

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0454
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Responsible Officer:	Adriana Bramley
Land to be developed (Address):	Lot B DP 367566, 7 / 1 A Greycliffe Street QUEENSCLIFF NSW 2096 Lot B DP 367566, 1 A Greycliffe Street QUEENSCLIFF NSW 2096 Lot 1 DP 1171295, 1 A Greycliffe Street QUEENSCLIFF NSW 2096 Lot B DP 367566, 4 / 1 A Greycliffe Street QUEENSCLIFF NSW 2096
Proposed Development:	Alterations and additions to a residential flat building, including the amalgamation of apartments 4 and 7
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned RE1 Public Recreation
Development Permissible:	Yes - Zone R2 Low Density Residential Yes - Zone RE1 Public Recreation
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	Byron Patrick Burke

Application Lodged:	05/05/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	15/05/2025 to 29/05/2025
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	4.3 Height of buildings: 79.41%
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,235,820.60
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EXECUTIVE SUMMARY

This development application seeks consent for Alterations and Additions to an existing 4 storey Residential Flat Building. This entails the amalgamation of Units 4 (on level 3) and Unit 7 (on level 4) with the addition of internal stairs between levels. In addition, a new living area of 36m² will be cut into the existing lower level roof area of the building. This will introduce windows and a roof above the existing hip roof line. The proposal includes a new strata subdivision to match the changed building form.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to a breach of Height of Building Clause 4.3.

Concerns raised in the objections predominantly relate to the lawful making of the application with respect to owners consent and noise during construction that may result in less than market rental yield.

Critical assessment issues included the assessment of building height, wall height and side boundary envelope breaches.

The 4.6 request for the non-compliance with height standard arises from the residential flat building already being substantially non-compliant with the height requirement of 8.5m. The lower roof line is being renovated to contain an additional living space for the combined units 4 and 7 and will be set at the level of the existing higher section of northern roof for a length of 7.4m. Based on extrapolated existing ground levels the height of the new addition is measured at a maximum of 15.25m, an additional 850mm above the current maximum level of that roof area. The remainder of the building already breaches the height limit at a maximum height of 14.4m.

This report concludes with a recommendation that the NBLPP grant approval to the development application, subject to conditions.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks development consent for the following alterations to an existing Residential Flat Building:

- the partial internal demolition, amalgamation and reconfiguration of units 4 and 7 into a 3 level unit,
- construction of new stairs into a new roofed space, and
- the addition of a 36m² 'retreat' and bathroom in the roofed area.

Image below: Proposed roofed 'retreat' area for existing RFB



ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
 Warringah Development Control Plan - B1 Wall Heights

SITE DESCRIPTION

Property Description:	Lot B DP 367566 , 7 / 1 A Greycliffe Street QUEENSCLIFF NSW 2096 Lot B DP 367566 , 1 A Greycliffe Street QUEENSCLIFF NSW 2096 Lot 1 DP 1171295 , 1 A Greycliffe Street QUEENSCLIFF NSW 2096 Lot B DP 367566 , 4 / 1 A Greycliffe Street QUEENSCLIFF NSW 2096
Detailed Site Description:	The subject site consists of two (2) allotments located on the southern side of Greycliffe Street. The site is regular in shape with a small frontage of 5m at Greycliffe Street cul-de-sac head and a rear frontage to Queenscliff Beach and a depth of 44.97m. The site's northern boundary is the public pathways that runs from Greycliffe Street to the beach. The site has a surveyed area of 916.2m². The site is located within the WLEP 2011 Low Density Residential Zone and the Public Recreation Zone and accommodates the 3-4 storey residential flat building. The site falls steeply from Greycliffe street towards the beach from approximately 12.5m AHD at the driveway to 7.5m at the top of the natural rock cliff at the rear of the units before falling again to the beach sand on the Public Recreation Zoned Lot. The site contains no significant vegetation and has a preserved rock face at the rear. Detailed Description of Adjoining/Surrounding Development Adjoining and surrounding development is characterised by similar scale residential flat buildings at 3-11 stories in height and large detached dwelling houses of 2-4 stories in height.

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 development approval history:

- 24 November 2017 - Development Consent granted for Alterations and Additions to RFB - internal reconfiguration to Unit 7 including new windows, doors, additional window (DA217/0993)
- 23 September 2003 - Development consent granted for Additions to RFB - Sub-floor Rumpus room added to Unit 1A (Warringah DA2002/1744)
- 28 September 1998 - Development consent granted for Additions to RFB - Balcony Additions (Warringah DA6000/6998)
- 1949 - Consent for BK FLTS (Brick Flats) (972/49)

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	There are no current draft environmental planning instruments.

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	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 in relation to owners consent. <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 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 insurance requirements under the Home Building Act 1989. This clause is not relevant to this application. <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 (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 Matters for Consideration	Comments
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 15/05/2025 to 29/05/2025 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 1 submission/s from:

Name:	Address:
Ms Georgia Kathryn Hull	5 / 1 A Greycliffe Street QUEENSCLIFF NSW 2096

The following issues were raised in the submissions:

- Common Property consent
- Construction noise

The above issues are addressed as follows:

- **Common Property**

The submissions raised concerns that the application is made in an area of 'common property' (roof and airspace) on the units and not in an area owned by Unit 4 and 7 and as such there is no right to develop it.

Comment:

The application has been made over the two units - 4 and 7 and the common property know as 1A Greycliffe Street. The owners consent for the development application contained the owners

authority from the individual owner for units 4 and 7, and also the strata manager as voted for at the AGM. The application contained sufficient details for Council to be satisfied that the correct consent has been obtained.

- **Construction**

The submissions raised concerns that significant disruption would occur for the duration of construction in the form of noise, dust, vibration etc and that the unit owner would not be able to seek market value for rent during that time.

Comment:

Construction noise, dust, vibration, access etc is managed by the appropriate imposition of conditions on any development consent. The conditions will clearly outline the required construction hour restrictions, vehicle access, disposal of waste and other mitigation measures to assist both the building occupant and neighbourhood to minimise the disruption as best possible. Any disruption to the amount of obtainable rental values is not a matter for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	SUPPORTED The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no concerns with the application. <i><u>Note:</u> The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</i>
NECC (Development Engineering)	SUPPORTED SUBJECT TO CONDITIONS The proposed development is in Region 2. Vehicle crossing construction is not proposed. On-site detention is not required. A geotechnical report has been provided. Development engineering raises no objections to the proposed development, subject to conditions.

Internal Referral Body	Comments	
Strategic and Place Planning (Heritage Officer)	SUPPORTED	
	HERITAGE COMMENTS	
	Discussion of reason for referral	
	This proposal has been referred to Heritage as the subject site adjoins a heritage item being: 1174 - 'Beach Reserve - Merrett Park North Steyne and South Steyne' - 7 /1A Greycliffe Street, Queenscliff (Lot B DP 367566)	
	Details of heritage items affected	
	Detail of the heritage item as contained within the State Heritage Inventory is as follows: <u>Statement of Significance</u> High significance as natural sand beach and cultural backdrop of paved promenade and first coastal plantings of Norfolk Island Pines. <u>Physical description</u> Beachfront, promenade, sandstone retaining wall, paved, grassed And/or planting beds and remnant plantings of Norfolk Island Pines planted from the 1850's to the 1880's.	
	Other relevant heritage listings	
	SEPP (Biodiversity and Conservation) 2021	No
	Australian Heritage Register	No
	NSW State Heritage Register	No
	National Trust of Aust (NSW) Register	No
	RAIA Register of 20th Century Buildings of Significance	No
	Other	No
	Consideration of Application	

Internal Referral Body	Comments
	The proposal seeks the following works: Alterations and additions to an existing residential flat building involving the amalgamation and reconfiguration of apartments 4 and 7 through the introduction of an internal staircase and the construction of an internally accessed retreat and bathroom predominantly within the existing pitched roof form at the southern end of the building. New windows and doors are also proposed. The works are confined within the existing built form. There is no proposed increase to the building footprint, and the modifications do not extend into or impact the adjacent heritage significant beach reserve. Therefore, Heritage raises no objections and requires no conditions. Consider against the provisions of CL5.10 of WLEP 2011. Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No

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.A1776082_02 dated 25 March 2025).

The embodied emissions have been quantified in the above BASIX Certificate.

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 (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
- a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - b) coastal environmental values and natural coastal processes,
 - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - f) Aboriginal cultural heritage, practices and places,
 - g) the use of the surf zone.

Comment:

The proposal is contained within an existing residential flat building and will not impact on the values listed in clause 2.10 above.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The proposal is contained within an existing residential flat building and is sited to avoid adverse impacts on the coastal values listed in 2.10.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

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

Comment:

The proposal is contained within an existing residential flat building and does not impact on the matters for consideration in 2.11.

Division 5 General

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

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

Comment:

The proposal is contained within an existing residential flat building and is not likely to increase any risk of coastal hazards.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

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

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	15.25m	79.41%	No

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.4 Development on sloping land	Yes
Schedule 3 Complying development	Yes

Detailed Assessment

4.6 Exceptions to development standards

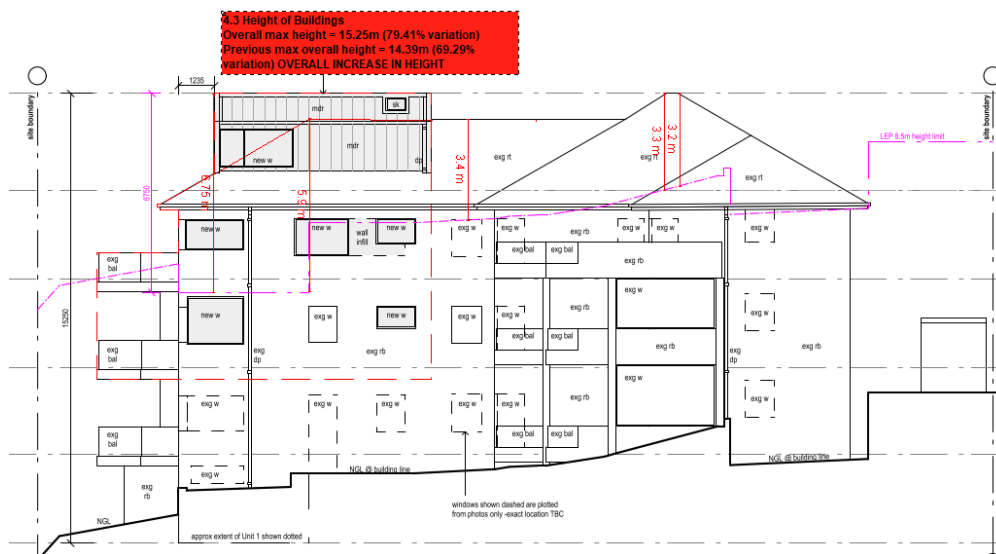
The application seeks consent to vary a development standard as follows:

Development standard: Clause 4.6 Height of Buildings

Requirement: 8.5m

Proposed: 15.25m

Percentage of variation: 79.41%



With reference to Section 35B of the *Environmental Planning and Assessment Regulation 2021*, the development application is accompanied by a document that sets out the grounds on which the Applicant seeks to demonstrate the matters set out in Clause 4.6(3)(a) and (b) of the WLEP 2011 (the 'Clause 4.6 Request').

Subclause (1) of this clause provides that:

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The objectives of this clause have been considered pursuant to Section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979*.

Subclause (2) of this clause provides that:

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

Clause 4.6 is not expressly excluded from the operation of this clause.

Subclause (3) of this clause provides that:

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of*

the case, and

Comment:

Council is satisfied that the Applicant has demonstrated that compliance with Clause 4.6 is unreasonable or unnecessary in the circumstances of this application for the following reasons:

- the existing residential flat building is already in breach of the 8.5m height limit by 5.89m
- the adjacent residential flat building is 10 stories in height, and
- the small addition to the roof area represents a 850mm increase in that location but does not sit higher than the existing roof on the northern part of the residential flat building.

(b) there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the Applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 *at* [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

The Clause 4.6 Request argues, in part:

The objectives set out in 4.3 are met, despite the building height breaches, as:

- *the resultant development is compatible with the height and scale of surrounding and nearby development*
- *view disruption has been minimised*
- *the development provides for the retention of an appropriate level of visual privacy consistent with that reasonably anticipated given the medium density nature of surrounding development and the dominant orientation of living areas to the south take advantage of available view*
- *In relation to solar access, the accompanying shadow diagrams demonstrate that the alterations and additions will not result in any additional shadowing impact to any surrounding residential property with the additional shadowing impact to Queenscliff Beach considered to be minor and acceptable. Solar access impacts have been minimised.*
- *the height, bulk and scale of the additions will not be perceived as inappropriate or jarring have regard to the height and scale of residential flat development located within the same visual catchment, with the building height breaching elements not giving rise to adverse impact on the scenic quality of Warringah's coastal and bush environments.*
- *the non-compliant building height elements are visible from public places including Queenscliff Beach, North Steyne and Greycliffe Street, for the reasons previously outlined I am satisfied that the height, bulk and scale of the building will not be perceived as inappropriate or jarring have regard to the height and scale of residential flat development located within the same visual catchment.*

Council is satisfied that the Applicant has demonstrated that there are sufficient environmental planning grounds to justify the contravention of Clause 4.6 for the following reasons:

- the proposals extent of height breach will not sit unreasonably in the established built form of the south facing part of the Queenscliff headland. In particular the proposal is compatible with the older established residential flat buildings in terms of bulk and scale,
- the setbacks of the built form back from the existing roof line and away from the side boundaries within the height of the existing northern roof form do not create any significant additional impacts to surrounding development,
- the additional height is compatible with the established built form of residential flat buildings on the south facing part of the Queenscliff Headland,
- the proposal does not unreasonably impact on the amenity of nearby residents in relation to loss of views, privacy or sunlight,
- the structure is of a good design that will provide additional articulation and interest to what is standard dated roof line, and
- the proposal contributes to a modern improvement of an older building and will not create any unnecessary additional burden on existing infrastructure in the area, thereby satisfying objects 1.3(c) and (g) of the EPA Act.

Public Interest:

Matters relevant to public interest in respect of the development are considered in the relevant sections of this report as per Section 4.15(1)(e) of the EPA Act.

Conclusion:

Council is satisfied as to the matters set out in Clause 4.6 of the WLEP 2011.

It is considered on balance, that having regard to the particular circumstances of 4.3 Height of Buildings and the additional non-compliant roof line in the location and context e3xisting development on the highly built up south facing Queenscliff headland, the proposed departure from the development standard is acceptable and it is reasonable that flexibility to the standard be applied.

Warringah Development Control Plan

Built Form Controls

Built Form Control SITE AREA: 713.9m2 and 202.3m2 (916.2m2)	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	11.7-12.4m over 7.4m length	72.22%	No
B3 Side Boundary Envelope	5m east	1-1.6m over 7.4m length	up to 32%	No
	5m west	0.4-2.03m over 7.4m length	up to 48%	No
B5 Side Boundary Setbacks	0.9m east	6.74m	N/A	Yes
	0.9m west	8.18m	N/A	Yes
B9 Rear Boundary Setbacks	6m	11.3m (existing - no change)	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	374m2 or 40.8% (includes Public Recreation Zone area)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	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
D21 Provision and Location of Utility Services	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The proposed wall height breaches are:

- East Elevation - 4.6m - 5.2m for a length of 7.4m
- West Elevation - 1.6m for a length of 7.4m

Image below: Western Elevation wall height

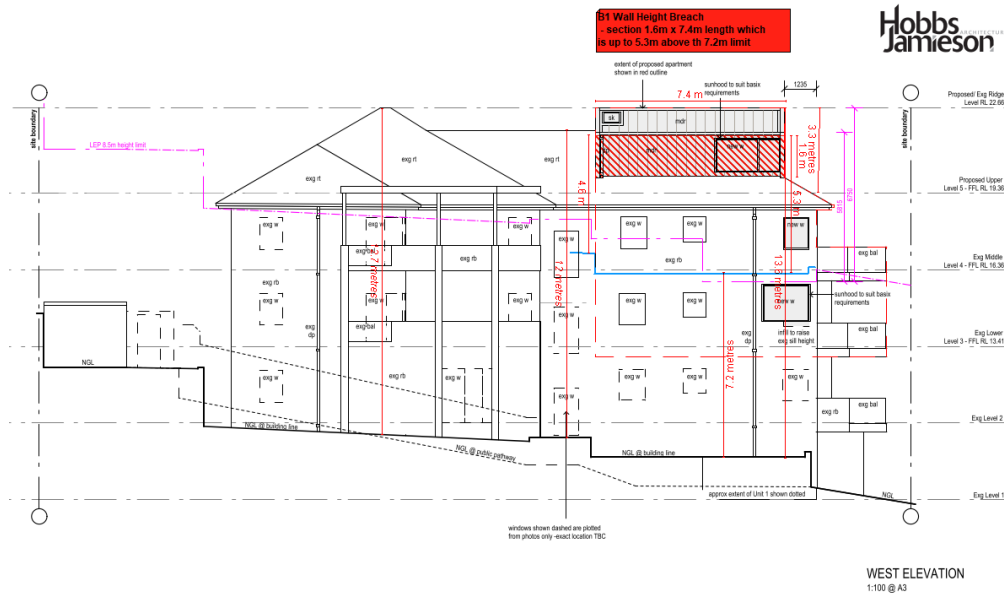
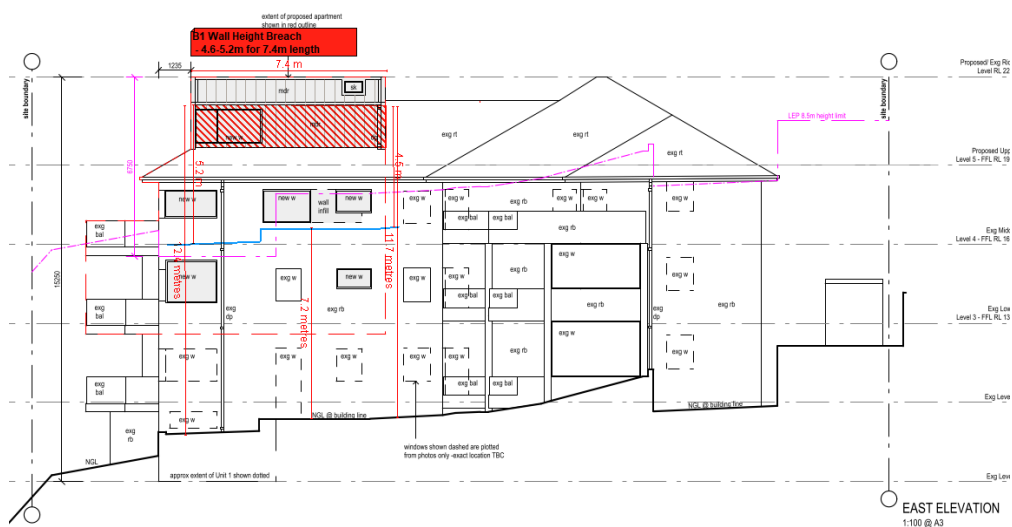


Image below: Eastern Elevation wall height



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 established character of the south side of the Queenscliff Headland includes a proliferation of residential flat buildings with non-compliant wall heights generally developed prior to the current controls being in place. The proposal will have minimal impact within this established character of the built form when viewed from public areas including Queenscliff beach, the adjacent beach access walkway, Greycliffe Street, North Steyne and Bridge Road (see images below of proposal location on the existing roof). When looking up at the building from pedestrian or car height from

the majority of the lower lying public areas such as the beach and the esplanade the development the adjacent building wall heights of the 11 storey RFB at 48A Queenscliff Road remain the dominant built form. Generous side setbacks of 8.18m to the western side boundary and 6.74metres to the eastern side boundary also help minimis the visual impact and it is anticipated that the new roof will not be visible from these perspectives. Looking down onto the building from high areas the rood area will reduce visual impact of the wall heights by creating greater articulation in the roof forms by breaking up what is an otherwise plain, large expanse of hip roof.

Image below: Proposal location when viewed from Public walkway adjacent (western side boundary)



Image blow: Proposal location when looking up from the nearby Queenscliff Beach Public Recreation Zone



Image below: Proposal location when viewed from Queenscliff Beach (looking east)



Image below: Proposal location when viewed from end of Greycliffe Street (looking south)



Image below: Proposal location when viewed from Bridge Road (looking east)



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

Comment:

Not applicable. No tree canopy exists in this location.

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

Comment:

The proposal is contained within an existing long hip roof and represents an additional 2.9m of wall height in that location as roof sections will now convert to wall sections. The overall height however is only 850mm higher. A thorough site inspection of surrounding properties has confirmed that the proposal maintains a reasonable sharing of views. No known private properties look across the proposals location of roof to gain their views. The majority of views are obtained either over the top of the current roof form from much higher ground or between buildings looking south, where access driveways generally form large building separations. The

Image below: View from the lowest level of the living areas in the units at 48A Queenscliff Road and the subject site (on eastern side boundary)



Image below: View from properties in Upper section of Greycliffe Street (roof area not visible)



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

Comment:

The proposal is contained within the existing roof line of the building. Large side setbacks ensure that there are large separations between nearby properties reducing impact in terms of visibility, view sharing or privacy. Bulk and scale of the proposal is also minimised at pedestrian level as it will site above and behind the existing outer walls. The proposal is anticipated to be only highly visible when viewed from longer distances away from the building and not nearby properties.

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

Comment:

The application does not require any excavation.

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

Comment:

The proposal introduces a more articulated roof design and element into an older established plain and large expanse of hip roof line.

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 side boundary envelope requirements are breached as follows:

- Eastern Elevation - 1m to 1.6m for a length of 7.4m, and
- Western Elevation - 0.4m to 2.03m for a length of 7.4m.

Image below: Eastern Elevation

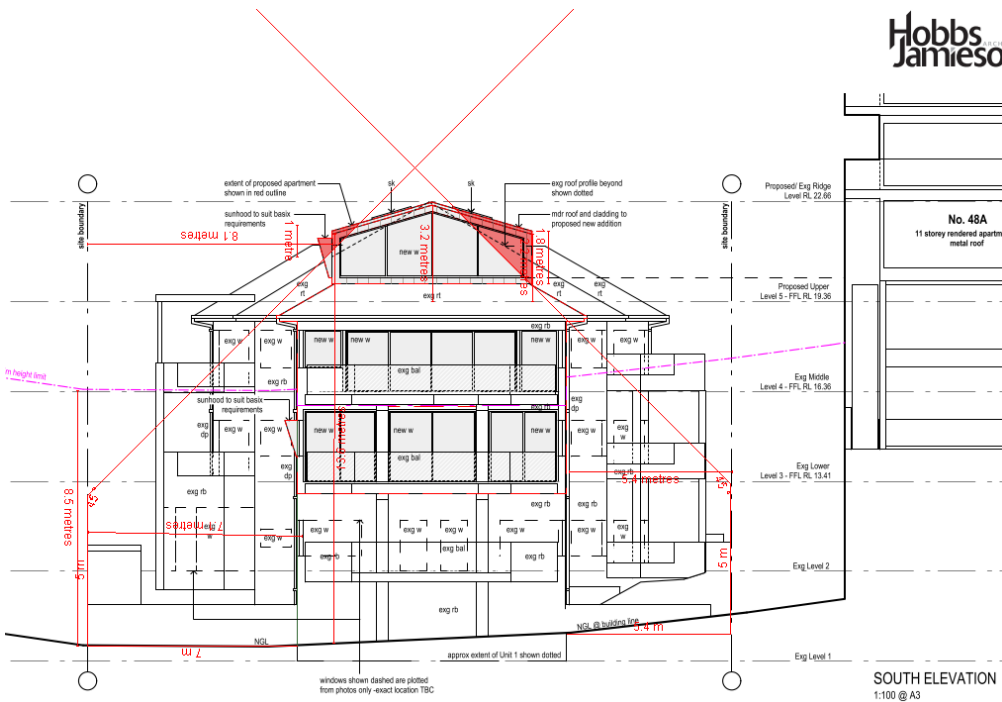
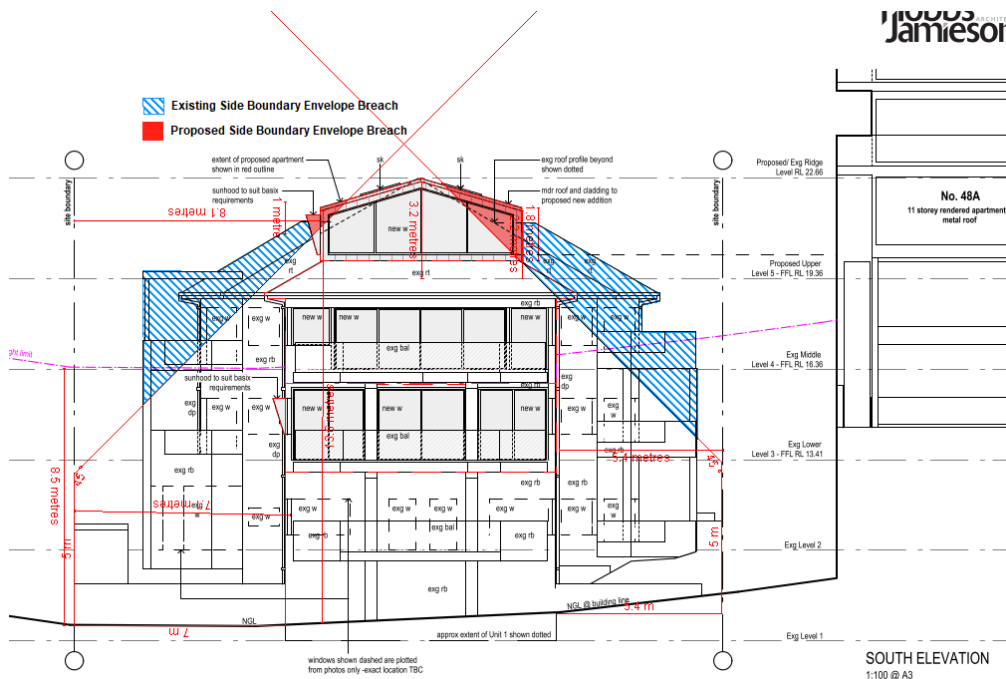


Image below: Existing Side Boundary Envelope versus proposed Side Boundary Envelope (rear part of units)



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 established character of the south side of the Queenscliff Headland includes a proliferation of residential flat buildings with non-compliant heights and envelopes generally developed prior to the current controls being in place. The proposal will have minimal impact within this established character of the built form of height and bulk when viewed from many areas including Queenscliff beach, the adjacent beach access walkway, Greycliffe Street, North Steyne and Bridge Road (see images below of proposal location of the existing/proposed roof). When looking up at the building from pedestrian or car height from the majority of the lower lying public areas such as the beach and the esplanade the development the adjacent building wall heights of the 11 storey RFB at 48A Queenscliff Road remain the dominant built form in terms of bulk and scale. Generous side setbacks of 8.18m to the western side boundary and 6.74metres to the eastern side boundary help minimising any visual dominance. It is anticipated that the small new roof area will also not be very visible from these perspectives. Looking down onto the building from higher areas the roof area will reduce visual dominance of the large unbroken roof form by breaking up what is an otherwise plain, large expanse of hip roof. The proposal represents a small change to the existing built form of this location overall and will not be visually dominant among the large existing residential flat buildings. The amalgamation of the two units on levels 3 and 4 does not impact the existing bulk and scale at all.

Image below: Proposal location when viewed in context of Queenscliff Headland (from Queenscliff SLSC Public walkway)

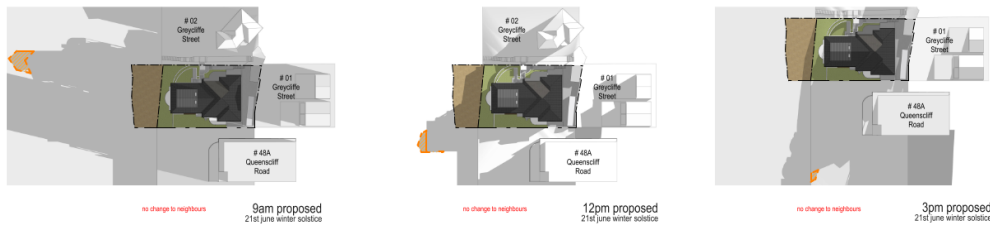


- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment:

The proposal does not block light or solar access to any adjacent properties. The proposal contains generous separation distances in terms of both horizontal and vertical distances to adjacent living areas in nearby buildings. The proposal is over 20 metres to the nearest window in 2 Greycliffe Street (northern boundary neighbour) and over 18 metres to the adjacent balcony at 48A Queenscliff Road (southern boundary neighbour) and therefore does not propose any privacy impacts. Shadow diagrams submitted show a small impact to Queenscliff Beach already heavily impacted by the built form however no impact to adjacent properties.

Image below: Winter Solstice shadows cast from proposal.



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

Comment:

The proposal is set into an existing roof line and is stepped back from the side boundaries and rear building line providing some response to steep stepping of the cliff face down to the beach.

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 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 \$12,358 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,235,821.

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

Council is satisfied that the Applicant's written request under Clause 4.6 of the Warringah Local Environmental Plan 2011 seeking to justify variation of the development standard contained within Clause 4.3 Height of Buildings has adequately addressed and demonstrated that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify the variation.

PLANNING CONCLUSION

This proposal, for Additions and alterations to a Residential Flat Building has been referred to the Northern Beaches Local Planning Panel (NBLPP) due to the proposal exceeding the Principal Development Standard for Height by more than 10%.

The concerns raised in the objections have been addressed and resolved by providing evidence that the owners consent has been properly given.

The critical assessment issues overall height, side boundary envelope and wall breaches.

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

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

RECOMMENDATION

That Northern Beaches Council, as the consent authority, vary the development standard contained within Clause 4.3 Height of Buildings, pursuant to Clause 4.6 of the Warringah Local Environmental Plan 2011 because the Applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) of Clause 4.6.

Accordingly the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2025/0454 for Alterations and additions to a residential flat building, including the amalgamation of apartments 4 and 7 on land at Lot B DP 367566, 7 / 1 A Greycliffe Street, QUEENSCLIFF, Lot B DP 367566, 1 A Greycliffe Street, QUEENSCLIFF, Lot 1 DP 1171295, 1 A Greycliffe Street, QUEENSCLIFF, Lot B DP 367566, 4 / 1 A Greycliffe Street, QUEENSCLIFF, 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
DA 01	-	BASIX Certificate A1776082_02	Hobbs Jamieson Architecture	25/03/2025
DA 03	A	Demolition Exg Unit 4 Floor Plan (Level 3)	Hobbs Jamieson Architecture	24/03/2025
DA 04	A	Demolition Exg Unit 7 Floor Plan (Level 4)	Hobbs Jamieson Architecture	24/03/2025
DA 05	A	Demolition Exg Roof Plan (Level 5)	Hobbs Jamieson Architecture	24/03/2025
DA 06	A	Proposed Site Plan	Hobbs Jamieson Architecture	24/03/2025
DA 07	A	Proposed Lower Floor Plan (Level 3)	Hobbs Jamieson Architecture	24/03/2025
DA 08	A	Proposed Middle Floor Plan (Level 4)	Hobbs Jamieson Architecture	24/03/2025
DA 09	A	Proposed Upper Floor Plan (Level 5)	Hobbs Jamieson Architecture	24/03/2025
DA 10	A	Proposed Roof Plan	Hobbs Jamieson Architecture	24/03/2025

DA 11	A	Proposed South Elevation	Hobbs Jamieson Architecture	24/03/2025
DA 12	A	Proposed North Elevation	Hobbs Jamieson Architecture	24/03/2025
DA 13	A	Proposed East Elevation	Hobbs Jamieson Architecture	24/03/2025
DA 14	A	Proposed West Elevation	Hobbs Jamieson Architecture	24/03/2025
DA 15	A	Proposed Section A-A	Hobbs Jamieson Architecture	24/03/2025
DA 16	A	Proposed Window Schedule	Hobbs Jamieson Architecture	24/03/2025

Approved Reports and Documentation		
Document Title	Version Number	Prepared By
BASIX Certificate	A1776082_2	Efficient Living Pty Ltd
Preliminary Landslip Risk Assessment	2024-211	Crozier Geotechnical Consultants
Waste Management Plan	-	
Stormwater Drainage Plan (D01,D02,D03,D04,D05,D06&D10)	B	NB Consulting Engineers

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	22/08/2025 (registered by NBC)

(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. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a Residential Flat Building, in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

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 directly to the Long Service Corporation. 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 \$12,358.21 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 \$1,235,820.60.

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 \$10,000 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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

8. Stormwater Disposal from Low Level Property

The applicant is to demonstrate how stormwater from the new development within this consent shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy in particular Section 5.5 Stormwater Drainage from Low Level Properties. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with Northern Beaches Council's policy by an appropriately qualified Civil Engineer are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

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

9. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

10. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans.

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

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 Certifier 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**

A schedule of colours, materials and finishes for the external building works which are consistent with the existing is to be provided to Council's Executive Manager Development signage for approval.

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.

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 Certifier demonstrating the works are in compliance with Sydney Water requirements.

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

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

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

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

DURING BUILDING WORK

14. **Road Reserve**

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

Reason: Public safety.

15. **Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

16. **Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

17. **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.

18. **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.