

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1787
Responsible Officer:	Daniel Milliken
Land to be developed (Address):	Lot 10 DP 881696, 1 Molong Street NORTH CURL CURL NSW 2099
Proposed Development:	Alterations and additions to a dwelling house including swimming pool
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Megan Kellee Olde
Applicant:	Megan Kellee Olde
Application lodged:	05/11/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	13/11/2018 to 27/11/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval
Estimated Cost of Works:	\$ 1,972,210.00

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest

- groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 5.10 Heritage conservation

Warringah Development Control Plan - B1 Wall Heights

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - B9 Rear Boundary Setbacks

SITE DESCRIPTION

Property Description:	Lot 10 DP 881696 , 1 Molong Street NORTH CURL CURL NSW 2099
Detailed Site Description:	<p>The site is located within the Windy Dropdown Estate, north-east of Molong Street and is currently occupied by a detached dwelling house and an open double carport. The total site area is 1773sqm and it is an irregular shape (see aerial photo below).</p> <p>The dwelling is heritage listed, being item <i>1108 - House formerly known as "Windy Dropdown"</i> in Schedule 5 Environmental heritage of the Warringah Local Environmental Plan 2011.</p> <p>Vehicle access to the site is provided via the right of carriage way from Molong Street to the south-west corner of the site. The site has a moderate fall from south to north.</p> <p>The site is heavily landscaped, although remnant vegetation from the adjacent coastal areas is limited. Several mature trees are identified on the survey and Arboricultural Impact Statement.</p> <p>The surrounding development consists of single detached dwelling houses, although some dual-occupancy dwellings and multi-residential dwellings are present.</p>

Map:



SITE HISTORY

Excerpt from the Heritage Impact Statement:

"The original dwelling was built in 1948. In 1971 minor extensions including the family room were approved. The undercroft was filled in at an unknown time and the first floor was added in 1975."

Recent and relevant applications include:

DA2003/1203

This application was for alterations and additions to the dwelling and was approved on 26 November 2003.

DA2008/1561

This application was for a swimming pool and was approved on 3 April 2009. The pool was never constructed and the current application proposes a new pool.

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves numerous minor alterations to the existing heritage listed dwelling as well as additions to it.

After the initial heritage review, Council requested changes be made to various elements of the design. The applicant agreed to these changes and submitted amended plans. These plans were not re-notified as the changes are minor and the application has not generated any submissions.

The proposed works include the following:

- Partial demolition of elements of the lower ground, ground and first floors of the existing dwelling house (the majority of the dwelling will remain);
- Refurbishment of most of the retained portions of the dwelling, including new balustrades and upgrades to some facade treatments;

- Additions to the lower ground floor including a larger deck and a new entry/circulation core;
- Additions to the ground floor including an extension to the living area and kitchen, a new ensuite, landscaping and the circulation core;
- Internal alterations to the first floor including and the addition of the circulation core;
- The construction of a new garage with associated storage and a landscaped roof above;
- The construction of a new pool and decking;
- The construction of other features including walls, fences and screens;
- Associated landscape works.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&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>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). 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 insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p>

Section 4.15 Matters for Consideration'	Comments
	Clause 98 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.
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 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 classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Sydney Bushfire Consultants, dated 31 August 2018) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The Arborist's Report, Landscape Plans and Statement of Heritage Impact are noted.</p> <p>The DA is considered acceptable with regard to the relevant controls relating to landscape issues, subject to conditions.</p>
NECC (Bushland and Biodiversity)	<p>The application has been assessed against Warringah DCP E1, E2, E3, E4, and E5.</p> <p>The Tree Identification Plan (Drawing DA-702) identifies 24 trees for removal and 3 trees to be transplanted. An Arborist report (prepared by Botanics Tree Wise People, dated August 2018) and a Flora and Fauna Assessment (prepared by Kingfisher Urban Ecology and Wetlands, dated September 2018) were provided.</p> <p>No native trees are proposed for removal. Pursuant to the above DCP controls, the proposal should:</p> <ul style="list-style-type: none"> • <i>protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance;</i> • <i>provide natural habitat for local wildlife;</i> • <i>retain and enhance native vegetation and the ecological functions of wildlife corridors; and</i> • <i>reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.</i> <p>A Landscape Design Concept Plan (prepared by Vale Green Life, dated 22/10/18) was provided that shows majority of proposed plantings are non-native and includes some exempt species (Tuckeroos, palms). The planting of non-native species does not meet the above objectives of the DCP controls. The Flora and Fauna report recommends planting native plant species from the Coastal Headland vegetation type. Conditions will be imposed for a revised Landscape Plan to be provided prior to the issue of the Construction Certificate that shows a minimum of 60% native species.</p>
NECC (Development Engineering)	<p>Development Engineer has no objection to the application subject to the following conditions of consent.</p>

Internal Referral Body	Comments
NECC (Stormwater and Floodplain Engineering – Flood risk)	No objections raised.
Parks, reserves, beaches, foreshore	No objections raised.
Strategic and Place Planning (Heritage Officer)	<p>Original Heritage Assessment Comments - 25 February 2019</p> <p><u>The house Windy Dropdown</u></p> <ul style="list-style-type: none"> Windy Dropdown, built 1948, is an historically important and influential house designed by the significant Australia architect Sydney Ancher, famous as one of the most successful and authoritative modern architects in Australia post WW2. The founder of Sydney Ancher and Partners, later Ancher Mortlock Murray and Woolley, Ancher was a giant of Australian architectural practice in the 1950s and 1960s. He was the RAIAs Gold Medallist in 1976, and died in 1979. Many architects, including Australia’s Pritzker Price Laureate Glenn Murcutt, worked for Ancher. Also known as the Farley House, Windy Dropdown was designed for Mervyn Farley, of the road building/construction firm Farley and Lewers. Farley met Ancher during war service, and both Farley and Lewers were to commission Ancher to build homes for them. Lewers’ home became the Lewers Gallery, at Penrith. Initially rejected by Warringah Council, and reflecting Ancher’s difficult experiences in gaining building approval for other flat roofed designs (notably in Ku-ring-gai Council), the house was approved by the Land & Valuation Court. It was then built by Farley’s company, in 1948, a single-storey, weekend house of simple trabeated concrete construction meant to be seen on an expressed base or podium. In 1975 the house was given a first floor, somewhat compromising the pure, simple form of timeless character that Ancher strove for in his designs. Although the architects BD Jessup & Associates interpreted the design character of the house, what would have been the ‘startling’ simplicity of the original single storey form was arguably overlain and complicated by the additional level. Comparison with other houses of Ancher’s designs from this period serves to support this observation, but the historical importance, and cultural heritage significance of the house certainly remains. Its story is an Australian architectural milestone, from the times when Modernist architects like Ancher, Arthur Baldwinson and Harry Seidler had to convince Council officers, Councillors and the general public of the substance and value of their philosophy and designs. While general appreciation of such houses is

Internal Referral Body	Comments
	<p>now growing with the interest of later generations and their different perspectives, the simplicity of the houses, once so radically different, is now not so radical in current times – indeed, it risks dismissal by some as “ordinary”.</p> <ul style="list-style-type: none"> The house is celebrated and recognized by the Australian Institute of Architects, and the Australian chapter of the international organization, DOCOMOMO, which latter seeks to promote the recognition and conservation of important buildings of the Modern Movement. In my opinion, both organisations should be given the opportunity to comment on the proposal. <p><u>Difficult aspects of the proposal</u></p> <p>There are some few aspects of the proposal which in my opinion, should be reconsidered, as they promise adverse impact. These are :</p> <ul style="list-style-type: none"> The cladding of the base area with the stone cladding material should not proceed. While there is some suggestion in sketches that Anchor envisaged a stone base, it never eventuated. This would now represent a major character change. The rendered masonry wall elements associated with the new stair tower and the carport/garage should resemble the existing render finishes of the house. The irregularly placed projecting bricks in this walls are not appropriate, in that they are inconsistent with the house and its existing treatment. The proposed metal balustrades would also represent a major character change in the house. In this instance a case can be made for the glazed balustrades to remain in that they compete less with the column-and-slab construction of the house. Neither are original to the house which was a single storey building, but in my opinion, the glazed balustrades make less of a challenge to the simple character of the house. <p>While other matters might be raised, in my opinion those above are the most noticeable and promise to have most effect upon the visual appearance and presentation of the house, which in turn, relate to its enduring heritage significance.</p> <p>In summary then, this is an important house by an influential modern Australian architect which although adversely impacted by changes over time, is still important and appropriately heritage listed by Council in its LEP. Like many enduring Modernist designs that were once “cutting edge” but now appear more “everyday”, and are often challenged by the value and expectations of their sites, Windy Dropdown has to survive</p>

Internal Referral Body	Comments
	<p>through its continuing use and desirability as the beach house it has always been. The challenge is to plan the necessary adaptive changes for its use so they do not negate the importance of the house design, its fabric, spaces and evidence of their story. The best way that this can be achieved seems to be through co-operation between an owner and their consultant team, and the heritage management team (in this case, Council) charged with the responsibility for ensuring that changes do not unreasonably compromise of heritage value.</p> <p>Updated Heritage Assessment Comments - 29 March 2019</p> <p>Further to the heritage comments sent on 25 February 2019, a meeting was held with the architect for the applicant and Bob Moore, Council's external Heritage Advisor on 6 March 2019. At this meeting, outstanding heritage issues were discussed and resolved with an agreement to delete the stone cladding on the ground floor (to be replaced with rendered brickwork) and to delete the protruding brick elements from the stair tower and carport/garage. The issue of the balustrade material was also discussed and Bob Moore agreed to the white painted metal balustrade, as long as the detailing is in accordance with that previously used by Sydney Anchor (e.g. at his house in Maytone Ave, Killara).</p> <p>Amended plans and a Supplementary Statement of Heritage Impact have been submitted to reflect the discussions and agreement from this meeting. I have reviewed these documents, which appear to reflect the agreed heritage design outcomes. There is only one concern – in viewing the revised plans (Issue C) the balustrades appear to show inconsistent heights on the elevations (in particular the East Elevation where the upper balustrade appears much higher than the lower balustrade). If possible a condition should be added to ensure that all balustrades are a consistent height.</p> <p>There is now no objection on heritage grounds to this proposal, subject to the amended plans and supplementary Statement of Heritage Impact being referenced in any consent, along with a number of conditions that should be imposed as follows:</p> <p>Metal balustrades</p> <p>Design of the metal balustrades are to be based on the design used by Sydney Anchor in his houses at Maytone Ave, Killara. They should be white and of a consistent height.</p> <p>Reason: To ensure the balustrades are in keeping with the architectural style of this house designed by Sydney Anchor.</p> <p>There should also be a condition imposed requiring a photographic archival recording of the building, to be made before any work commences on site, in accordance with the guidelines issued by the NSW Heritage Office.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

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 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A327004_03 dated 6 September 2018).

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

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

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

supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

13 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 located at the top of the coastal cliffs and the proposal is for alterations and additions to the dwelling house over what is currently mostly disturbed land. The land is not adjacent to the public beach or on an undeveloped headland or rock platform.

Conditions of consent have been recommended to minimise construction impacts on the coastal environment and any Aboriginal heritage items.

As such, the works are not likely to cause an adverse impact to the matters listed above.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (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:

As above, the location of the site at the top of the coastal cliffs and the proposed works occurring over what is currently mostly disturbed land, the works are not likely to cause an adverse impact to the matters referred to in subclause (1).

Conditions of consent have been recommended to minimise construction impacts on the coastal environment and any Aboriginal heritage items. These conditions will serve to minimise and mitigate any impacts.

14 Development on land within the coastal use area

(1)

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

Comment:

The location of the site at the top of the coastal cliffs and away from any publicly accessible beach mean that the proposal is not likely to cause an adverse impact on safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.

The proposed works will not overshadow, funnel wind into, or cause the loss of views from public places to foreshores.

The works will maintain the cultural and built heritage value of the property and will therefore result in acceptable visual amenity and scenic qualities of the coastal cliffs.

Conditions of consent have been recommended to minimise construction impacts on any Aboriginal heritage items.

Council is satisfied that the development has been designed, sited and will be managed to avoid an

adverse impact on the matters referred to in paragraph (a).

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

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

Comment:

The site is located at the top of the coastal cliffs and the proposal is for alterations and additions to the dwelling house over what is already mostly disturbed land. The setbacks of the building from the boundaries are acceptable.

In this regard, the development is not likely to cause increased risk of coastal hazards on the subject site or any adjoining land.

As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

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	Complies
Height of Buildings:	8.5m	7.725m	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
Schedule 5 Environmental heritage	Yes

Detailed Assessment

5.10 Heritage conservation

The dwelling on the site is heritage listed, being item *1108 - House formerly known as "Windy Dropdown"* in Schedule 5 Environmental heritage of the Warringah Local Environmental Plan 2011.

The proposal as originally submitted did not satisfy Council's Heritage Officers. After discussions with the applicant, amended plans were submitted that will adequately conserve the heritage significance of the item.

In this regard, Council's Heritage Officers have recommended approval subject to conditions.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	7.29m	1.25%	No
B3 Side Boundary Envelope	North - 5m	No encroachments	N/A	Yes
	South - 5m	No encroachments	N/A	Yes
B5 Side Boundary Setbacks	North - 0.9m	Minimum of 5.5m	N/A	Yes
	South - 0.9m	3.535m	N/A	Yes
B7 Front Boundary Setbacks	West - 6.5m	Garage - minimum of 5.37m	17.38%	No
B9 Rear Boundary Setbacks	East - 6m	Lower ground floor - minimum of 2.31m Ground floor - minimum of 0.6m First floor - minimum of 2.5m	61.5% 98.33% 66.67%	No No No
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	49.1% (870sqm)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The proposal includes a maximum wall height of 7.29m.

The control requires a maximum of 7.2m.

Merit consideration:

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

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

Comment:

The non-compliance is minor and is located on the corner of the northern edge of the upper level. This part of the dwelling is set well away from any neighbouring property. The minor breach of the control, and the isolation of the dwelling and the site, results in the visual impact of the development being minimised.

- *To ensure development is generally beneath the existing tree canopy level*

Comment:

The dwelling will remain below the surrounding canopy trees and under the maximum height limit.

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

Comment:

The proposed works will not result in any unreasonable view loss as the development will remain under the height limit, is adequately set back from the boundaries and is located a significant distance from any neighbouring dwelling.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

The dwelling is relatively isolated and the non-compliant wall height element is located near the centre of the dwelling. There will be no unreasonable overshadowing, privacy or other amenity impacts caused by the non-compliance or the development as a whole.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

The proposal remains under the height limit and steps down with the slope of the land. In this regard, the development responds appropriately to the site topography.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The proposal includes a flat/very low pitched roof. This is necessary to retain the heritage characteristics of the design and is therefore appropriate.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The proposed garage is set back 5.37m from the western (front) boundary.

The control requires a minimum of 6.5m.

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The unusual location of the site within the subdivision pattern and its irregular shape, mean that the garage takes up only a small portion of the front setback area. The remaining space within the front yard will be landscaped and free of structures, with this landscaping assisting to screen the garage, which will also have a vegetated roof (green roof).

These factors will result in the site presenting a reasonable sense of openness to both the internal shared driveway and to Molong Street.

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

Comment:

The dwelling will retain its position within the Windy Dropdown estate and will retain a significant landscaped setting within the front yard and the site as a whole.

The other properties within the Windy Dropdown estate do not present significant landscaped front yards to the shared driveway. In this regard, the subject site is an anomaly, however, it provides a positive landscaped setting for the estate.

In this regard, while the subject site is not consistent with the other properties in the estate, it will reasonably maintain the visual continuity and pattern of buildings and landscape elements that currently exists.

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

Comment:

The proposal will retain a significant landscaped setting within the front yard of the property and within the site as a whole.

The other properties within the Windy Dropdown estate mostly present built forms with limited landscaping, to the shared driveway. In this regard, the subject site is an anomaly, however, it provides a positive landscaped setting for the estate and the streetscape of Molong Street.

In this regard, the proposal will reasonably protect and enhance the visual quality of the shared driveway within the estate and the streetscape of Molong Street.

- *To achieve reasonable view sharing.*

Comment:

The proposed works will not result in any unreasonable view loss as the development will remain under the height limit, is adequately set back from the boundaries and is located a reasonable distance from any neighbouring dwelling.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B9 Rear Boundary Setbacks

Description of non-compliance

The setbacks of the proposal from the eastern (rear) boundary are as follows:

Lower ground floor - minimum of 2.31m
Ground floor - minimum of 0.6m
First floor - minimum of 2.5m

The control requires a minimum of 6.0m.

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 as a whole will retain 49.1% of the site as deep soil landscaped areas. This is greater than the minimum 40% requirement.

The eastern boundary, in this particular case, is best assessed as the rear boundary. This side of the property directly adjoins the coastal cliff with the ocean below. There are no properties adjoining this boundary and the existing dwelling has similar setbacks to the proposed works. Therefore a wide landscaped buffer along this boundary is not necessary to provide spatial separation or to minimise amenity impacts.

In this regard, the proposed setbacks are acceptable.

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

Comment:

The eastern boundary, in this particular case, is best assessed as the rear boundary. This side of the property directly adjoins the coastal cliff with the ocean below. There are no properties adjoining this boundary and the existing dwelling has similar setbacks to the proposed works. Therefore a wide landscaped buffer along this boundary is not necessary to provide a sense of openness.

In this regard, the proposed setbacks are acceptable.

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

Comment:

There are no properties adjoining the rear boundary and as such, there will be no unreasonable amenity or privacy impacts as a result of the non-compliance.

The amenity of adjacent land, particularly relating to privacy, will be preserved.

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

Comment:

The majority of the existing dwelling will remain and the proposed works will maintain a similar setback. The site and the surrounding subdivision pattern does not result in a consistent pattern of buildings, rear gardens and landscape elements, however, the proposal will reasonably maintain the existing built and natural environment.

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

Comment:

There are no properties adjoining the rear boundary and as such, there will be no unreasonable privacy impacts as a result of the non-compliance.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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 Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018	
Contribution based on a total development cost of \$ 1,972,210	

Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 18,736
Section 7.12 Planning and Administration	0.05%	\$ 986
Total	1%	\$ 19,722

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1787 for Alterations and additions to a dwelling house including swimming pool on land at Lot 10 DP 881696, 1 Molong Street, NORTH CURL CURL, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-101 Issue A	31 October 2018	Trace Architects
DA-102, 103 and 104 Issue A	31 October 2018	Trace Architects
DA-105 Issue C	22 March 2019	Trace Architects
DA-106 Issue C	22 March 2019	Trace Architects
DA-107 Issue A	31 October 2018	Trace Architects
DA-108 Issue A	31 October 2018	Trace Architects
DA-200 Issue C	22 March 2019	Trace Architects
DA-201 Issue C	22 March 2019	Trace Architects
DA-202 Issue C	22 March 2019	Trace Architects
DA-203 Issue C	22 March 2019	Trace Architects
DA-300 Issue A	31 October 2018	Trace Architects
DA-301 Issue C	22 March 2019	Trace Architects
DA-302 Issue A	31 October 2018	Trace Architects
DA-500 Issue A	31 October 2018	Trace Architects
DA-700 Issue A	31 October 2018	Trace Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Supplementary Statement of Heritage Impact	25 March 2019	GBA Heritage
Construction Impact Assessment and Management Plan	August 2018	Botanics Tree Wise People Pty Ltd
Flora and Fauna Assessment and Biodiversity Management Plan	September 2018	Ecological Consultants Australia Pty Ltd
Bushfire Assessment Report	31 August 2018	Sydney Bushfire Consultants
Geotechnical Investigation	26 September 2018	JK Geotechnics

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Design Concept Plan for 1 Molong Street, North Curl Curl	22 October 2018	Vale Green Life

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By

Site waste minimisation and management plan for 1 Molong Street, North Curl Curl	Not dated	Trace Architects
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In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

2. Prescribed Conditions

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

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

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

damage.

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

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

Reason: Legislative Requirement

3. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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.
- (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) 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.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (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.
- (j) 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.
- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 1,972,210.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 18,736.00
Section 7.12 Planning and Administration	0.05%	\$ 986.11
Total	1%	\$ 19,722.10

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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

Reason: To provide for contributions in accordance with Northern Beaches Council Contributions Plan 2018.

5. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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, 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

6. **Stormwater Disposal**

Engineering Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to inter allotment drainage line.

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

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

7. **Revised Landscape Plan**

Prior to the issue of a Construction Certificate, a revised Landscape Plan is to be certified by the project Ecologist and provided to the Principal Certifying Authority that shows a minimum of 60% locally native vegetation species, as per the species listed in Appendix VI of the Flora and Fauna report (prepared by Kingfisher Urban Ecology and Wetlands, dated September 2018). In particular the following are to be removed and replaced with tree species listed in Appendix VI: Tuckeroo (*Cupaniopsis*), Pandanas Palm, Blueberry Ash (*Elaeocarpus eumundi*) and Native frangipani (*Hymenosporum flavum*).

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

8. **Compliance with Standards**

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

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

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

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 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.

10. Amendments to the approved plans

The design of the metal balustrades are to be based on the design used by Sydney Anchor in his houses at Maytone Ave, Killara. They should be white and of a consistent height.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure the balustrades are in keeping with the architectural style of this house designed by Sydney Anchor.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

11. Tree trunk, branch and root protection

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by the Project Arborist on site.
- iii) All tree protection to be in accordance with the recommendations of the Construction Impact Assessment and Management Plan dated August 2018 prepared by Botanics Tree Wise People and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

12. Project Arborist

- i) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the Construction Impact Assessment and Management Plan dated August 2018 prepared by Botanics Tree Wise People and AS4970-2009 Protection of trees on development sites.
- iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: to ensure protection of vegetation proposed for retention on the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. **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.

14. **Protection of rock and sites of significance**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

15. **New Vegetation Planting**

Landscaping is to incorporate a minimum of 60% locally native vegetation species, as per the species listed in Appendix VI of the Flora and Fauna report (prepared by Kingfisher Urban Ecology and Wetlands, dated September 2018). The following are to be removed and replaced with tree species listed in Appendix VI: Tuckeroo (*Cupaniopsis*), Pandanas Palm, Blueberry Ash (*Elaeocarpus eumundi*) and Native frangipani (*Hymenosporum flavum*).

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

16. **Site access**

Access to the site is not permitted through the adjacent bushland/reserve.

Reason: Bushland protection.

17. **Installation and Maintenance of Sediment Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

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

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

18. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. 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 appropriate provision for the disposal of stormwater arising from the development.

19. **Native Vegetation Planting**

Prior to the issue of any Occupation Certificate, the project Ecologist is to certify that the new vegetation planting comprises a minimum of 60% locally native vegetation species, as per the species listed in Appendix VI of the Flora and Fauna report (prepared by Kingfisher Urban Ecology and Wetlands, dated September 2018). The certification is to be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate. The following are to be removed and replaced with tree species listed in Appendix VI: Tuckeroo (*Cupaniopsis*), Pandanus Palm, Blueberry Ash (*Elaeocarpus eumundi*) and Native frangipani (*Hymenosporum flavum*).

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

20. **Waste Management Confirmation**

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

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

21. **Swimming Pool Requirements**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

- (e) Signage showing resuscitation methods and emergency contact
- (f) All signage shall be located in a prominent position within the pool area.
- (g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life (DACPLF09)

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

22. No Planting Environmental Weeds

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

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

Signed



Daniel Milliken, Principal Planner

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



Rodney Piggott, Manager Development Assessments