

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2022/0906
----------------------------	-------------

Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 2 DP 241969, 3 Cootamundra Drive ALLAMBIE HEIGHTS NSW 2100
Proposed Development:	Demolition works and construction of a dwelling house including the refurbishment of an existing swimming pool
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Stephen David Firth Amy-Louise Firth
Applicant:	Avenue Town Planning

Application Lodged:	27/06/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	05/07/2022 to 19/07/2022
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,305,801.97
---------------------------------	-----------------

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for demolition of the existing dwelling and construction of a new dwelling house, as follows:

- Construction of a lower ground garage for three vehicles, turning area, and storage;
- Two-storey dwelling house above the garage;
- Replacement of the rear pool deck with paving;
- Retention of the existing swimming pool; and
- Landscaping works.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 5.10 Heritage conservation
 Warringah Local Environmental Plan 2011 - 6.2 Earthworks
 Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land
 Warringah Development Control Plan - B1 Wall Heights
 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 - D8 Privacy

SITE DESCRIPTION

Property Description:	Lot 2 DP 241969 , 3 Cootamundra Drive ALLAMBIE HEIGHTS NSW 2100
Detailed Site Description:	The subject site consists of one allotment located on the south-western side of Cootamundra Drive, Allambie Heights. The site is irregular in shape with a frontage of 25.548 metres along Cootamundra Drive and a maximum depth of 29.86 metres. The site has a surveyed area of 838.4m². The site is located within the R2 Low Density Residential zone and accommodates a single-storey detached dwelling house with a swimming pool. The site slopes down approximately 2.5 metres from north

(front) to south (rear).

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one- and two-storey detached dwelling houses, and Manly Dam Reserve to the rear.

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site. The land has been used for residential purposes for an extended period of time.

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 (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	Part 4, Division 2 of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of

Section 4.15 Matters for Consideration	Comments
Regulation 2021 (EP&A Regulation 2021)	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 building height. The requested information was satisfactorily provided on 1 September 2022. <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 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection. A Bush Fire Report was submitted with the application (prepared by Building Code & Bushfire Hazard Solutions dated 25 May 2022) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection.

The proposal was referred to NSW Rural Fire Services, who provided a response stating that the proposal is acceptable subject to compliance with conditions of consent, which have been added to the recommendation of this report. The recommendations of the Bush Fire Report have also been included as recommended conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 05/07/2022 to 19/07/2022 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 2 submission/s from:

Name:	Address:
Corona Projects Pty Ltd	PO Box 1749 BONDI JUNCTION NSW 1355
Mr Neil Rohan Sena	8 Forbes Place ALLAMBIE HEIGHTS NSW 2100

The following issues were raised in the submissions:

- On-street parking outside the subject site is not lawful, given Cootamundra Drive is single-lane each way and given the presence of double lines. Concern is raised about about construction traffic management.
- The proposed development will result in unreasonable impacts to visual privacy to No. 5 Cootamundra Drive due to Windows W21, W22 and W23 on the north-western elevation.
- The proposed development will result in unreasonable impacts to acoustic privacy to No. 5 Cootamundra Drive with respect to the new driveway and garage.
- The proposed development will result in unreasonable stormwater runoff impacts to No. 5

- Cootamundra Drive.
- The proposal does not suitably consider the impact on the structural integrity of No. 5 Cootamundra Drive as a result of demolition and construction.
- The proposed 'basement' is an over-development of the site.

The above issues are addressed as follows:

Construction Traffic Management

Comment:

Any unlawful parking (for construction or otherwise) or storage of items on the portion of Cootamundra Drive within the vicinity of the double lines may be reported to Council for investigation. It is not considered that a Construction Traffic Management Plan is required in this instance, as sufficient parking of vehicles is available both on site, in the vicinity of the site and the consent is associated with a new dwelling.

Privacy - Visual and Acoustic

Comment:

The proposed development is acceptable in relation to visual privacy for the reasons detailed in the section of this report relating to Clause D8 Privacy of the Warringah DCP 2011. The proposed development does not increase the density or change the use of the site from a single dwelling house, and therefore is not anticipated to result in acoustic impacts beyond that expected of a single dwelling house.

Stormwater

Comment:

The proposed development is supported by detailed stormwater plans that demonstrate that the development's stormwater system has been designed in accordance with Council's Water Management Policy, and is considered suitable to the proposed development. The proposal has also been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to recommended conditions of consent.

Structural Integrity Impacts

Comment:

The proposed development is supported by a preliminary geotechnical report of the subject site, prepared by a suitably qualified person. The report demonstrates that the proposed development does not pose unacceptable risk of impact to structural integrity. The proposal has also been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to recommended conditions of consent. Notwithstanding this, conditions of consent requiring pre- and post-construction dilapidation reports of No. 5 Cootamundra Drive are recommended.

'Basement' Over-Development

Comment:

The proposed garage and storage level is not excavated to the extent to which it can be classified as a 'basement' in accordance with the Dictionary of the Warringah LEP 2011. The proposed level provides for off-street parking for three vehicles plus storage and services, without any unreasonable impacts, as demonstrated in the section of this report relating to Clause B9 Rear Boundary Setbacks. Further, the Warringah DCP 2011 does not stipulate a maximum amount of excavation as relevant to development of a dwelling house, and the development is consistent with the requirements of Clause C7 Excavation and Landfill of the Warringah DCP 2011. As such, the proposed level is acceptable and does not constitute over-development of the site.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The application seeks consent for demolition works and construction of a dwelling house including the refurbishment of an existing swimming pool. The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 and the following Warringah Development Control Plan 2011 controls (but not limited to): • D1 Landscaped Open Space and Bushland Setting • E1 Preservation of Trees or Bushland Vegetation and • E6 Retaining Unique Environmental Features The Arborist's Report prepared by Mark Bury is noted. The plans and report indicate removal of Bangalow Palms (exempt species), which is not objected to. The plans indicate that no significant landscape features are affected by the proposed works. No objections are raised with regard to landscape issues subject to conditions.
NECC (Bushland and Biodiversity)	The proposed development will not result in impacts to locally native vegetation or wildlife habitat, subject to conditions.
NECC (Development Engineering)	No objections to approval subject to conditions as recommended.
Parks, reserves, beaches, foreshore	The plans indicate that no works are proposed over the adjoining Council Reserve. No objections are raised subject to conditions to protect Council assets.
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	The proposal has been referred to Heritage as the subject property adjoins a heritage conservation area C9 - Manly Dam and Surrounds Conservation Area - Manly Vale
	Details of heritage items affected
	Details of the item as contained within the Warringah inventory is as follows: Statement of Significance A rare example of a water supply system which was erected prior to 1900. One of only 2 independent water supply schemes built in the Sydney region. Historically significant in the devt. of Sydney's water supply & the provision of services for early devt. Physical Description Concrete dam structure which has been progressively raised (Max height of 19 metres and a length of 250 metres). It is located on

Internal Referral Body	Comments		
	Curl Curl Creek (and dams Curl Curl Creek) some 3 kms north west of Manly with a catchment area of about 520 ha extending to Frenchs Forest in the north. The Catchment area and stored water of the Dam are now used primarily for public recreation. The stored water is also utilised as a supply for the adjoining hydraulic investigation laboratories of Sydney Water, the Public Works Department, and the University of NSW.		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register		
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
	Consideration of Application		
	The proposal seeks consent for a new dwelling at the subject site. The heritage conservation area is located immediately to the rear of the property. The new dwelling will replace an existing dwelling but retain the existing pool and terrace area at the rear of the property. Given the proposal replaces an existing dwelling and asides from the abovementioned pool and terrace generally maintains the existing setbacks at ground level, the proposal is considered to not impact upon the heritage conservation area or its significance. Therefore Heritage raises no objections and requires no conditions. Consider against the provisions of CL5.10 of WLEP. 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 Infra.)	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.

External Referral Body	Comments
NSW Rural Fire Service – local branch (s4.14 EPAA)	The proposal was referred to NSW Rural Fire Services, who provided a response stating that the proposal is acceptable subject to compliance with conditions of consent, which have been added to the recommendation of this report.
Aboriginal Heritage Office	No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites. Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development. Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1287525S_02 dated 20 May 2022). The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	50

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 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	7.9m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes

Clause	Compliance with Requirements
6.4 Development on sloping land	Yes

Detailed Assessment

5.10 Heritage conservation

The subject site is located adjacent to the Manly Dam and Surround Conservation Area. As such, the relevant provisions of Clause 5.10 are addressed as follows.

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

Comment:

The proposal was referred to Council's Heritage Advisor, who is supportive of the proposed development, subject to conditions of consent.

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
 - (b) on land that is within a heritage conservation area, or*
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

Comment:

The subject site is located adjacent to the Manly Dam and Surround Conservation Area, relevant to subclause (c) above. In accordance with the assessment of Council's Heritage Officer, no heritage management document is required.

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

Comment:

In accordance with the assessment of Council's Heritage Officer, no heritage conservation management plan is required.

6.2 Earthworks

The objectives of Clause 6.2 Earthworks require development:

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and*
- (b) to allow earthworks of a minor nature without requiring separate development consent.*

In this regard, before granting development consent for earthworks, Council must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality*

Comment:

The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the

locality.

(b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment:

The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment:

The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(f) the likelihood of disturbing relics

Comment:

The development was referred to the Aboriginal Heritage Office who provided comments and conditions that have been included in the consent.

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area

Comment:

The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

6.4 Development on sloping land

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and

Comment:

The Applicant has submitted a Preliminary Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective and therefore, Council is satisfied that the development has been assessed for the risk associated with landslides in relation to both property and life.

(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and

Comment:

The Applicant has submitted a Preliminary Geotechnical Assessment Report prepared by a suitably

qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not cause significant detrimental impacts because of stormwater discharge from the development site.

(c) the development will not impact on or affect the existing subsurface flow conditions.

Comment:

The Applicant has submitted a Preliminary Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not result in adverse impacts or effects on the existing subsurface flow conditions.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall Height	Max. 7.2m	7.3m	1.4%	No
B3 Side Boundary Envelope	NW: 4m	Within envelope	-	Yes
	SE: 4m	Max. 1.9m outside envelope	32.2%	No
B5 Side Boundary Setbacks	NW: Max. 900mm	Min. 1.7m	-	Yes
	SE: Max. 900mm	Min. 1.4m	-	Yes
B7 Front Boundary Setbacks	Min. 6.5m	Min. 6.4m	1.54%	No
B9 Rear Boundary Setbacks	Min. 6m	Garage: 0m	100%	No
		Alfresco Roof: 5.3m	11.66%	No
		Dwelling: Min. 7.9m	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	Min. 40% (335.36m ²)	43.3% (363.1m ²)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C4 Stormwater	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
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
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

B1 Wall Heights

The proposed development includes a maximum wall height of 7.3 metres, where a maximum of 7.2 metres is allowable. 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 portion of the development that is not compliant with the wall height control is to the rear (south-western elevation). As such, the non-compliance is not visible from the streetscape or adjoining properties. The non-compliance is visible from Manly Dam Reserve to the rear, which is land zoned RE1 Public Recreation. However, the non-compliance is minor in nature, being a variation of 1.4% to the control. Given this, and that the development is well-articulated and complies with the rear setback to the dwelling (and is otherwise acceptable on merit for the reasons detailed in the section of this report relating to Clause B9 Rear Boundary Setbacks of the Warringah DCP 2011), the proposed development does not pose an unreasonable visual

imposition from the Reserve.

To ensure development is generally beneath the existing tree canopy level

Comment:

The proposed development is compliant with the maximum height of building development standard, and is set below the surrounding tree canopy level.

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

Comment:

The proposed development, particularly with regard to the wall height non-compliance, is designed and sited so as not to obstruct views to or from public or private places.

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

Comment:

As above, the portion of the development that is not compliant with the wall height control is to the rear (south-western elevation). As such, the non-compliance is not visible from the streetscape or adjoining properties. Given this, the wall height non-compliance does not impact upon adjoining or nearby properties.

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

Comment:

The portion of the proposed development that is not compliant with the wall height control does not rely on excavation. The proposed development does not include unreasonable excavation, in consideration of the proposed landscaped area and acceptability with regard to built form controls.

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

Comment:

The proposed development includes innovative design in that the roof is of a low pitch with a parapet, thereby reducing the bulk of the dwelling, whilst allowing the generous 2.7m floor to ceiling height at each habitable level.

B3 Side Boundary Envelope

The proposed development includes a breach to the side boundary envelope control of up to 1.9 metres to the south-eastern elevation. 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 proposed development is compliant with the maximum height of building development standard set by Clause 4.3 Height of Buildings of the Warringah LEP 2011. The proposal is compliant with side and rear setbacks, and includes a minor non-compliance to the front setback control, which is supported on merit as detailed in the section of this report relating to Clause B7 Front Boundary Setbacks of the Warringah DCP 2011. The proposal also includes a minor non-compliance with the wall height control, which is supported on merit as detailed in the section of this report relating to Clause B1 Wall Heights of the Warringah DCP 2011. The proposal is compliant with regard to the required landscaped area, indicating that the proposed building footprint is acceptable. Given the compliance (or acceptability on merit) of the proposed development, the proposed development is generally of the height and bulk anticipated for the site, and does not present as visually dominant.

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

Comment:

The proposed development is compliant with the requirements of Clause D6 Access to Sunlight of the Warringah DCP 2011, thereby providing adequate access to light and solar access to the subject site and adjoining sites. The proposed development is compliant with the requirements of Clause B5 Side Boundary Setbacks of the Warringah DCP 2011, thereby providing suitable spatial separation between the dwelling house on the subject site and those on the adjoining sites. The proposed development is acceptable in relation to privacy for the reasons detailed in the section of this report relating to Clause D8 Privacy of the Warringah DCP 2011.

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

Comment:

The proposed development relies on excavation to a maximum depth of 1.6m, for the purpose of the basement parking, storage and subfloor areas. Notwithstanding this, the proposed development, as visible above ground at all elevations, is compliant with the maximum building height. As such, the proposed development is of a height and scale as anticipated for the topography of the site.

B7 Front Boundary Setbacks

The proposed development includes a front setback of minimum 6.4 metres to a minor portion of the front elevation, where 6.5 metres is required by this control. With regard to the consideration for a variation, the development is considered against the underlying objectives of the control as follows:

To create a sense of openness.

Comment:

Despite the minor non-compliance, the proposed front setback area is free from above-ground structures, with the exception of the front fence and planter box structures. The proposed non-compliance does not impede upon the sense of openness in the front yard.

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

Comment:

The proposed development includes a setback to the front elevation that is consistent with (or greater than) the general building line along Cootamundra Drive. The proposed front setback allows for significant landscaping to the front yard, thereby retaining the landscaped presentation of the subject site to the street.

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

Comment:

The proposed development appears at the front elevation as a two-storey dwelling house, and is therefore of the development type expected in the streetscape. The proposed development is of a modern design of high quality that provides interest in the streetscape.

To achieve reasonable view sharing.

Comment:

The proposed development is designed and sited so as to reasonably preserve views to and from public and private places.

B9 Rear Boundary Setbacks

The proposed development includes a partially excavated turning area 0-400 millimetres from the rear boundary, where 6m is required. The turning area is located below the existing (though resurfaced) alfresco area. Additionally, the proposal includes a new roof to the alfresco area 5.3m to the rear

boundary. With regard to the consideration for a variation, the development is considered against the underlying objectives of the control as follows:

To ensure opportunities for deep soil landscape areas are maintained.

Comment:

The proposed development is compliant with the requirements of Clause D1 Landscaped Area and Bushland Setting of the Warringah DCP 2011. The proposed development is supported by a suitable landscape plan that demonstrates areas of ample dimension and depth to support a range of seep soil planting.

To create a sense of openness in rear yards.

Comment:

The proposed development retains a similar level of openness to the rear yard as the existing scenario, in that the turning area is set below the existing raised alfresco area. The proposed roof to the alfresco area is minor in nature and provides additional shelter to the space, without resulting in any unreasonable impacts to the subject site or adjoining sites. The southern-most quadrant of the subject site remains open and landscaped.

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

Comment:

As demonstrated throughout this report, the proposed development retains suitable amenity for the subject site and surrounding land, including in relation to privacy, solar access, and view sharing.

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

Comment:

As above, the proposed rear elevation does not present a significantly different visual impact to the reserve than the existing scenario. The proposed turning area is set below the existing raised alfresco area, thereby retaining the levels at the rear, and the general appearance of the site from the adjoining reserve at the rear. The proposed development is supported by an acceptable landscape plan that demonstrates the southern-most quadrant of the subject site remains open and landscaped and retains the existing visual continuity of built form in this location.

To provide opportunities to maintain privacy between dwellings.

Comment:

The proposed development is acceptable in relation to privacy for the reasons detailed in the section of this report relating to Clause D8 Privacy of the Warringah DCP 2011.

D8 Privacy

The submission from the adjoining landowner at No. 5 Cootamundra Drive raised concern with regard to impact on visual privacy arising from Windows W21, W22 and W23 on the north-western elevation of the proposed upper level. Window 21 relates to the side elevation of the study accessed via the main bedroom, Window W22 relates to the walk-in wardrobe of the main bedroom, and Window 23 relates to the toilet of the main bedroom ensuite. With regard to Windows W22 and W23 (being for the wardrobe and the toilet), it is established that the windows are included for the purpose of access to natural light. With regard to Window W21, it is noted that the study is orientated to encourage viewing to the street, and not to the side, given the configuration of the room. It should also be noted that the room uses associated with Windows W21, W22 and W23 are not for recreation, rather low use passive rooms and will not be used in such a way that poses an unreasonable visual privacy impact, that is inconsistent

with the DCP or extent of works anticipated in the R2 zone. It should also be noted that the windows do not align with existing windows or areas of private open space at No. 5 Cootamundra Drive, and that the angle of eyesight from the proposed windows to the existing windows at no. 5 Cootamundra Drive prevents direct overlooking. The proposed windows are acceptable in relation to the requirements of Clause D8 Privacy without amendment.

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 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$13,058 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,305,802.

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

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 DA2022/0906 for Demolition works and construction of a dwelling house including the refurbishment of an existing swimming pool on land at Lot 2 DP 241969, 3 Cootamundra Drive, ALLAMBIE HEIGHTS, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-03 Site Plan	20 May 2022	Joseph Quarello Design and Management
DA-04 Basement Plan	20 May 2022	Joseph Quarello Design and Management
DA-05 Ground Floor Plan	20 May 2022	Joseph Quarello Design and Management
DA-06 First Floor Plan	20 May 2022	Joseph Quarello Design and Management
DA-07 Roof Plan	20 May 2022	Joseph Quarello Design and Management
DA-09 Elevations	31 August 2022	Joseph Quarello Design and Management
DA-10 Elevations	31 August 2022	Joseph Quarello Design and Management
DA-11 Sections	31 August 2022	Joseph Quarello Design and Management
DA-12 Sections	31 August 2022	Joseph Quarello Design and Management

Engineering Plans		
Drawing No.	Dated	Prepared By
Sheet 1 Site Plan / Ground Floor Plan	April 2022	Leon Savage
Sheet 2 Section Through Pump Out Pit / Site Plan	April 2022	Leon Savage
Sheet 3 Basement Plan	April 2022	Leon Savage
Sheet 4 Sections	April 2022	Leon Savage
Sheet 5 First Floor Plan	April 2022	Leon Savage

Sheet 6 Roof Plan	April 2022	Leon Savage
Sheet 7 Sediment & Soil Erosion Control Plan	April 2022	Leon Savage
Sheet 8 Sediment & Soil Erosion Control Plan	April 2022	Leon Savage

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1287525S_02	20 May 2022	The House Energy Rating Company of Australia
NatHERS Certificate No. 7206899-04	20 May 2022	Joseph Quarello Design and Management
Arboricultural Impact Statement Report	16 February 2022	Mark Bury Consulting
Bush Fire Assessment Report	25 May 2022	Building Code & Bushfire Hazard Solutions
Preliminary Geotechnical Advice	15 July 2021	JK Geotechnics

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
DA-15 Landscape + Planting Details	8 June 2022	Joseph Quarello Design and Management

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
DA-14 Site Waste Management Plan	20 May 2022	Joseph Quarello Design and Management
Waste Management Plan	6 April 2022	Applicant

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

2. **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	1 July 2022
NSW Rural Fire Service	RFS Referral Response	3 August 2022

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

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

3. **Prescribed Conditions**

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

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the

footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

4. **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) 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.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) 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.
- (e) 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.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

- (h) 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.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) 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.
- (l) 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.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) 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 sewerred areas or managed on-site in unsewerred 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

5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$13,058.02 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 2022. The monetary contribution is based on a development cost of \$1,305,801.97.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2022 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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

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

6. 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 Certifying Authority prior to the issue of the Construction Certificate.

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

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

Reason: To ensure geotechnical risk is mitigated appropriately.

8. On-site Stormwater Disposal Details

The Applicant is to provide a certification of drainage plans in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Leon Savage, drawing number 060422, dated April 2022. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. The level spreader shall not be located within three meters of the rear boundary
- Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

9. Vehicle Driveway Gradients

The Applicant is to ensure driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent.

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

Reason: To ensure suitable vehicular access to private property.

10. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage

using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

11. Compliance with Standards

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

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

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

12. Sydney Water "Tap In"

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

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

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

13. Works on Land Owned or Managed By Council

No works are to be carried out on land owned or managed by Council.

Note: Separate approval from Council is required for access driveways, paths, stairs, connections to underground utilities (stormwater, gas, sewer, electricity, telecommunications etc.) and landscaping works on land owned or managed by Council.

Reason: To protect the land owned or managed by Council.

14. Installation and Maintenance of Sediment and Erosion Control

a) Prior to commencement of works on site, sediment and erosion controls must be installed along the immediate downslope of the works area in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

b) The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

c) Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

15. Dilapidation Report of Land Owned or Managed by Council

a) A Pre-Construction Dilapidation Report shall contain a survey of pre-existing land features including photographic record of the land under Council's care control and management adjoining the development, detailing the physical condition of items such as, but not exclusively limited to, physical assets such as footpaths, utilities, furniture, trees, gardens, lawn areas, bushland and any rock outcrops.

b) This Pre-Construction Dilapidation Report shall be submitted to Council and the Certifying Authority prior to commencement of works.

c) Any damage to these assets during the works must be replaced like for like to the satisfaction of Council and the Certifying Authority.

d) The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: Protection of Council's assets.

16. Pre-Construction Dilapidation Report

A dilapidation report, including photographic surveys, of No. 5 Cootamundra Drive must be provided to the Certifying Authority prior to any works commencing on the site (including demolition or excavation). The report must detail the physical condition of the property, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

17. Protection of Rock and Sites of Significance

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

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.

Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

18. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected including:
 - i) all trees and vegetation within the site not indicated for removal on the approved plans, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
 - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
 - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
 - vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including

photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,

- viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

19. **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.

20. **Wildlife Protection**

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

Reason: To protect native wildlife.

21. **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.

22. 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.

23. 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.

24. Survey Certificate

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

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

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

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

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

25. Aboriginal Heritage

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection.

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

26. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

development.

27. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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

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

28. Removal of All Temporary Structures/Materials and Construction Rubbish

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

b) Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To protect reserve amenity and public safety.

29. Post-Construction Dilapidation Report

A post-construction dilapidation report for No. 5 Cootamundra Drive, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

A copy of the report must be given to the property owner(s) of No. 5 Cootamundra Drive. A copy must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issuing of any Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

30. Geotechnical Certification Prior to Occupation Certificate

A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction and that they are satisfied that development referred to in the development consent has been constructed in accordance with the intent of the Geotechnical Report referenced in Condition 1 of this consent. Written certification is to be provided to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

31. Positive Covenant for the Maintenance of Stormwater Pump-out Facilities

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council

and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance of the pump-out facility on the property being developed. Northern Beaches Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Northern Beaches Council's delegate shall sign these documents prior to the submission to the NSW Land Registry Services. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard.

32. **Swimming Pool Requirements**

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

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

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 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

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

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system. Appropriate instructions of artificial resuscitation methods.

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

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

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

Reason: To protect human life.

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

33. **Environmental and Priority Weed Control**

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: Preservation of environmental amenity.

34. **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

35. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

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

Signed



Claire Ryan, Principal Planner

The application is determined on 08/09/2022, under the delegated authority of:



Adam Richardson, Manager Development Assessments