

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1862
Responsible Officer:	Catriona Shirley
Land to be developed (Address):	Lot 114 DP 16078, 15 Fairport Street NORTH CURL CURL NSW 2099
Proposed Development:	Demolition works, construction of a dwelling house and 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:	Hugh Russell Willoughby Lauren Patricia Wakefield
Applicant:	Hugh Russell Willoughby Lauren Patricia Wakefield
Application lodged:	23/11/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	29/11/2018 to 17/12/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval
Estimated Cost of Works:	\$ 756,800.00

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 Development Control Plan - B1 Wall Heights

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - B9 Rear Boundary Setbacks

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

Warringah Development Control Plan - D8 Privacy

Warringah Development Control Plan - D13 Front Fences and Front Walls

SITE DESCRIPTION

Property Description:	Lot 114 DP 16078 , 15 Fairport Street NORTH CURL CURL NSW 2099
Detailed Site Description:	The subject site is described as Lot 114 within Deposited Plan 16078, and is known as 15 Fairport Street, North Curl Curl. The site is located within the R2 low density residential zone within the provisions of the Warringah Local Environmental Plan 2011. The property is located on the eastern side of Fairport Street and has a total site area of 466.5sqm. The site is rectangular in shape, with a frontage of 14.02m to Fairport Street. The northern and southern side boundaries measure 33.27m and 33.28m respectively, and the rear boundary measures 14.02m. The site falls gently to the south-east. The property currently contains a one storey dwelling house. This dwelling house is to be demolished as part of this application. Surrounding sites consist of one and two storey dwelling houses, of varying ages, within landscaped settings.

Map:



SITE HISTORY

A search of Council's records has revealed the following applications relevant for the site:

- Development Application DA1998/0085 for alterations and additions was approved by Council on the 17 February 1999

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks the approval for the demolition of the existing structures on the site, construction of a new two storey dwelling house, swimming pool front fence and associated landscaping.

The proposed works comprise of:

Demolition

- Demolition of the existing structures on site

Lower Ground Floor

- Ground floor excavated to provide for a storage area and pool equipment storage area
- Bathroom
- Terrace and lower landscaped terrace
- Swimming pool
- Associated decking and landscaping
- Retaining walls at the rear of the site
- Addition of stormwater retention tank

Ground Floor

- Construction of double garage with driveway access to Fairport Street, together with a study, laundry, internal stairs, entry foyer, pantry, open plan kitchen, dining and living
- Entry porch, decking, upper landscaped terrace areas
- A 1.4m front fence with pedestrian swing gate and sliding car access gate

First Floor

- New first floor to provide for a master bedroom and ensuite, three (3) bedrooms, bathroom, internal stairs, retreat and rear deck with privacy screen

An amended master set of plans was received as part of this application that addressed concerns in relation to the variations of the built form controls and stormwater drainage. The concerns were in regards to the side boundary envelope encroachment, the built form at the rear of the site, the height of the front fence and stormwater management.

The amended plans received showed a reduction in the built form variations and the drainage solution was amended. Therefore, the proposal will be undertaken utilising the amended plans.

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)(iiia) – 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)	<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. <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. <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. . <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000

Section 4.15 Matters for Consideration'	Comments
	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. <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. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
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	(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. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (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.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited 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 process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Charles Nassif	18 South Terrace PUNCHBOWL NSW 2196

The following issues were raised in the submissions and each have been addressed below:

- Overshadowing
- Stormwater drainage
- Privacy
- Damage to neighbouring properties

The matters raised within the submissions are addressed as follows:

- ***There is concern that the proposal will cause overshadowing to the northern adjoining site, No.14 Delaigh Ave North Curl Curl***

Comment:

The certified shadow diagrams submitted with the application have been checked for accuracy. It has been determined that there is additional overshadowing impacts to the rear adjoining site of No.14 Delaigh Ave. This assessment shows that the private open space of No.14 Delaigh will receive sunlight during the mornings and through the middle of the day, even in mid winter. During the afternoon, a portion of the rear area of the site will be in shadow. This is consistent with Part D6 Solar Access and is not considered to be unreasonable.

This matter does not warrant the refusal of the application.

- ***Concern was raised in regards to the management of stormwater and swimming pool water as a result of the proposal***

Comment:

The proposal includes an new stormwater drainage network for the site to manage stormwater, detailed on plans prepared by Stellen Consulting. No easement is proposed for stormwater disposal, and the stormwater management is to be in accordance with Council's Water Management Policy.

Council's development engineers have assessed the stormwater management system proposed for the site as being satisfactory and applied appropriate conditions to ensure no unreasonable impact from overland flow.

A condition has been included to ensure that filter backwash waters from the swimming pool are discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements.

This issue has therefore been addressed by detailed design plans and engineering conditions and does not warrant refusal of the application.

- ***There was concern that the swimming pool decking at the rear of the site will create amenity impacts to No.14 Delaigh Ave North Curl Curl***

Comment:

The proposed decking on the eastern edge of the swimming pool has been removed from the application via the amended plans. The rear boundary of the site is to be landscaped with screening hedging to ensure privacy is maintained to the adjoining properties as demonstrated by the amended landscaping plan. This landscaped screening hedging has been applied as a condition to ensure this area is maintained.

This matter does not warrant the refusal of the application.

- ***The submissions raised concerns that the construction of the development would result in damage to the sewer and No.14 Delaigh Ave North Curl Curl***

Comment:

Concern has been raised regarding potential impacts upon the site and adjoining sites as a result of the works. The proposed works have been assessed by a qualified Engineering Geologist and the application has been accompanied by a Geotechnical Investigation Assessment report (White Geotechnical Group, dated 5 October 2018). The recommendation within the Geotechnical Investigation Assessment report are included as conditions of the consent.

The report has indicated that the proposed works will not result in any geo-instability and that no further report would be required at this stage for the proposed works. Furthermore, a condition has been imposed within this consent stating that any excavation is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage.

Should any concerns remain regarding the stability of the site and potential damage as a result of works, it is recommended that the objector pursue their own dilapidation survey so that any damages can be rectified accordingly.

A condition has also been imposed that requires the approved plans to be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met.

This matter does not warrant the refusal of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	No objections raised to approval subject to conditions.
NECC (Development Engineering)	Comments for Development Engineers: 1. The existing dwelling is to be demolished and a new dwelling is to be constructed. 2. The existing crossing is to be removed and a new crossing with Council's Normal Vehicle Crossing Profile is to be constructed.

Internal Referral Body	Comments
	No objection to approval, subject to conditions as recommended.

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. 964023S_02 and 14 November 2018). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 964023S_02 and 14 November 2018).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	Pass
Thermal Comfort	Pass	Pass
Energy	40	Pass

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.

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	8.5m	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

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Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	up to 8.2m	14%	No
B3 Side Boundary Envelope	5m North	up to 0.4m for length of 5.5m	8%	No
	5m South	up to 0.7m for length of 3.7m, up to 1.0m for length of 3.1m	16% and 20%	No
B5 Side Boundary Setbacks	0.9m North	1.3m - 2.4m Dwelling	-	Yes
	0.9m South	2.0m - 2.4m Dwelling	-	Yes
B7 Front Boundary Setbacks	6.5m	7.5m Dwelling	-	Yes
B9 Rear Boundary Setbacks	6m	6.8m Dwelling	-	Yes
		1.2m Pool Coping	-	Yes*
		1.6m Pool	-	Yes*
		0.6m retaining wall	90%	No
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	37% (approx 172.6sqm)	7.5%	No

*Swimming pools that in total, do not exceed 50% of the rear setback area may be exempt from the rear setback control.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	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
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D12 Glare and Reflection	Yes	Yes
D13 Front Fences and Front Walls	No	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The proposal includes a maximum wall height of 8.9m equating to a variation of up to 14%. The wall height variation correlates to the excavated storeroom area on the lower ground floor.

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 development will not have any unacceptable visual impact when viewed from the Fairport streetview given that the property presents as a two storey dwelling house from the street, and is consistent with other dwelling houses in the area. The dwelling is well designed with multiple steps which provide sufficient articulation and visual breaks in the building, particularly when viewed from the adjoining properties. In this regard, the non-compliance with the wall height, while large in some places, will not result in the development becoming visually dominant when viewed from the street or the neighbouring properties.

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

Comment:

No canopy trees will be lost as part of this application. The new planting is appropriate for the location.

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

Comment:

Due to the topography of the area, and the siting of the proposed works, it is not anticipated to give rise to any unreasonable nor detrimental view loss from surrounding properties.

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

Comment:

The proposed variation is influenced by the sloping topography of the site, which is consistent with that of the adjoining and nearby properties.

The dwelling is sufficiently set back from all boundaries and the wall height breach is not unreasonable. The development includes adequate landscaped areas and a well designed dwelling with stepped vertical planes. The non-compliance with the wall height on the dwelling house will have a negligible impact on view sharing from nearby public land or surrounding private property.

Overall, the non-compliance with the wall height will not result in any unreasonable amenity impacts on the neighbouring properties.

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

Comment:

The dwelling steps down with the slope of the land. The proposal presents as a two storey dwelling house from the streetscape, and is three storey at the rear of the dwelling as the land slopes down the site. The minor wall height breach is considered reasonable and is not readily visible from the street. In this regard, the design responds appropriately to the topography of the site.

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

Comment:

The roof form has been designed in a manner to reduce impacts on adjoining properties. The proposed alterations and additions are of a contemporary residential style with a new gable roof form. Variation and visual interest is provided by a building design which provides an innovative modern design response to the properties topography and pattern of development surrounding the site.

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.

B3 Side Boundary Envelope

Description of non-compliance

The dwelling has non-compliant side boundary envelopes on both the northern and southern elevations.

The northern side boundary envelope has a variation of up to 0.4m for a length of 5.5m, equating to a maximum contravention of 8%.

The southern elevation encroaches the 5m side boundary envelope in the form of a diminishing triangle by the following;

- up to 1m for a length of 3.1m
- up to 0.7m for a length of 3.7m

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 that development does not become visually dominant by virtue of its height and bulk.*

Comment:

The encroachment of the side boundary envelope is not considered to unreasonably contribute to the development appearing excessively visually dominant.

The dwelling house has compliant building height and side setbacks that are greater than the required minimum of 0.9m at 1.3m - 2.4m (north) and 2.00 - 2.4m (south).

The envelope breaches are located at the rear of the dwelling house and are not readily visible from the Fairport streetscape.

To ensure the proposal is not visually dominate when viewed from the northern and southern neighbouring properties the dwelling is well designed with multiple steps both on the northern and southern elevation. This will provide sufficient articulation and visual breaks in the building.

In this regard, the non-compliance with the envelope, while larger on the southern elevation, will not result in the development becoming visually dominant by virtue of its height and bulk.

Therefore, it is considered that design of the proposal mitigates any bulk and scale issues.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment:

The proposal has been designed in a manner that does not unreasonably nor detrimentally create additional overshadowing to adjoining and nearby properties. The design of the dwelling house with the articulated stepping areas will allow adequate light to the neighbouring properties, particularly the property to the south. The shadow diagrams that accompany the application demonstrate consistency with Part D6 Solar Access. Therefore, access to sunlight is

considered satisfactory.

Overall, the spatial separation between buildings is acceptable and reasonably consistent with the established character of the area.

Therefore, adequate spatial separation is proposed between buildings and accordingly, the development satisfies this objective.

- *To ensure that development responds to the topography of the site.*

Comment:

The proposal is considered to be of an appropriate size, scale and design to respond to the site and its topography.

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 proposed swimming pool and associated coping will result in a rear boundary setback of 1.6m and 1.2m demonstrating a variation to the 6 metre control. However, this is acceptable under the B9 Rear Boundary Setback exceptions as the swimming pool does not exceed 50% of the rear setback area, and meets the objectives of this provision.

The rear boundary setback area is approximately 95sqm. Approximately 31sqm of the pool and associated pool coping is located in the rear boundary setback area. This amount is below the 47.5sqm (50%) requirement. Therefore, the swimming pool qualifies for a rear boundary setback exception.

The retaining wall is also located within the rear setback of the site demonstrating a 0.6m distance from the rear boundary. Therefore, the retaining wall is addressed in the merit assessment below.

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 has a sufficient Landscape Open Space provision as demonstrated by the submitted landscaping plan. The retaining wall provides a areas to enable the specific planting of screening vegetation whilst creating a more useable space within the rear of the site. Therefore, the proposal retains sufficient opportunities for further deep soil and landscaped areas.

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

Comment:

The proposal is designed to accommodate for the sloping topography falling towards the rear of the site. The rear retaining wall is designed sympathetically by creating a stepped terrace area to minimise the impact of the increase in the ground level.

The improvement in the usability of the rear of the site combined with increased landscaping will contribute towards a greater sense of the openness in the rear yard and therefore is considered satisfactory.

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

Comment:

The proposed rear retaining wall will create more level area within the rear of the site to enhance the usability and improve the subject sites private open space.

The proposed retaining wall will raise the ground level of the property to a similar ground level demonstrated at the northern neighbouring site. A boundary fence and associated landscaping will mitigate privacy impacts to the adjoining properties.

The retaining wall is stepped 0.6m from the rear boundary to create an area for screening landscaping that will assist in mitigating any privacy impacts to the eastern property.

It is therefore considered that there will not be any detriment to the level of privacy between buildings as a result of the retaining wall and works located within the rear boundary setback area.

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

Comment:

The adjoining sites are burdened by similar topography constraints and alike retaining walls exist on their properties. The proposed retaining wall will enable an increase in the usable space for the occupants and a greater area for landscaping.

As a result, the proposal will maintain the current pattern of buildings and current level of amenity. The remaining areas of the rear yard will be open and landscaped (with the exception of the pool).

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

Comment:

The minor non-compliance with the retaining wall will not result in any increased unreasonable privacy impacts on neighbouring properties.

The existing boundary fencing and further planting will also ensure adequate levels of privacy are maintained between the rear of the dwelling and the adjoining sites.

It is therefore considered that the proposal demonstrates compliance with this merit consideration.

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.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The subject site is required to provide a 40% ratio of site area dedicated to be landscaped open space.

The proposed development does not achieve this quantum. The development sought under this application will provide a provision of 37% (or 172.6m²). An assessment of the variation sought against the control objectives follows:

Merit consideration

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

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

Comment:

The site has two primary landscaped open spaces areas - being the front and rear yard. The front setback is adequately dimensioned to accommodate the improved proposed vegetation, of varying scales as demonstrated on the submitted landscape plans. The proposed landscaping in the front setback will improve, soften and modernise the view from the Fairport streetscape.

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

Comment:

The site has no significant or noteworthy indigenous vegetation, topographical features or habitat for wildlife. The proposed landscaping for the property has potential for the addition of new and improved landscaping that will provide greater habitat areas for wildlife.

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

Comment:

The site has two primary landscaped open spaces areas - being the front and rear yard - which

are both adequately dimensioned to accommodate proposed vegetation of varying scales as demonstrated on the submitted landscape plans.

- *To enhance privacy between buildings.*

Comment:

The deficiency in landscaped open space does not detract from privacy between buildings. Dense screening hedges provides visual privacy to the adjoining properties, particularly to the rear of the site. Entrance planting has also been proposed to the northern side boundary to ensure privacy is maintained.

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

Comment:

The site retains sufficient outdoor space to accommodate recreational opportunities. The development proposed is considered to enhance the opportunities for outdoor recreational activities by virtue of providing a more functional and desirable outdoor environment.

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

Comment:

The site retains sufficient outdoor space for service functions, including clothes drying.

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

Comment:

The site has sufficient water management systems in place to cater for the management of stormwater.

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.

D8 Privacy

Merit consideration

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

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

The proposed design has the principal living area located on the ground floor, and the first floor has a balcony from the main bedroom to obtain views toward Curl Curl. However, this also increases potential overlooking towards neighbouring land, reducing visual privacy. A dense

screening hedge will assist in providing visual privacy to the east and the south properties. Privacy screens have also been proposed for the northern elevation to address any potential privacy issues along the upper balcony, ground floor terrace and front entry door.

The use of high sill windows and frosted glazing on the northern and southern elevations assist in mitigating potential overlooking and privacy impacts from the dwelling house.

Therefore, it the proposal will protect the acoustic and visual privacy of adjacent properties.

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

Comment:

The elevated location of the first floor balcony, and ground floor living area requires the use of privacy screens to maintain privacy to adjacent land from the principal living areas and balcony space that will be close to adjacent dwellings. Due to the elevated nature of the rear of the site, when compared to the adjoining properties to the east, terraced areas and landscaped screening plants have been incorporated to assist mitigating amenity and privacy impacts to the neighbouring sites.

Landscaping proposed within the front setback and along the northern setback area adjoining the entry to the dwelling house softens the built form when viewed from the street whilst providing a level privacy.

- *To provide personal and property security for occupants and visitors.*

Comment:

The proposal is satisfactory with regard to providing personal and property security for a detached dwelling in a low density residential area.

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.

D13 Front Fences and Front Walls

The amended plans show a reduction in the maximum height of the front fence to 1.4m.

However, a maximum height of 1.4m requires a merit assessment, which has been completed below.

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 that fencing, terracing and retaining walls are compatible with the existing streetscape character while creating visual interest in the public domain.*

Comment:

A site visit and review of the plans indicates that the combination of standstone and slat fencing

is consistent in construction and height with existing fences along the street and in the area overall.

Therefore, the proposed fence upgrades the site frontage, allows for casual surveillance to the site, and thereby increases visual interest in the streetscape overall.

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

Comment:

The proposed mixed style of masonry wall combined with incorporated landscaped zones and slatted fencing provides a design solution for safety and security for the occupants, whilst improving the overall outlook of the built environment.

- *To avoid a 'walled in' streetscape.*

Comment:

The proposed front fence is a maximum of 1.4m in height with a mixed style of sandstone wall combined with landscaped zones and slatted areas, vehicle access gate and a pedestrian swing access.

The mixed material style, proposed vegetated areas combined with the overall height will not result in the "walling in" of the street.

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.

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 \$ 756,800		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 7,190

Section 7.12 Planning and Administration	0.05%	\$ 378
Total	1%	\$ 7,568

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 DA2018/1862 for Demolition works, construction of a dwelling house and swimming pool on land at Lot 114 DP 16078, 15 Fairport 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
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Drawing No.	Dated	Prepared By
Site Plan A101	18/02/2019	G. Lamprecht and Associates
Lower Ground Floor Plan A102	18/02/2019	G. Lamprecht and Associates
Ground Floor Plan A103	18/02/2018	G. Lamprecht and Associates
First Floor Plan A104	18/02/2019	G. Lamprecht and Associates
Roof Plan A105	18/02/2019	G. Lamprecht and Associates
Demolition Plan A106	18/02/2019	G. Lamprecht and Associates
West Elevation A201	18/02/2019	G. Lamprecht and Associates
North Elevation A202	18/02/2019	G. Lamprecht and Associates
South Elevation A204	18/02/2019	G. Lamprecht and Associates
East Elevation A203	18/02/2019	G. Lamprecht and Associates
Section 1 A301	18/02/2019	G. Lamprecht and Associates
Section 2 A302	18/02/2019	G. Lamprecht and Associates
Section 3 A303	18/02/2019	G. Lamprecht and Associates
Section 4 A304	18/02/2019	G. Lamprecht and Associates

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation	05/10/2018	White Geotechnical Group

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Lower Ground Landscape Plan	18/2/2019	Brianna Emily Design
Ground Landscape Design	18/2/2019	Brianna Emily Design
Landscape Sections	18/2/2019	Brianna Emily Design

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.

4. **Encroachment of Works**

All works to be completed under this consent are to occur within the property boundaries and are not to encroach into the neighbouring allotments.

Reason: to ensure that all works are located within the properties boundaries

FEES / CHARGES / CONTRIBUTIONS

5. **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 \$ 756,800.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 7,189.60
Section 7.12 Planning and Administration	0.05%	\$ 378.40
Total	1%	\$ 7,568.00

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.

6. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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

7. **Stormwater Disposal from Low Level Property**

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's "WARRINGAH WATER MANAGEMENT POLICY PL850"; in particular the Stormwater Drainage from Low Level Properties Technical Specification.

Stormwater system should be designed generally in accordance with the concept drainage plans prepared by Stellen Consulting, drawing number DR-001, DR-002, dated 26 September 2018.

Twin 200×100×6mm GALV. STEEL RHS must be installed to connect the boundary pit at southwestern corner of the development site to the kerb and gutter system fronting the site.

Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the Northern Beaches Council's "Warringah Water Management Policy PL 850" are to be submitted to the 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.

8. **Structural Adequacy and Excavation Work**

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

(a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and

(b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

9. **Vehicle Crossings Application**

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

Approval of the application by Council is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

10. **Required Planting – Screening**

Screen planting is to be provided along the rear boundary of the site. Planting is to be provided adjoining the swimming pool and associated decking (approx length of 8.8m), and within the area between the two retaining walls (approximate length of 4.9m).

The selected planting is to comprise of native species capable of attaining a minimum height of 2 metres at maturity.

Plants are to be planted at minimum 1.5 metre centres and be of a minimum pot size of 25 litres at planting.

Reason: Local amenity.

11. **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.

12. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

13. **Sydney Water "Tap In"**

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

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

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

14. **Tree 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 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.

ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.

iii) All tree protection to be in accordance with 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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. **Vehicle Crossings**

The provision of one vehicle crossing 3 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete.

All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

16. **Maintenance of Road Reserve**

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

Reason: Public Safety.

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

a) 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.

b) 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.

18. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

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

19. 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.

20. Retaining wall

The retaining wall works shall be certified as compliant with all relevant Australian Standards and Codes by a Structural Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: Public and Private Safety

21. Required Planting

i) Trees shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Pot Size
1	Tree species capable of attaining a minimum height of 4 metres at maturity	1 x Front Yard	200mm

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

Reason: To maintain environmental amenity.

22. 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)

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

Signed



Catriona Shirley, Planner

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



Steven Findlay, Manager Development Assessments