

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2024/0284
<b>Responsible Officer:</b>	Claire Ryan
<b>Land to be developed (Address):</b>	Lot 2 DP 622394, 34 Pavilion Street QUEENSCLIFF NSW 2096
<b>Proposed Development:</b>	Alterations and additions to a dwelling house
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Jan Mercia Beach
<b>Applicant:</b>	Haven Advocates Pty Ltd

<b>Application Lodged:</b>	22/03/2024
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	29/03/2024 to 12/04/2024
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	3
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 363,089.29
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### PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for alterations and additions to the existing dwelling house, as follows:

- Subfloor store room,
- Ground floor rear extension to form the main bedroom suite, including balcony,
- Level 1 front and rear balconies, and
- Level 2 addition for the purpose of a bedroom with ensuite and balcony, and
- Landscape 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 - 6.2 Earthworks  
 Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land  
 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 - D6 Access to Sunlight  
 Warringah Development Control Plan - D7 Views  
 Warringah Development Control Plan - D8 Privacy

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 2 DP 622394 , 34 Pavilion Street QUEENSCLIFF NSW 2096
<b>Detailed Site Description:</b>	<p>The subject site consists of one allotment located on the southern side of Pavilion Street, Queenscliff.</p> <p>The site is irregular in shape with a frontage of 7.2 metres along Pavilion Street and a maximum depth of 22.4 metres. The site has a surveyed area of 159.4m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a two-storey dwelling house with carport.</p> <p>The site slopes down approximately 4 metres from front to rear and minimal landscaping.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p>

Adjoining and surrounding development is characterised by detached dwelling houses and residential flat buildings.

Map:



## SITE HISTORY

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

- DA2022/1598 for alterations and additions to a dwelling house was approved by Council on 4 January 2023.
- Mod2023/0220 for modification of Development Consent DA2022/1598 was approved by Council on 6 June 2023.

## 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)	<p>Part 4, Division 2 of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p>Clause 29 of the EP&amp;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.</p> <p>Clauses 36 and 94 of the EP&amp;A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p>Clause 61 of the EP&amp;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.</p> <p>Clauses 62 and/or 64 of the EP&amp;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.</p> <p>Clause 69 of the EP&amp;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.</p> <p>Clause 69 of the EP&amp;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.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>

Section 4.15 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 29/03/2024 to 12/04/2024 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 3 submission/s from:

Name:	Address:
Mr Nathan Luke Sparke	5 Serpentine Crescent NORTH BALGOWLAH NSW 2093
Kevin Richard Reed	36 Pavilion Street QUEENSCLIFF NSW 2096
Mrs Stacey Margaret Rylands	41 Parkes Street MANLY VALE NSW 2093

The following issues were raised in the submissions:

- The proposed development is excessive in height, bulk and scale and will dominate the streetscape, being three storeys.
- The proposed development will block views from the nearby park and rock formations.
- The proposed development will result in unreasonable overshadowing to 36 Pavilion Street and 43 Queenscliff Road, and the shadow plans are not accurate.
- The proposed development will result in unreasonable privacy impacts to 36 Pavilion Street.
- The plans include discrepancies with regard to building height and wall height measurements - previous plans showed a lower ground line
- The landscape plans do not accurately demonstrate the proposed development.
- The Statement of Environmental Effects is misleading, as the proposal includes a new storey and not an attic, and states landscaped area is not reduced.
- The 3D images do not include all windows of 36 Pavilion Street.



The above issues are grouped and addressed as follows:

### **Height, Bulk and Scale, and Streetscape Character**

#### Comment:

The proposed development is compliant with the maximum building height and wall height applicable to the site. The proposed development is acceptable on merit with respect to setback and envelope non-compliances, as demonstrated throughout this report. Whilst it is agreed that the proposed development amounts to a second floor addition, rather than an attic space, there are a number of examples of multi-storey developments within the street and the proposed bulk and scale is contextually appropriate and compatible with the streetscape.

### **Building Height / Wall Height Measurement**

#### Comment:

The difference in ground levels shown between the plans submitted for the previous application and the plans submitted for this application are noted. The plans submitted for the previous application appear to demonstrate a ground line based on an average from accessible points on the site. The assessing officer for this application has attended the site, including accessing the subfloor. The ground levels depicted on the submitted plans for this application are accurate to those existing on site and are relied upon for assessment. The proposed development is compliant with the maximum height of building and wall height based on the existing ground levels.

### **Amenity - View Loss, Overshadowing, and Privacy**

#### Comment:

The proposed development is acceptable with respect to amenity for the reasons detailed in the section of this report relating to Clauses D6 Access to Sunlight, D7 Views, and D8 Privacy of the Warringah Development Control Plan.

### **Landscape Plans**

#### Comment:

The submitted plans demonstrate a compliant level of landscaped area, being an increase from the existing landscaped area on site due to further landscaping to the front yard.

### **3D Images**

#### Comment:

The discrepancy between the 3D images and the existing development on the adjoining property is noted. However, these 3D images are not relied upon for assessment, nor included in the recommended approved plans.

## **REFERRALS**

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>Council's Biodiversity referrals team have assessed the Development Application for compliance against the following provisions:</p> <ul style="list-style-type: none"> <li>Warringah DCP cl. E2 Prescribed Vegetation</li> <li>Warringah DCP cl. E6 Retaining Unique Environmental Features</li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>SEPP (Resilience and Hazards) 2021 cl. 2.10 Development on land within the coastal environment area</li> </ul> <p>As the site does not contain any native vegetation, there will be no impacts to biodiversity as a result of the proposal.</p> <p>No objections, subject to conditions.</p>
NECC (Coast and Catchments)	<p>This Development Application is to seek consent for alterations and additions to the dwelling, including extensions to the ground and first floors, as well as the addition of a new attic level. These modifications also entail the removal of all previously approved alterations to the subfloor level.</p> <p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Resilience &amp; Hazards) 2021 and has also been assessed against requirements of the Warringah LEP 2011 and Warringah DCP 2011.</p> <p><b>Coastal Management Act 2016</b> The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p><b>State Environmental Planning Policy (Resilience &amp; Hazards) 2021</b> The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience &amp; Hazards) 2021. Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R &amp; H) apply for this DA.</p> <p>Comment:</p> <p>On internal assessment, the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the SEPP R&amp;H. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience &amp; Hazards) 2021</p> <p><b>Warringah LEP 2011 and Warringah DCP 2011</b></p> <p>No other coastal related issues identified.</p>

Internal Referral Body	Comments		
	As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Warringah LEP 2011 and Warringah DCP 2011.		
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS		
	Discussion of reason for referral		
	The proposal has been referred to Heritage as the subject site is within the vicinity of heritage items being		
	<b>Item I124 - Front sandstone boundary wall and rear sandstone retaining wall</b> - 31 Pavilion Street		
	<b>Item I125 - Rear sandstone retaining wall and sandstone access stairway</b> - 33 Pavilion Street		
	Details of heritage items affected		
	<b>Front sandstone boundary wall and rear sandstone retaining wall</b>		
	<u>Statement of Significance</u> The front and rear sandstone boundary wall of the Freshwater view reserve extends from the front of 31 Pavilion street, Queenscliff, and includes its rear sandstone access stairway. It is significant because it was built by Arthur Costin as part of his former estate, connecting the house and his cliff top hut. It represents an early creative effort to overcome obstacles of the slip and slope of the land, as well as technical achievements in his use of locally quarried sandstone.		
	<b>Rear sandstone retaining wall and sandstone access stairway</b>		
	<u>Statement of Significance</u> The front and rear sandstone boundary wall of the Freshwater view reserve extends from the front of 31 Pavilion street, Queenscliff, and includes its rear sandstone access stairway. It is significant because it was built by Arthur Costin as part of his former estate, connecting the house and his cliff top hut. It represents an early creative effort to overcome obstacles of the slip and slope of the land, as well as technical achievements in his use of locally quarried sandstone.		
Other relevant heritage listings			
SEPP (Biodiversity and Conservation) 2021	No		
Australian Heritage Register	No		
NSW State Heritage Register	No		



Internal Referral Body	Comments		
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	<b>Consideration of Application</b> <p>The proposal seeks consent for alterations and additions to an existing dwelling. This includes a new upper level, internal reconfiguration and changes to landscaping. The heritage items are located to the north east of the subject site, on the other side of the road. Given the physical separation between the site and the location of the items, the proposal is considered to not impact upon the heritage items or their significance.</p> <p>Therefore Heritage raises no objections and requires no conditions.</p> <p>Consider against the provisions of CL5.10 of WLEP.</p> <p>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</p>		

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.
Aboriginal Heritage Office	<p>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.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>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.</p>

## 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. A1737147 dated 23 February 2024). 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 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.

#### **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 proposed development is supported by a geotechnical risk assessment report and plans that demonstrate the proposed development is of acceptably low risk in relation to the above matters. As such, the proposed development is not anticipated to result in adverse impact.

- 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 development is designed, sited and will be managed to avoid an adverse impact referred to above at (1).

## **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 platform for members of the public, including persons with a disability,*
    - ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
    - 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*
- ii) *adverse 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 proposed development is supported by a geotechnical risk assessment report and plans that demonstrate the proposed development is of acceptably low risk in relation to the matters above at (a). As such, the proposed development is designed, sited and will be managed so as not to result in adverse impact to the matters above at (b). The proposed development has been reviewed by Council's Coast & Catchments team, who are supportive of the application, subject to conditions of consent. The proposal has been considered in relation to the coastal and built environment, bulk and scale throughout the assessment, as demonstrated within this report.

**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:**

Given the above, the consent authority can be satisfied that the proposed development is designed such that it will not result in increased risk of coastal hazards on the subject site or surrounding land.

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
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Height of Buildings:	Max. 8.5m	Max. 8.5m	-	Yes
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#### Compliance Assessment

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

#### Detailed Assessment

### **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. 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. 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	Max. 7.1m	-	Yes
B3 Side Boundary Envelope	5m	E: Max. 1.2m outside envelope	20%	No
		W: Max. 1.2m outside envelope	20%	No



B5 Side Boundary Setbacks	E: Min. 900mm	Existing: Nil	-	Existing
		New Works: 1m	-	Yes
	W: Min. 900mm	Existing: Nil	-	Existing
		New Works: Min. 960mm	-	Yes
B7 Front Boundary Setbacks	Min. 6.5m	Min. 2.5m	61.54%	No
B9 Rear Boundary Setbacks	Min. 6m	Min. 2.41m	59.83%	No
D1 Landscaped Open Space (LOS) and Bushland Setting	Min. 40% (63.76m <sup>2</sup> )	41% (65.4m <sup>2</sup> )	-	Yes

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	No	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
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
E10 Landslip Risk	Yes	Yes

### Detailed Assessment

#### **B3 Side Boundary Envelope**

The proposed development includes encroachments to the side boundary envelopes of both the eastern and western elevations of up to 1.2 metres for the purpose of the second floor addition and the privacy screening to the ground floor rear balcony. 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 side setbacks to the new works, and is compliant with the applicable wall height and building height controls. Additionally, there are a number of multi-storey developments in Pavilion Street, thereby providing suitable contextual appropriateness for this development. The proposed development is designed and sited so as not to become visually dominant by virtue of its height and bulk.

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

#### Comment:

The proposed development retains compliant levels of solar access for adjoining properties, and includes privacy measures at key points to retain suitable amenity. The proposed development ensures that all new works are compliant with the side setback controls, thereby providing adequate separation between the dwelling on the subject site and the dwellings on adjoining sites.

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

#### Comment:

As demonstrated by the elevations and sections, the proposed development steps down with the slope of the land, and does not breach the maximum wall height or building height at any point. The proposal suitably responds to the topography of the site.

#### **B7 Front Boundary Setbacks**

The proposed development includes new works (an extended first floor balcony and a second floor addition) minimum 2.5 metres from the front boundary, where a minimum of 6.5 metres is required by this control. It is noted that developments along Pavilion Street generally do not comply with the front boundary setback control. Full compliance with the control would not be reasonable in the circumstances of this case. With regard to the consideration for a variation, the development is considered against the underlying objectives of the control as follows:

*To create a sense of openness.*

Comment:

The proposed new works in the front setback area are for an expanded first floor balcony and for the second floor addition. The balcony is an open element allowing building modulation and increasing amenity for the existing dwelling. The second floor addition is located generally above existing built form, thereby not reducing the openness of the front yard to the extent that it would be materially different.

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

Comment:

The subject site has an existing front setback of between 2.3 and 4.3 metres from the front boundary. Additionally, a number of dwellings in the street have a reduced, non-compliant front setback, averaging 0-4 metres. This is due to the general prevalence of undersized lots. For example, the subject site is 159m<sup>2</sup>, where the minimum subdivision lot size is 450m<sup>2</sup> for this locality. The second floor addition has been located where it causes least impact to adjoining properties with respect to amenity, and least overall building height, resulting in a front setback of minimum 2.5 metres. Given the area and dimensions of the site, strict compliance with the control would be unreasonably restrictive with respect to development potential and amenity, and would be inconsistent with the existing visual continuity and pattern of buildings and landscaping in Pavilion Street. Additionally, there are a number of multi-storey developments in Pavilion Street, thereby providing suitable contextual appropriateness for this development.

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

Comment:

Given the consistency with the front building line of the existing and approved developments in the surrounding area, the proposed development provides consistency with the existing streetscape, but with an updated, enhanced architectural presentation.

*To achieve reasonable view sharing.*

Comment:

Despite the non-compliance with this control, the proposed development is designed and sited so as not to unreasonably impact upon view sharing for surrounding sites.

## **B9 Rear Boundary Setbacks**

The proposed development includes new works (storeroom, ground floor extension with balcony, and first floor balcony) minimum 2.4 metres from the rear boundary, where a minimum of 6 metres is required by this control. It is noted that developments along Pavilion Street generally do not comply with the rear boundary setback control. Full compliance with the control would not be reasonable in the circumstances of this case. 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:

Despite the rear boundary setback non-compliance, the proposed development maintains suitable areas in the front and rear yards to support deep soil planting. The proposal provides a minor increase in the total landscaped area on site, due to a reduction of paving in the front yard.

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

Comment:

At the subfloor level, the storeroom is 1.36 metres wide and 2.5 metres deep, thereby not resulting in a major encroachment to the rear yard. At the ground floor, a significant portion of the encroachment is for an open balcony. At the first floor, the encroaching element is for a balcony only. Given this, and that the site and surrounds are limited in their ability to provide compliant front and rear setbacks, a contextually appropriate level of openness is retained to the rear of the dwelling.

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

Comment:

It should be noted that, given the existing dwellings and topography, limited privacy exists in the rear yards of the subject site and adjoining sites as it stands. The proposed new balcony elements that breach the rear setback area are designed with visual privacy in mind, with the inclusion of privacy screening in key points. Despite the rear boundary setback non-compliance, the proposed development is suitably respectful of amenity.

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

Comment:

The subject site has an existing rear setback of between 4.3 and 5.2 metres from the rear boundary. Additionally, a number of dwellings in the street have a reduced, non-compliant rear setback. This is due to the general prevalence of undersized lots. For example, the subject site is 159m<sup>2</sup>, where the minimum subdivision lot size is 450m<sup>2</sup> for this locality. Given the area and dimensions of the site, strict compliance with the control would be unreasonably restrictive with respect to development potential and amenity, and would be inconsistent with the existing visual continuity and pattern of buildings and landscaping in Pavilion Street.

*To provide opportunities to maintain privacy between dwellings.*

Comment:

Despite the non-compliance with this control, the proposed development is designed and sited so as not to unreasonably impact upon view sharing for surrounding sites.

## **D6 Access to Sunlight**

Objections raised concern that the proposed development results in unreasonable overshadowing to 36 Pavilion Street and 43 Queenscliff Road. The proposed development is supported by shadow diagrams prepared by a suitably qualified professional. This control requires that at least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21, which is not achieved by this development. With regard to the consideration for a variation, the development is considered against the underlying objectives of the control as follows:

*To ensure that reasonable access to sunlight is maintained.*

Comment:

The submitted shadow diagrams demonstrate that the existing rear yards of the subject site and adjoining sites are each either entirely or almost entirely overshadowed in the current scenario. This is due to the undersized lots, existing setbacks, topography, and north-south orientation of the land. These factors make each site particularly vulnerable to overshadowing, and make compliance with this control impossible. Contextually, suitable access to sunlight is instead achieved to the internal spaces of each dwelling. The proposed development continues this outcome with the majority of new shadow falling onto adjoining roofs.

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

Comment:

The proposed development is innovative in that it allows for an additional storey without unreasonable impact to the amenity of adjoining properties.

*To promote passive solar design and the use of solar energy.*

Comment:

Given the above, the proposed development allows contextually appropriate passive solar access internally within the subject dwelling house and adjoining dwelling houses.

## D7 Views

One submission raises concern that the proposed development will block views from the grass area and rock formations at the reserve to the north of the site towards the ocean to the south. From the grass areas of the reserve, views to the south are of the existing dwelling houses along Pavilion Street, to the sky, and a distant portion of the horizon, as depicted below:



*Above: The view from the western end of the reserve, towards the subject site (centre of photograph).*





*Above: The view from the eastern end of the reserve, towards the subject site (centre of photograph).*

From the grass areas of the reserve, the proposed development is demonstrated to only interrupt views to the sky, which does not warrant further assessment or amendment.

While views may be obtained from the rock formations on the reserve (pictured below), it is not reasonable to consider the impact of the proposed development on these views with determining weight, as they are several metres high at points and cannot be safely accessed as a place of public recreation.





Above: The rock formations from which views may be obtained.

## D8 Privacy

The submission from 36 Pavilion Street raised concern that the proposed development will result in unreasonable privacy impacts. The development is considered against the underlying objectives of the control as follows:

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

### Comment:

It should be noted that, given the existing dwellings and topography, limited privacy exists in the rear yards of the subject site and adjoining sites as it stands. The proposed development includes privacy screening to both the balcony elements at the ground and first floors, thereby providing suitable measures to reduce overlooking at these points. With respect to the second floor addition, the windows are suitably located and designed so as to prevent overlooking. On the eastern elevation, the window has a sill height of 1.7 metres above finished floor level to prevent direct overlooking. On the western elevation (towards no. 36 Pavilion Street), the windows are adjacent to the stairs. The southern-most window on this elevation (SL03) is located such that it is well-above average eye height. The northern-most window on this elevation (SL04) adjoins the landing of the stairs, where occupants do not spend extended periods of time. On both elevations, the windows are angled towards the sky, rather than directly out to the side. The proposed development is demonstrably designed to provide a contextually appropriate level of privacy to the adjoining properties.

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

### Comment:

Given the above, the proposed development is designed and sited so as to be innovative in its context, as it suitably retains amenity, while allowing additional development potential for the subject site.

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

Comment:

The proposed development finds an appropriate balance between casual surveillance of the locality and amenity for the occupants of the subject site and adjoining sites, with respect to security.

## **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 \$3,631 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$363,089.

## **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 DA2024/0284 for Alterations and additions to a dwelling house on land at Lot 2 DP 622394, 34 Pavilion 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
A1.01	F	Site and Site Analysis Plan	CVMA Architects	4 March 2024
A1.03	G	Demolishing Plans	CVMA Architects	4 March 2024
A1.04	H	Ground & L1 Floor Plans	CVMA Architects	4 March 2024
A1.05	H	Attic and Roof Plans	CVMA Architects	4 March 2024
A2.01	F	North Elevation	CVMA Architects	4 March 2024
A2.02	D	South Elevation	CVMA Architects	4 March 2024
A2.03	H	East Elevation	CVMA Architects	4 March 2024
A2.04	H	West Elevation	CVMA Architects	4 March 2024
A3.01	F	Sections	CVMA Architects	4 March 2024
A5.01	E	Schedule of Colours and Materials	CVMA Architects	4 March 2024
SW00	01	Stormwater Management Cover Sheet	Universal Consulting Engineers	1 January 2024

SW01	01	Stormwater Management Ground and Level 1	Universal Consulting Engineers	1 January 2024
SW02	01	Stormwater Management Attic and Roof	Universal Consulting Engineers	1 January 2024
SW03	01	Stormwater Management Detail Sheet	Universal Consulting Engineers	1 January 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate A1737147	-	CVMA Architects	23 February 2024
Preliminary Geotechnical Assessment	J4117C	White Geotechnical Group	15 March 2024
Waste Management Plan	-	Applicant	Undated

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. 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.

### 3. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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



- (b) 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 an 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 following is required:
  - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
  - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
  - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (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.), 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.
- (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 sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## FEES / CHARGES / CONTRIBUTIONS

### 4. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$3,630.89 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 \$363,089.29.

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.

## 5. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

## **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### 6. **No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

## 7. **Stormwater Drainage Disposal**

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifier prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

## 8. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

## 9. **Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:

1. Council's relevant development control plan,
2. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

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

**10. 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.

**11. External Finishes to Roof**

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

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

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

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

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

Please refer to the website [www.sydneywater.com.au](http://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**

**13. Wildlife Protection**

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

Reason: To protect native wildlife.

**14. 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 Certifier.

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

**15. 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.

**16. 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 Planning, Housing and Infrastructure.

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 Department of Planning, Housing and Infrastructure.

Reason: Aboriginal Heritage Protection.

## **BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

**17. No Weeds Imported On To The Site**

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

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

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

**18. Waste Management Confirmation**

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to

the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

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 10/05/2024, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**