. It is noted that a similar, albeit dilapidated, hardstand parking platform currently occupies the rear portion of the site.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

The hardstand parking platform is sufficiently separated from habitable rooms on surrounding properties and the subject site to ensure that a reasonable level of amenity is maintained.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

There are examples of residential flat buildings on nearby sites containing parking and other ancillary structures within the rear setback area. Thus, the proposal will be generally consistent with surrounding development in this regard.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

Due to the adequate separation from habitable rooms on the subject site and surrounding properties, the hardstand parking structure does not prompt unreasonable acoustical or visual privacy impacts.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control have been achieved. Therefore, the application is supported on merit in this particular circumstance.

C3 Parking Facilities

Merit consideration

The development is considered against the underlying objectives of the control as follows:

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Residential Flat Building (containing 10x 2 bedroom dwellings)	1.2 spaces per 2 bedroom dwelling; plus 1 visitor space per 5 dwellings	14 spaces	9 spaces	- 5 spaces

The proposed development provides 9 off-street parking spaces to serve the residential flat building, which does not meet the numeric requirement of 14 spaces. Notwithstanding, the existing parking arrangement on the site only provides off-street parking for 6 vehicles. Thus, the proposal will involve a net increase in off-street parking of 3 spaces. This will assist in reducing the demand for on-street parking within the site's catchment. Under these circumstances, it is considered that the proposal provides adequate off-street parking.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

The hardstand parking area is situated within the rear yard and will not be visually imposing within the streetscape.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

As noted above, the hardstand parking platform will not dominate the street frontage.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control have been achieved. Therefore, the application is supported on merit in this particular circumstance.

C4 Stormwater

Council's Development Engineers have reviewed the proposal and are satisfied that the development

will adequately manage stormwater, subject to a deferred commencement condition that reads as follows:

Stormwater Drainage Easement

As the natural fall of the land is towards the rear of the site the disposal of stormwater drainage is to be in accordance with the concept drainage plan submitted by Taylor Consulting Civil & Structural Engineers, sheet 4/A, dated 15th Nov 2021. The easement is to be created under Sections 88B and/or 88K of the Conveyancing Act 1919. The applicant must provide Council with evidence of the created easement on title in order to activate the consent.

Stormwater drainage plans are to be submitted to Council for written approval detailing disposal of stormwater from the site in accordance with Council's Water Management for Development Policy.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The control states that development within the R3 Medium Density Residential zone shall provide at least 50% (528sqm) of the site area as landscaped open space (LOS). In calculating LOS, the following is taken into consideration:

- a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;*
- b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;*
- c) Landscaped open space must be at ground level (finished); and*
- d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.*

Merit consideration

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

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

Comment:

The front of the subject site does not contain any landscaped open space. Thus, the development does not result in a loss of landscaped open space or significant landscaped features within the front yard.

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

Comment:

The site has been altered over the residential history of the allotment. There are no threatened species on the site. The development will necessitate the removal of exposed rock outcrops within the rear portion of the site. However, these features do not form distinct natural features within the streetscape as they are not visible from Crown Road or the wider public domain.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

The remaining areas of LOS within the rear yard are sufficient to enable the establishment of further vegetation.

- *To enhance privacy between buildings.*

Comment:

The proposed hardstand parking platform within the rear portion of the site does not result in unacceptable visual or acoustical privacy impacts.

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

Comment:

There are no changes to private open space for the dwellings within the existing residential flat building.

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

Comment:

Outdoor areas are maintained to facilitate functions, including clothes drying.

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

Comment:

The remaining proportions of LOS will assist in water infiltration. Additionally, Council's Development Engineers are satisfied that stormwater generated from the proposal will be appropriately managed, subject to conditions.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control have been achieved. Therefore, the application is supported on merit in this particular circumstance.

E6 Retaining unique environmental features

Description of non-compliance

The proposal necessitates excavation into existing rock outcrops within the rear portion of the site to accommodate for the hardstand parking platform.

Merit consideration:

With regard to the consideration for a variation the development is considered against the underlying objectives of the control as follows:

- *To conserve those parts of land which distinguish it from its surroundings.*

Comment:

The rock outcrops are not visible from Crown Road or the wider public domain as they are situated in the rear portion of the site and are sited generally at ground level. Thus, these features do not form distinct natural features within the streetscape. Overall, the removal of these rock outcrops will not be to the detriment of the wider area.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control have been achieved. Therefore, the application is supported on merit in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 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
- Codes and Policies of Council.

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

In consideration of the proposal and the merit consideration of the development, the proposal is

considered to be:

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

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

RECOMMENDATION

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within Section 95 of the EP&A Regulation 2000 to DA2022/0162 for Alterations and additions to a residential flat building including parking area on land at Lot 30 DP 1376,40 Crown Road, QUEENSCLIFF, subject to the conditions printed below:

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

DEFERRED COMMENCEMENT CONDITIONS

1. Stormwater Drainage Easement

As the natural fall of the land is towards the rear of the site the disposal of stormwater drainage is to be in accordance with the concept drainage plan submitted by Taylor Consulting Civil & Structural Engineers, sheet 4/A, dated 15th Nov 2021. The easement is to be created under Sections 88B and/or 88K of the Conveyancing Act 1919. The applicant must provide Council with evidence of the created easement on title in order to activate the consent.

Stormwater drainage plans are to be submitted to Council for written approval detailing disposal of stormwater from the site in accordance with Council's Water Management for Development Policy.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

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

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. 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
SHEET-3/C - CONCEPT 3 DRIVEWAY PLAN AND PARKING BAY 40 CROWN ROAD, QUEENSCLIFF	15 November 2021	Taylor Consulting

Engineering Plans		
Drawing No.	Dated	Prepared By
SHEET-4/A - STORMWATER MANAGEMENT PLAN 40 CROWN ROAD, QUEENSCLIFF	15 November 2021	Taylor Consulting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Preliminary Geotechnical Assessment Ref. J3696	13 September 2021	White Geotechnical Group

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

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan Ref. 40QR-2022	February 2022	not specified

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.

3. 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	not dated

(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.

4. Prescribed Conditions

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

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and

- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

5. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative

change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

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

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 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

6. Security Bond

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

7. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT for DEVELOPMENT POLICY and generally in accordance with the concept drainage plans prepared by Taylor Consulting Civil & Structural Engineers, sheet 4/A, dated 15th Nov 2021. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. OSD to be provided in accordance with Clause 9.0 of Council's Water Management for Development Policy.
- ii. Detailed drainage plans, including engineering certification, are to be submitted to the

Certifying Authority for approval prior to the issue of the Construction Certificate.

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

8. Vehicle Driveway Gradients

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

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

Reason: To ensure suitable vehicular access to private property.

9. Structural Adequacy and Excavation Work

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

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

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

Reason: To provide public and private safety.

10. Vehicle Crossings Application for Driveway Levels and Reinstatement of Redundant Crossing

In accordance with Section 138 of the Roads Act 1993, the Applicant is to submit an application for :

- Driveway levels; and
- Reinstatement of redundant vehicle crossing with Council. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

11. Sydney Water "Tap In"

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

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

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

13. Geotechnical Requirements

All recommendations identified in the Geotechnical Report referenced in Condition 2 of this consent, that are required to occur during works must be done.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

14. 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 Certifying Authority.

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

15. 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.

16. Vehicle Crossings

The Applicant is to construct one vehicle crossing 4 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ 3NL and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete.

- All redundant laybacks and crossings are to be restored to footpath/grass.
- New layback to be merged with neighboring layback No 42 Crown Road.

Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

17. Waste Management During Development

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

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

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

18. Re-location of Power Pole near Proposed Vehicular Crossing(s)

The power pole adjacent to the frontage of site near the proposed driveway is to be relocated to an appropriate location that would not obstruct the proposed vehicle crossing(s). The re-location of the power pole must be undertaken in accordance with relevant Ausgrid Network Standards and Safe Work NSW Codes of Practice for construction works near existing electrical assets. Any costs for the relocation of power pole will be incurred by the owner(s) of the subject site.

Reason: To facilitate suitable and safe vehicular access.

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

19. Reinstatement of Kerb

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces.

20. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

The Applicant shall lodge a Legal Documents Authorisation Application with Council. The application is to include the original 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 by a Registered Surveyor), photographic evidence and Hydraulic Engineers' certification for the completed onsite stormwater detention system works.

A guide to the process can be found on Council's website using the following link:
<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf/forms/legaldocumentsa-on-site-stormwater-detention-systems/guide-submitting-lda-anov19.pdf>

The form for the application can be found on Council's website using the following link:
<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf/forms/legaldocumentsa-on-site-stormwater-detention-systems/4023legaldocumentsauthorisationoct19.pdf>

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 lodgment 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 the on-site stormwater disposal system is maintained to an appropriate operational standard.

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

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

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

Reason: To ensure bushland management.

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

Signed



Thomas Burns, Planner

The application is determined on 14/06/2022, under the delegated authority of:



Phil Lane, Acting Development Assessment Manager