

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0272
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Responsible Officer:	Ryan Fehon
Land to be developed (Address):	Lot 21 DP 236849, 6 Lockhart Place BELROSE NSW 2085
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Applicant:	Angela Howes

Application Lodged:	22/04/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	30/04/2025 to 14/05/2025
Advertised:	Not Advertised
Submissions Received:	6
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 694,034.00
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EXECUTIVE SUMMARY

This Development Application seeks consent for alterations and additions to a dwelling house. The alterations and additions largely relate to the construction of a first floor addition to an existing single storey dwelling house.

The application is referred to the Development Determination Panel (DDP) due to the development attracting six (6) unique submissions that object to the development. Five (5) submissions is the trigger for a referral to the DDP under Council's delegation protocols.

The key concerns raised within the submissions relate to the bulk and scale of the development, residential

amenity impacts to surrounding properties and the potential for the ground and first floors of the development to be used for separate occupancy.

The applicant has made substantial amendments to the development to appropriately reduce the bulk and scale of the first floor addition, which involved increasing the rear setback of the first floor from 3.87m to 7.66m, reducing the overall length of the side facades of the first floor, and providing greater articulation of the first floor. Additionally, suitable conditions of consent are recommended to mitigate privacy impacts and to ensure that the development is not used for separate occupancy on the ground and first floors.

The development includes a minor variation to the side building envelope control (Section B3 of the Warringah Development Control Plan 2011 (WDCP)) on the north-eastern elevation of the first floor addition and a variation to the rear setback control (Section B9 of the WDCP) for the ground floor deck extension. Despite the numerical non-compliances, the assessment has concluded that these non-compliances do not prevent the development from achieving the underlying objectives of the WDCP controls. As such, flexibility should be afforded to the numerical requirements of the side building envelope and rear setback controls within the WDCP, consistent with Section 4.15(3A)(b) of the Environmental Planning and Assessment Act 1979.

Overall, the development is considered to be consistent with all applicable environmental planning instruments and regulatory provisions. Therefore, the development is in the public interest.

It is recommended that the DDP approve the application, subject to the recommended conditions attached to this report.

PROPOSED DEVELOPMENT IN DETAIL

This application is for alterations and additions to an existing dwelling house at 6 Lockhart Place, Belrose.

The alterations and additions include the following features:

- A first floor addition including two bathrooms, a family room, four bedrooms, and access stairs.
- Lower floor alterations and additions including extensions to the rear deck, existing sunroom to be demolished, a living/dining area addition, and an addition to the existing garage.

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 - B3 Side Boundary Envelope

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - B9 Rear Boundary Setbacks

Warringah Development Control Plan - C9 Waste Management

Warringah Development Control Plan - D8 Privacy

Warringah Development Control Plan - D9 Building Bulk

SITE DESCRIPTION

Property Description:	Lot 21 DP 236849 , 6 Lockhart Place BELROSE NSW 2085
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Detailed Site Description:

The subject site consists of one (1) allotment located on the southeastern side of the Lockhart Place cul-de-sac.

The site is irregular in shape with a frontage of 12.19m along Lockhart Place and a depth of between 27.47m and 43.635m. The site has a surveyed area of 792.5m².

The site is located within the R2 Low Density Residential zone and accommodates an existing single-storey dwelling house including a single storey secondary dwelling.

The site is mostly flat with a slight 1m slope from the front to rear boundary occurring.

The site has a limited amount of vegetation, with grassy areas to the front and rear boundaries along with shrubbery and trees to the side and rear which will remain unaffected by the development.

The site is constrained by a Council pipeline and associated easement that encroaches the site along the western and southern boundaries.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by other one or two-storey detached residential dwellings.

Map:



SITE HISTORY

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

- **CDC2017/0292** - Private SEPP- Construction of a 2 bedroom granny flat with deck area (Completed after enforcement action).

CURRENT DEVELOPMENT APPLICATION HISTORY

Following the preliminary assessment of the application, Council wrote to the applicant raising the following concerns with the development:

- The bulk and scale of the first floor addition including the non-compliant rear setback at the first floor.
- The inadequacies on the show diagrams, which did not identify the private open space areas on adjoining properties.
- Insufficient information regarding stormwater management.
- Privacy impacts from various windows on the first floor addition that would allow for overlooking into adjoining properties.

The applicant subsequently amended the Development Application pursuant to Section 37 of the Environmental Planning and Assessment Regulation 2021 as follows:

- Amended plans were submitted to appropriately reduce the bulk and scale of the first floor addition, which involved increasing the rear setback of the first floor from 3.87m to 7.66m, reducing the overall length of the side facades of the first floor, and providing greater articulation of the first floor.
- Shadow diagrams that showed the private open space on adjoining properties were provided, which enabled Council to confirm compliance with Section D6 of the WDCP.
- The plans demonstrated that stormwater would be conveyed into the existing Council pipeline that encroaches into the site. This will be appropriately managed via a Section 68 application pursuant to the Local Government Act 1993.

While the privacy concerns were not addressed, appropriate conditions are recommended to mitigate privacy impacts.

The amended development resulted in a reduced environmental impact. As such, the application was not required to be re-notified, in accordance with the Northern Beaches Community Participation Plan.

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 Matters for Consideration	Comments
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	Part 4, <u>Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested by Council on the 14th May 2025 relating to various issues which have been outlined in the 'Site History' section of this report. <u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application. <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.

Section 4.15 Matters for Consideration	Comments
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 2011, Environmental Planning Instruments and Referral Bodies sections 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 application has been publicly exhibited from 30/04/2025 to 14/05/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 6 submission/s from:

Name:	Address:
Mr Yong Ming Li	58 Neridah Avenue BELROSE NSW 2085
Mrs Christina Sol Miller	56 Neridah Avenue BELROSE NSW 2085
Mr Robert Royce Honour	18 Halloran Avenue DAVIDSON NSW 2085

Name:	Address:
Mrs Shauna Lea Dew	4 Lockhart Place BELROSE NSW 2085
Mr James Peter Hart Woods	8 Lockhart Place BELROSE NSW 2085
Mr Derek Thomas Whelan	5 Lockhart Place BELROSE NSW 2085

The following issues were raised in the submissions:

- There is a concern that the first floor addition will result in the provision of another dwelling, going against dwelling limits and causing issues related to overcrowding.
- There are concerns of privacy impacts on neighbouring lots to the rear. The site is sloped upwards from these adjacent properties, meaning overlooking is a primary concern.
- Excessive bulk, scale and visual domination.
- Concerns around site coverage non-compliance.
- Concern around the site's stormwater management.
- Rear setback non-compliance.
- Risk to electrical infrastructure.

The above issues are addressed as follows:

- **Separate Occupancy**

The submissions raised concerns that the first floor addition will be used for separate occupancy from the remainder of the dwelling house.

Comment:

Conditions of this consent have been imposed to ensure that the first floor addition is not used for separate occupancy.

- **Privacy of lots to the rear**

There are concerns of privacy impacts on neighbouring lots to the rear. The site is sloped upwards from these adjacent properties, meaning overlooking is a primary concern.

Comment:

The privacy impacts of the development are assessed in detail within the section of this report relating to Section D8 of the WDCP and a suitable condition of consent is recommended to alleviate privacy impacts.

Further to this, the first floor setback is now compliant with the 6m control as a result of Council's Request for Further Information dated 14th May 2025. Originally, Council concurred with objectors that a rear setback non-compliance for the first floor would be an unsatisfactory outcome. However, the ground floor rear decking non-compliance is considered to be of minimal environmental impact on adjacent dwellings. This has been expanded on further in a merit assessment under the B9 Rear Boundary Setbacks control of this report.

- **Excessive bulk, scale and visual domination**

The submissions raised concerns that the first floor addition in its original form provided little to no effort to reduce the bulk, scale and visual domination of the site.

Comment:

Council concurred with this sentiment in the Request for Further Information dated 14th May 2025. The applicant was asked to significantly reduce the bulk and scale of the development by adding additional articulation to the first floor, providing a compliant rear setback on the first floor and reducing the length of the facades on the first floor. The applicant provided an alternative design that allows for a fully compliant rear setback, stepping to the southern, northeastern and northern sides, and an overall reduction in the floor space of the first floor by approximately 38.9sqm. The assessment finds that the bulk and scale of the development is appropriate and that the development will maintain an appropriate visual relationship with surrounding detached dwelling houses.

- **Concerns around site coverage non-compliance**

The submissions raised concerns that the development did not comply with Site Coverage controls as per the Warringah Development Control Plan 2011.

Comment:

The B4 Site Coverage control does not apply to this site. The site does comply with the D1 Landscaped Open Space (LOS) and Bushland Setting control, proposed at 48.36% of the site area.

- **Concern around the site's stormwater management**

The submissions raised concerns around inadequate stormwater management and drainage risk on the property. The submissions mentioned pooling on Wyatt Avenue in Belrose during rain events that can effect Lockhart Place, requesting an OSD to be implemented on the site. Further, there was an overarching concern around information lacking on the provided plans, including the size of the stormwater pipe is not being shown.

Comment:

Council's Development Engineer is satisfied with the proposal in its current state, subject to engineering and stormwater based conditions which have been implemented on this consent. These conditions ensure that stormwater management on the site will operate sufficiently.

- **Rear setback non-compliance**

The submissions raised concerns that the proposed rear setback non-compliance was unacceptable for the amenity, overshadowing and privacy for adjacent sites.

Comment:

The first floor was amended to be fully compliant with the 6m rear setback control set out by the B9 Rear Boundary Setbacks control of the WDCP. This amendment is considered by Council to be

satisfactory in addressing the concerns raised by neighbouring sites. The ground floor rear decking structure retains its non-compliance, however there are negligible environmental impacts on neighbouring sites that result from an open ground floor structure of this nature. This matter is discussed in further detail within the section of this report relating to Section B9 Rear Boundary Setbacks control of the WDCP

- **Risk to electrical infrastructure**

The submissions raised concerns that the development proposal provides no assessment of electrical clearance, no vertical section indicating safe separation, and no confirmation from a qualified electrical consultant regarding the plans provided.

Comment:

Ausgrid have provided conditions of concurrence to ensure that appropriate clearance is maintained from the electrical infrastructure.

The issues raised within the submissions have been appropriately addressed above and resolved via conditions where appropriate. The concerns do not warrant refusal of the application or a further re-design.

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	The proposed development is in Region 2. Vehicle crossing construction is not proposed. The submitted stormwater management plans have not clearly stated how stormwater will be discharged from the site. If existing connections to Council's pipe are to be utilised, these need to be shown on the stormwater management plans. Any new connections will need to be identified on amended plans. Engineering Comments 24.07.25 A Section 68 condition and bond for Council's stormwater assets has been applied.
Parks, reserves, beaches, foreshore	The property adjoins public land to the east. No physical encroachments over the site boundaries are permitted, and structures and built elements are not permitted beyond the site boundaries. No concerns are raised subject to the imposed conditions.

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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 (Sustainable Buildings) 2022

A BASIX Certificate has been submitted with the application (see Certificate No. A1787215_02 dated 3 July 2025).

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in non-rural areas

Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) applies to the development pursuant to clause 2.3 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Part 2.3 has been considered and the development does not propose the removal of any prescribed vegetation in order to facilitate the development and therefore, no further consideration of Chapter 2 is required.

Chapter 6 - Water Catchments

Chapter 6 of the BC SEPP applies to the development pursuant to clause 6.1 as the site is located within the Sydney Harbour Catchment.

Chapter 6 has been considered and it has been determined that the development would meet the requirements and objectives of Chapter 6, insofar as stormwater will be appropriately managed and disposed off, which will ensure that the development does not result in pollution or adverse stormwater impacts to the Sydney Harbour Catchment.

Conclusion

As demonstrated above, the development is consistent with the relevant requirements under the BC SEPP.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.13m	N/A	Yes

Compliance Assessment

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

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	5.857m (Northeast boundary) 6.04m (West)	N/A N/A	Yes Yes
B3 Side Boundary Envelope	4m (Northeast)	Outside envelope	6.5%	No - see discussion
	4m (West)	Inside	N/A	Yes
B5 Side Boundary Setbacks	0.9m (Northeast)	900mm (To garage extension) 900mm (To ground floor ensuite addition) 1.32m (To first floor addition)	N/A N/A	Yes Yes
	0.9m (West)	No change to existing (Ground floor) Same as existing - 2.57m (First floor addition)	N/A	Yes
B7 Front Boundary Setbacks	6.5m	6.176m (Existing - no change)	N/A	Yes
B9 Rear Boundary Setbacks	6m	3.87m (To ground floor deck extension) 7.66m (To first floor addition)	35.5% N/A	No - see discussion Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	383.3sqm or 48.36%	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	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	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
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

Description of non-compliance

There is a proposed 260mm exceedance of the WDCP B3 Side Boundary Envelope control. This is a 6.5% variation of the numerical requirement, with a corner of the proposed first floor ensuite on the north-eastern elevation of the first floor being the point of encroachment. This encroachment has been displayed in **Figure 1**.

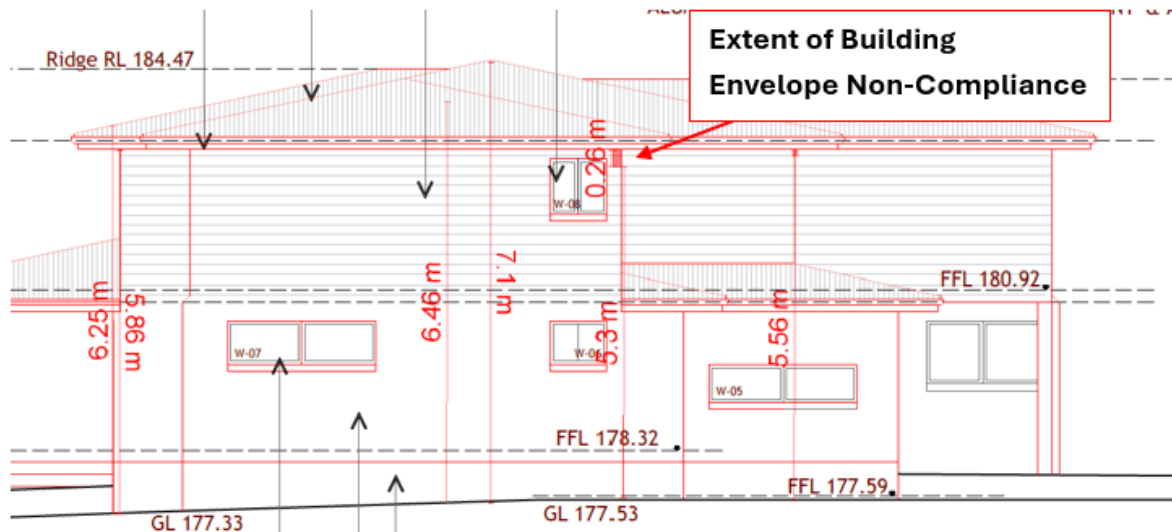


Figure 1 - Extent of Building Envelope Non-Compliance on North-Eastern Elevation

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 development complies with the WLEP height of buildings development standard and WDCP wall height control, thereby demonstrating an acceptable level of height on the site. Moreover, the bulk of the first floor has been appropriately articulated to mitigate adverse visual impacts on the public domain and surrounding properties.

The non-compliance is minimal in length, with the side setback changing on the north-east boundary consistently. The 260mm maximum non-compliance occurs to the corner of the proposed first floor ensuite, not travelling throughout the entirety of the room. It is considered that the non-compliant area, which only occurs at the corner of the ensuite structure, is minimal and does not warrant and further changes to the design.

Overall, the assessment finds that the development will not become visually dominant by virtue of its height and bulk.

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

Comment:

Due to the non-compliance not relating to the entirety of a room, wall or facade, it is considered that the proposal is acceptable in its revised state. This extent of non-compliance does not have the potential to significantly affect the light and solar access of the neighbouring lot to the northwest boundary (5 Lockhart Place). The separation of buildings will be a slight reduction on the existing separation, with the secondary dwelling on 5 Lockhart Place (north-

eastern adjoining property) being located approximately 4 metres laterally from the first floor addition. The window of the ensuite bathroom (W08) will be conditioned to have a 1.6m sill height or glazing to address any privacy concerns. It is also noted that surrounding properties will maintain 3 hours of sunlight to 50% of the required private open space (i.e. 30sqm), consistent with Section D6 of the WDCP.

For these reasons, the assessment finds that this objective is achieved.

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

Comment:

The development does not result in any significant alterations to the site topography.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of 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

The 6.176m Front Setback is non-compliant, however this is an existing non-compliance and no changes to the front setback non-compliance are proposed as part of this application.

B9 Rear Boundary Setbacks

Description of non-compliance:

The development does not comply with the 6m rear setback requirement, which is outlined by part B9 Rear Boundary Setbacks of the WDCP. The rear decking structure on the ground floor encroaches into the 6m rear setback area by 2.13m for a rear setback measurement of 3.87m. This is a 35.5% non-compliance of the 6m requirement.

The first floor addition was originally proposed to be non-compliant and follow the structure of the ground floor structure, however Council stated that this position would not be supported. Amendments were requested by Council and changes were made in accordance with these, with the applicant ensuring the rear setback is fully compliant at the first floor level.

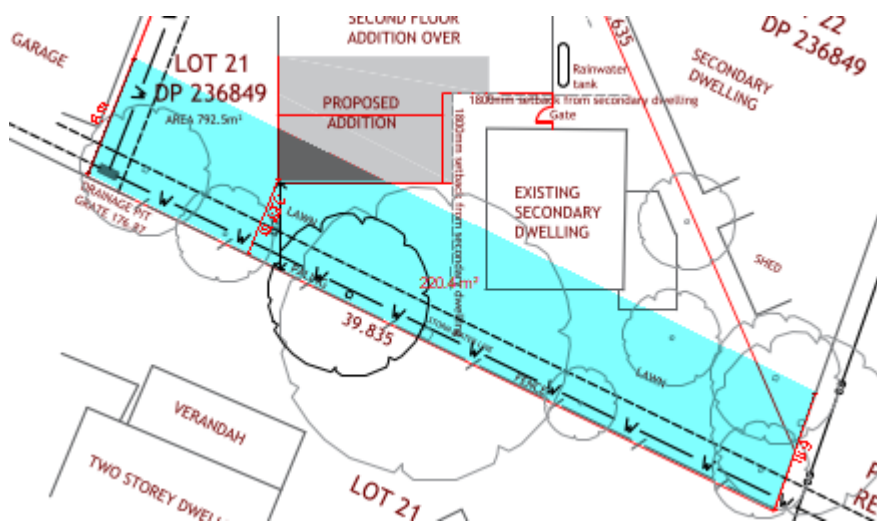


Figure 2 - Rear Setback Encroachment (note: blue area represents the rear setback area)

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:

Opportunity for deep soil landscape areas are maintained as a result of this proposal. The proposal continues to be compliant with the D1 Landscaped Open Space and Bushland Setting control of the WDCP, which requires 40% of the site to be landscaped. The site currently has 48.36% as landscaped open space, warranting enough deep soil landscape opportunity for this proposal to be acceptable.

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

Comment:

A sense of openness is maintained in the rear yard of the site, with the addition within the rear setback area primarily consisting of an open decking structure that contributes to the private open space (POS) area requirements of the site. The existing rear setback area contained a decking structure in the rear yard, meaning the POS area will stay the same in character as previously existing. The structure leads directly into the rear yard, meaning a sense of continuity and openness is preserved.

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

Comment:

Amenity of adjacent land will not be significantly impacted by the rear decking structure. The structure is located in close proximity to ground level, meaning its visibility and potential overlooking opportunities are limited. The 10.3m separation between the rear decking structure and the verandah of the southern adjacent property is considered satisfactory for adequate privacy between the sites, with the existing boundary fencing also assisting in

providing privacy. The existing private open space (i.e. decking) for the secondary dwelling on the subject site is also located on the north-eastern elevation of the secondary dwelling and will not have a direct interface with the proposed decking to the dwelling house, which will ensure an acceptable privacy outcome.

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

Comment:

Visual continuity is maintained as a result of this non-compliance. The lots on Lockhart Place and Neridah Avenue have a consistent trend of rear non-compliances, including a recent Development Application approval at 53 Neridah Avenue (DA2023/0590) which consisted of a 6.7% variation. The lots on the abovementioned streets are often of odd shaping, meaning compliance often is not necessary or optimal in achieving good design outcomes. The rear setback areas of surrounding development are often quite crowded, with secondary dwellings pool areas adjoining boundaries being a common occurrence. As per this assessment of the objective, it is considered that the proposal is consistent to the pattern of buildings, rear gardens, and landscape elements of surrounding development.

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

Comment:

As per the assessment of other objectives above, the proposed rear addition does not provide any significant issues regarding privacy on the subject lot or neighbouring lot.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C9 Waste Management

A Waste Management Plan has been prepared by AJH Design. This plan will be included in a condition of this consent.

D8 Privacy

Window W-08 is subject to a condition of this consent which will require a higher sill height (1.6m) or translucent glazing to address any privacy concerns on the northern boundary. This is due to the adjacent lot of 5 Lockhart Place having an existing secondary dwelling and detached primary dwelling located between 4.2m and 4.6m away from W-08. This is considered to be a potential privacy intrusion on the neighbouring lot, meaning a condition has been recommended to address this.

It is considered that with the revised plans provided possessing a compliant rear setback for the first floor, the separation of 14.81m to the verandah of 58 Neridah Avenue on the rear boundary is consistent with this control. Therefore, conditions will not be recommended as part of this report to change windows along the rear elevation of the first floor addition.

Further, windows to the south-western side building line are not located adjacent to the private open

space of nearby dwellings. To the direct south-western side boundary towards the lot of 7 Lockhart Place, Belrose, there exists a driveway and enclosed garage. This is considered satisfactory in relation to privacy for the adjacent dwelling, as there is adequate separation from the proposed windows to the principal private open space (PPOS) area of 7 Lockhart Place. With a garage and driveway not being considered habitable spaces that are frequented by residents, there are no issues regarding the amenity and privacy of this adjacent site.

There is an approved POS area under DA2023/0590 to the northern corner of the site at 53 Neridah Avenue, Belrose, which is a site located south of the subject site. This nearby site, while not possessing a common boundary with 6 Lockhart Place, has potential to suffer from overlooking as a result of a first floor addition. This has been addressed by the plans provided, with no windows proposed in the southern most side of the south-western elevation, meaning overlooking potential to the POS area of 53 Neridah Avenue is significantly limited. As such, no conditions are recommended to require amendments to the south-western elevation of the proposal.

Overall, the assessment finds that the development is consistent with the requirements and objectives of Section D8 of the WDCP, subject to a recommended condition that require amendments to window W-08.

D9 Building Bulk

A Request for Additional Information was sent out on 14th May 2025. In this request, it was stated that Council would not accept the bulk of the First Floor Addition due to the lack of stepping and skillful design. The rear setback to the new first floor was required to be fully compliant, and there was a requirement for a less 'blocky' design with a stepped nature that could address Council's concerns around a subpar design.

The applicant provided full additional information on the 4th July 2025, in which the development addressed Council's concern around the bulk of the development. The rear setback was adjusted to be fully compliant, along with the introduction of a skillful design that broke up the visual dominance of the blocky structure that was originally proposed.

The bulk of the addition is therefore considered acceptable, subject to conditions.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$6,940 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$694,034.

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 2021;
- 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

PLANNING CONCLUSION

This proposal, for alterations and additions to a dwelling house, has been referred to the DDP due to six (6) submissions objecting to the development being received. Five (5) submissions is the trigger for the DDP.

The concerns raised in the objections have been addressed and resolved by amended plans and the recommended conditions of consent.

The critical assessment issues that were required to be addressed as part of Council's Request for Further Information included the bulk of the first floor addition, inadequate shadow diagrams, stormwater identification, the first floor rear setback non-compliance, and privacy concerns around proposed first floor windows.

The additional information provided was considered satisfactory, as all concerns were addressed by the applicant, subject to conditions of this consent. The first floor addition was revised to be compliant with the rear setback, along with introducing greater articulation on the first floor addition to break up the bulk of the structure.

Plans were further revised to address concerns raised by Council's Development Engineer surrounding the stormwater disposal on the site, in which these changes were considered satisfactory on review from Council's Engineer, subject to conditions. Shadows diagrams were also amended to show compliance with Clause D6 of the WDCP. A condition has also been recommended to ensure that the privacy of neighbouring properties is appropriately maintained.

Overall, the development is a high quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment. The proposal has therefore been recommended for approval.

REASON FOR DETERMINATION

The development is considered to be of minor environmental impact on adjacent properties, and presents good design solutions to address the site conditions and Council's concerns. The development is compliant with the Principal Development Standards under the WLEP and largely compliant with the WDCP, with the non-compliances to the B3 Side Boundary Envelope and B9 Rear Boundary Setbacks requirements under the WDCP sufficiently justified as part of this report. It is considered that this application is acceptable, as it will not provide any unreasonable or adverse impacts on surrounding properties due to amendments made that ensure good design through increased articulation, stepping and compliance of the first floor addition.

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 DA2025/0272 for Alterations and additions to a dwelling house on land at Lot 21 DP 236849, 6 Lockhart Place, BELROSE, subject to the conditions printed below:

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

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

Approved Plans

Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
240617-01	-	Site Plan	AJH Design	02/07/2025
240617-02	-	Lower Floor Plan	AJH Design	02/07/2025
240617-03	-	Upper Floor Plan	AJH Design	02/07/2025
240617-04	-	North & South Elevations	AJH Design	02/07/2025
240617-05	-	East & West Elevations	AJH Design	02/07/2025
240617-06	-	Section A-A / Window Schedule / Finishes Schedule	AJH Design	02/07/2025
240617-07	-	Section B-B / BASIX Commitment	AJH Design	02/07/2025
240617-08	-	Roof & Stormwater Plan / Landscaped Areas	AJH Design	02/07/2025
240617-09	-	Shadow Diagrams March & June	AJH Design	02/07/2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Waste Management Plan	-	AJH Design	-
BASIX Certificate	Certificate No. A1787215_02	Angela Howes	03 July 2025

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

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	Undated

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

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

3. **No Approval for Secondary Dwelling**

No approval is granted or implied under this Development Consent for the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area.

Reason: To ensure compliance with the terms of this consent.

4. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier 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 Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

5. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

- (e) 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.
- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) 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.

- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$6,940.34 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$694,034.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

7. 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 are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

8. Construction, Excavation and Associated Works Security Bond(s)

The applicant is to lodge a bond with Council for the following:

Drainage Works

As security against any damage or failure to complete the construction of stormwater drainage works required as part of this consent a bond of \$30,000.00.

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- The internal walls and doors between the entryway and media room located on the ground floor of the dwelling house must be deleted to prevent separate access between the ground floor and first floor of the dwelling house.
- Window W-08 (ensuite window) on the northern side of the first floor must be raised to 1.6 metres above the finished floor level or possess translucent glazing.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

10. Stormwater Drainage Application

The applicant is to provide a stormwater drainage application under Section 68 of the Local Government Act 1993 to Council for approval. The submission is to include Civil Engineering plans for the design of the private stormwater connection into Council's stormwater pipe which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1. The form can be found on Council's website at www.northernbeaches.nsw.gov.au > Council Forms > Stormwater Drainage Application Form.

The design must address the following matters:

1. The connection into Council pipe must have a minimum internal angle (in direction of flow) of 90 degrees.
2. The connection is to be carried out in accordance with Council's Standard Drawing S1016 - Private Pipe Connection to Kerb and Direct Connection and Fitting Adaptor Details for Pipes up to 15-Dia.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and maintenance stormwater management and compliance with the BASIX requirements, arising from the development.

11. Pre-Construction Stormwater Assets Dilapidation Report

The Applicant is to submit a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at: <https://www.northernbeaches.nsw.gov.au/media/60355?1730767288>

The pre-construction / demolition Dilapidation Report must be submitted to Council for approval and the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

12. 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 Certifier prior to the issue of the Construction Certificate.

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

13. External Finishes to Roof

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier 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.

14. Sydney Water "Tap In"

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

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

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. Sediment and Erosion Controls

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or

watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,

- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

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

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),
- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,
- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-

go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

DURING BUILDING WORK

16. No Access Through Land Owned or Managed by Council

Site access is not approved for delivery of materials nor construction of the development through adjacent land owned or managed by Council, without the written approval of Council.

Reason: Public safety, landscape amenity and tree protection.

17. Storage of Materials on Land Owned or Managed by Council Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste or any other material in land owned or managed by Council is prohibited.

Reason: Public safety and environmental protection.

18. Handling of asbestos during demolition

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
- Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.

Reason: To ensure that the removal of asbestos is undertaken safely and professionally.

19. Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

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

20. Maintenance of Sediment and Erosion Controls

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

21. Waste Management During Development

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

22. Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets)

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at: <https://www.northernbeaches.nsw.gov.au/media/60355?1730767288>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

23. Certification of Council Drainage Works and Works as Executed Data in accordance with Local Government S68 Approval

The Applicant shall submit certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 68 approved plans. Works as Executed data (details overdrawn on a copy of the approved drainage plan) certified by a registered surveyor in relation to boundaries and/or relevant easements prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' within the subject site, shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure compliance of drainage works with Council's specification for engineering works.

24. **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 Certifier prior to the issue of an Occupation Certificate.

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

25. **Certification of Structures Located Adjacent to Council Pipeline or Council Easement**

The Applicant shall submit a suitably qualified Structural Engineer's certification that the completed footing works have been constructed in accordance with this consent, Northern Beaches Council's Water Management for Development Policy and the approved Construction Certificate plans. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure

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

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure bushland management.

27. **Waste Disposal Verification Statement**

On completion of demolition work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and
- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within 14 days of completion of the demolition work.

Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.