



northern
beaches
council

DEVELOPMENT ASSESSMENT REPORT

Planner:	Anaiis Sarkissian
Address/Property Description:	Lot 2568 DP 752038 24 Wyatt Avenue BELROSE Demolition of a dwelling house including ancillary buildings
Development Application No:	DA2024/0129
Application Lodged:	20/01/2024
Integrated Development:	No
Designated Development:	No
Applicant:	Paul Norman
Owner:	Dorothy Bloom
Locality:	Warringah LEP 2000 - C8 Belrose North
Category:	2
Land and Environment Court Action:	No
Notified:	27/02/2024 to 12/03/2024
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	APPROVAL
Estimated Cost of Works:	\$90,000.00

LOCALITY PLAN



Subject Site: Lot 2568 DP 752038, 24 Wyatt Avenue BELROSE NSW 2085

Public Exhibition: The subject application has been publicly exhibited in accordance with the EPA Regulation 2021 and Warringah Local Environment Plan 2000. As a result, the application was notified to adjoining land owners and occupiers for a period of 14 calendar days, commencing on 27 February 2024 and being finalised on 12 March 2024.

SITE DESCRIPTION

The subject site consists of one (1) allotment located on the northern side of Wyatt Avenue.

The site is regular in shape with a frontage of 84.49m along Wyatt Avenue and a depth of 222.89m along the eastern boundary and 208.63m along the western boundary. The site has a surveyed area of 1.380 hectares.

The site is located within the C8 Belrose North locality and accommodates a single storey dwelling house with attached double garage, detached double garage and workshop, tennis court, swimming pool and pool cabana.

The topography of the site is varied, with the intensity of the slopes changing across the site. Steeper slopes are found towards the rear of the site and around the southern third of the site. The site generally slopes from the southern end of the site down towards the north over approximately 30m.

The site contains lawn areas, shrubs and trees. Portions of the site are identified on the Biodiversity Values Map, indicating areas of native vegetation.

Adjoining and surrounding development is characterised by a mix of large lot residential and more traditional smaller lot residential dwelling houses. The site is also surrounded by large expanses of National Park. Adjoining the site to the south on the opposite side of Wyatt Avenue is a large electricity substation.

SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

DA1980/0064

Development Application for the erection of a tennis court.
Approved on 14 November 1980.

DA1982/0270

Development Application for the erection of a swimming pool.
Approved on 30 August 1982.

DA1984/0056

Development Application for the erection of a tennis house and use of the existing garage.
Approved on 15 March 1984.

DA1984/0056

Modification of DA1984/0056 granted for the erection of a tennis house and use of the existing garage.
Approved on 2 April 1984.

DA1986/0421

Development Application for the rebuilding of a dwelling house.
Approved on 24 September 1986.

DA1990/0198

Development Application for the erection of a swimming pool cabana.
Approved on 2 July 1990.

DA2010/2031

Development Application for the construction of a machinery shed and front and rear boundary fencing.
Approved on 1 March 2011.

MOD2011/0230

Modification of DA2010/2031 granted for the construction of a machinery shed and front and rear boundary fencing.
Approved on 13 January 2012.

CC2012/0082

Construction Certificate for the construction of a machinery shed and front and rear boundary fencing.
Approved 22 February 2012.

DA2023/1868

Construction of a new dwelling
Approved 27 March 2024

PROPOSED DEVELOPMENT

The proposal is for the demolition of the existing dwelling house, detached garage/shed and pool cabana.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979 (EPA Act 1979); and
- b) Environmental Planning and Assessment Regulations 2021.

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the Environmental Planning and Assessment Regulation 2021, Warringah Local Environment Plan 2000 and the Northern Beaches Community Participation Plan. As a result, the application was notified to adjoining landowners and occupiers for a period of 14 calendar days commencing on 27 February 2024 and being finalised on 12 March 2024.

As a result of the public exhibition process, no submissions have been received.

REFERRALS**Internal Referrals**

<i>Internal Referral Body</i>	<i>Comments</i>
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Internal Referral Body	Comments
Landscape Officer	<p><i>The proposal is supported with regard to landscape issues.</i></p> <p><i>The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2000 deferred land clauses 12 (3)(b); 13; 52; 56; 58; 63 and 66, and the Locality Statement C8 Belrose North.</i></p> <p><i>This application is for the demolition works only. No trees are proposed to be removed as part of the demolition works and as such all trees and vegetation shall be retained and protected during the works.</i></p>
NECC (Bushland and Biodiversity)	<p><i>Council's Biodiversity referrals team have assessed the Development Application for compliance against the following applicable biodiversity related provisions:</i></p> <ul style="list-style-type: none"> <i>• NSW Biodiversity Conservation Act 2016</i> <i>• NSW Biodiversity Conservation Regulation 2017</i> <i>• Warringah DCP cl. E2 Prescribed Vegetation</i> <i>• Warringah DCP cl. E6 Retaining Unique Environmental Features</i> <p><i>Portions of the site are identified on the Department of Climate Change, Energy, Environment and Water (DCCEEW) Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act 2016 (BC Act), any removal of native vegetation from within mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR) to be prepared by an Accredited Assessor.</i></p> <p><i>In accordance with the Architectural Plans (Right Angle Design and Drafting, 27/02/2024), no native prescribed trees will require removal including the two native trees in the south-eastern corner of the existing garage proposed for demolition. As such the BOS is not triggered and a BDAR is not required to be submitted with the application. No impacts to the Biodiversity Values Mapped area within the site.</i></p> <p><i>No objections in relation to biodiversity, subject to conditions.</i></p>
NECC (Riparian Lands and Creeks)	<p><i>This application was assessed in consideration of:</i></p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • Supplied plans and reports; • Coastal Management Act 2016; • State Environmental Planning Policy (Resilience and Hazards) 2021; • Relevant LEP and DCP clauses; and • Northern Beaches Council Water management for development policy. <p><i>This proposal is supported. Details below.</i></p> <p><u>Riparian</u> <i>The site is located in the top of the Bare Creek catchment and as such proposed development must not significantly impact on the biophysical, hydrological or ecological integrity of surrounding creeks or the quantity and quality of surface and ground water flows that it receives.</i></p> <p><u>Sediment Management</u> <i>Sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover re-established.</i></p>

External Referrals

External Referral Body	Comments
Ausgrid – SEPP (Transport and Infrastructure) 2021	<i>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</i>
Aboriginal Heritage Office	<p><i>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</i></p> <p><i>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</i></p> <p><i>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of</i></p>

External Referral Body	Comments
	<i>the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</i>

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

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

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

Section 4.15 'Matters for Consideration'	Comments
	<p>to this application.</p> <p>Clause 69 of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
<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 Local Environmental 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>

The proposal has been considered against the relevant matters for consideration under Section 4.15 of the EP&A Act 1979. 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 any conditions contained within the Recommendation.

FIRE ZONE

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

A Bush Fire Report (prepared by Local Consultancy Services Pty Ltd, dated 2 June 2023) was submitted with the application for construction of a dwelling house and

tennis cabana on the site (DA2023/1549). The Bush Fire Report included a certificate stating that the proposed dwelling and cabana are at potential risk warranting BAL-19 and BAL-29 construction standards, respectively, and that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. A Bush Fire Statement was submitted with this application that confirms that the demolition of the three existing structures will not impact the recommendations of the Bush Fire Report.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Resilience and Hazards) 2021

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.

State Environmental Planning Policy (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.

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

Desired Future Character (DFC)

The subject site is located in the C8 Belrose North locality under Warringah Local Environment Plan 2000.

The Desired Future Character (DFC) Statement for this locality is as follows:

The present character of the Belrose North locality will remain unchanged except in circumstances specifically addressed as follows.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses.

A dense bushland buffer will be retained or established along Forest Way. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Middle Harbour.

Clause 12(3)(b) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Locality's DFC statement.

The proposed works relate to demolition of existing structures only and do not involve the erection of any structures.

Accordingly, an assessment of consistency of the proposed development against the locality's DFC is not required.

Built Form Controls (Development Standards)

The proposed works relate to demolition of existing structures only and do not involve the erection of any structures. As such, an assessment against the Locality's built form controls is not required.

General Principles of Development Control

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Comments	Complies
CL38 Glare & reflection	N/A	N/A
CL39 Local retail centres	N/A	N/A
CL40 Housing for older people or people with disabilities	N/A	N/A
CL41 Brothels	N/A	N/A
CL42 Construction Sites	Appropriate conditions of consent have been recommended to reduce the impact of the	YES, subject to recommended

General Principles	Comments	Complies
	construction site on the surrounding amenity, pedestrian or road safety, or the natural environment. These recommended conditions shall ensure materials are handled and stored safely, waste and pollutants are minimised, and pedestrian access and vehicle movements around the site are safe.	conditions
CL43 Noise	N/A	N/A
CL44 Pollutants	N/A	N/A
CL45 Hazardous uses	N/A	N/A
CL46 Radiation emission levels	N/A	N/A
CL47 Flood affected land	The development is not proposed on land that is flood affected and therefore this clause does not apply to the application.	N/A
CL48 Potentially Contaminated Land	Council records indicate that the subject site has been used for residential purposes for a significant period, with no prior land uses. In this regard, it is considered that the site poses no risk of contamination.	YES
CL49 Remediation of Contaminated Land	N/A	N/A
CL49A Acid sulfate soils	The subject land is not identified on the Acid Sulfate Soils Hazard Map.	N/A
CL50 Safety & Security	The proposal maintains the safety and security of the locality.	YES
CL51 Front Fences and Walls	N/A	N/A
CL52 Development near parks, bushland reserves and other public open spaces	The site adjoins bushland to the north of the site. The proposed demolition works will maintain an open outlook to the public open space and maintain existing vegetation and trees on the site. The views to and from Garrigal National Park beyond the bushland will not change significantly and the site will continue to complement the landscape character and public enjoyment of that land.	YES
CL53 Signs	N/A	N/A
CL54 Provision and Location of Utility Services	The proposal will maintain the existing utility services, including water supply, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.	YES
CL55 Site consolidation in "medium density areas"	N/A	N/A
CL56 Retaining Distinctive Environmental Features on Site	The proposed demolition will retain the existing rock outcrops and remnant bushland within the site. The proposal does not require any native tree removal.	YES
CL57 Development on Sloping Land	N/A	N/A
CL58 Protection of Existing Flora	The subject site has significant native ground species and remnant bushland species within the rear of the property. The proposal involves the	YES

General Principles	Comments	Complies
	demolition of existing structures only and therefore does not impact on the remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species within the rear of the property. The proposal retains these existing flora species within the rear of the property.	
CL59 Koala Habitat Protection	Council's Biodiversity Officer has reviewed the application and confirmed that the proposal is likely to have low or no impact on koala habitat.	YES
CL60 Watercourses & Aquatic Habitats	The proposal works are not located near any natural watercourses or aquatic habitat.	YES
CL61 Views	The proposal is for demolition only and therefore continues to allow for the reasonable sharing of views.	YES
CL62 Access to sunlight	The proposal is for demolition only and therefore continues to allow for sunlight access to surrounding properties.	YES
CL63 Landscaped Open Space	The proposal is for demolition only and therefore provides adequate provision of landscaped open space, with no need for native tree removal.	YES
CL63A Rear Building Setback	N/A	N/A
CL64 Private open space	N/A	N/A
CL65 Privacy	N/A	N/A
CL66 Building bulk	N/A	N/A
CL67 Roofs	N/A	N/A
CL68 Conservation of Energy and Water	N/A	N/A
CL69 Accessibility – premises available to the public	N/A	N/A
CL70 Site facilities	N/A	N/A
CL71 Parking facilities (visual impact)	N/A	N/A
CL72 Traffic access & safety	N/A	N/A
CL73 On-site Loading and Unloading	N/A	N/A
CL74 Provision of Carparking	N/A	N/A
CL75 Design of Carparking Areas	N/A	N/A
CL76 Management of Stormwater	N/A	N/A
CL77 Landfill	Landfill associated with the construction will be minor and is unlikely to have an adverse impact upon the visual and natural environment or adjoining and surrounding properties.	YES
CL78 Erosion & Sedimentation	N/A	N/A
CL79 Heritage control	The site is not located in the vicinity of any heritage items.	N/A
CL80 Notice to Metropolitan Aboriginal Land Council	The Aboriginal Heritage Office has reviewed the proposal and confirms that there are no Aboriginal sites confirmed in the development area. Therefore, the Metropolitan Aboriginal Land Council is not required to be notified.	N/A

General Principles	Comments	Complies
CL82 Development in the vicinity of heritage items	The site is not located in the vicinity of any heritage items.	N/A
CL83 Development of known or potential archaeological sites	The Aboriginal Heritage Office has reviewed the proposal and raised no objections to the proposed demolition, subject to recommended conditions.	YES; subject to recommended conditions

SCHEDULES

Schedule	Applicable	Compliant
Schedule 1 Exempt development	NO	N/A
Schedule 2 Other development not requiring consent	NO	N/A
Schedule 3 Conditions of complying development certificates	NO	N/A
Schedule 4 Prohibited Signs	NO	N/A
Schedule 5 State policies	YES – Koala Habitat Protection	YES
Schedule 6 Preservation of bushland	YES	YES
Schedule 7 Matters for consideration in a subdivision of land	NO	N/A
Schedule 8 Site analysis	YES	YES
Schedule 9 Notification requirements for remediation work	NO	N/A
Schedule 10 Traffic generating development	NO	N/A
Schedule 11 Koala feed tree species and plans of management	NO	N/A
Schedule 12 Requirements for complying development	NO	N/A
Schedule 13 Development guidelines for Collaroy/Narrabeen Beach	NO	N/A
Schedule 14 Guiding principles for development near Middle Harbour	NO	N/A
Schedule 15 Statement of environmental effects	NO	N/A
Schedule 16 Principles and standards for housing for older people or people with disabilities	NO	N/A
Schedule 17 Car parking provision	NO	N/A

CONCLUSION

The proposal has been considered against the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, and all other documentation supporting the application, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to any conditions contained within the Recommendation.

The site has been inspected and the application assessed having regard to the provisions of Section 4.15 of the *EP&A Act 1979*, the provisions of relevant Environmental Planning Instruments, including Warringah Local Environment Plan 2000 and the relevant codes and policies of Council.

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

As a direct result of the application and the consideration of the matters detailed within this report, it is considered that Council as the consent authority grant approval to the Development Application for the reasons detailed within the 'Recommendation' section of this report.

REASON FOR DETERMINATION

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2024/0129 for demolition of a dwelling house including ancillary buildings on land at 24 Wyatt Avenue BELROSE, subject to the conditions printed below:



Date 08/04/2024

Anais Sarkissian, Planner



Date 08/04/2024

Adam Richardson, Manager, Development Assessment

CONDITIONS OF APPROVAL

Application Number:	DA2024/0129
Land to be developed (Address):	Lot 2568 DP 752038, 24 Wyatt Avenue BELROSE NSW 2085
Proposed Development:	Demolition of a dwelling house including ancillary buildings

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
D1	A	Demolition Plan	Right Angle Design & Drafting Pty Ltd	27 February 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Waste Management Plan	-	Matthews Contracting	23 November 2023
Bush Fire Statement	-	Local Consultancy Services Pty Ltd	8 February 2024

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

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	11 March 2024
Aboriginal Heritage Office	Aboriginal Heritage Office Referral Response	23 February 2024

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

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

3. **Prescribed conditions (Demolition):**

(a) 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 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
- (ii) 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.

(b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

(c) 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.

Reason: Legislative Requirement.

4. General requirements (Demolition):

(a) Unless authorised by Council:

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) At all times after the submission a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. The consent shall be available for perusal of any Authorised Officer.

(c) 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.

(d) 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.

(e) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

(i) 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.

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

FEES / CHARGES / CONTRIBUTIONS

5. **Security Bond**

A bond (determined from cost of works) of \$5,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

6. **No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of works.

Reason: To protect native vegetation.

7. **Erosion and Sediment Control Plan**

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

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval

prior to the issue of the Construction Certificate.

Reason: To protect the receiving environment.

8. Compliance with standards (Demolition):

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 Council prior to the commencement of demolition works.

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

9. 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 Certifier 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.

DURING BUILDING WORK

10. Tree and Vegetation Protection

a) existing trees and vegetation shall be retained and protected, including:

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project 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/Project Arborist to the Principal Certifier,

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 AS 4970-2009 Protection of trees on development sites,

ix) the activities listed in section 4.2 of AS 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 AS 4373-2007 Pruning of amenity trees,

xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

11. **Wildlife Protection**

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

12. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

13. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls 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 vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: To protect the receiving environment.

14. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in

accordance with the following requirements:

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

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

15. Demolition Works - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

16. Waste Management During Development

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

17. Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Details demonstrating compliance are to be provided to the Principal Certifier at the completion of works.

Reason: To protect wildlife habitat.

18. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier at the completion of works.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

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

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the completion of works.

Reason: To ensure bushland management.