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## MEMORANDUM

**DATE:** 17 March 2021  
**TO:** Northern Beaches Local Planning Panel (Panel)  
**CC:** Peter Robinson, Executive Manager  
**FROM:** Maxwell Duncan  
**SUBJECT:** 25 Nield Avenue, Balgowlah  
**REFERENCE:** Amended Plans DA2020/1228.

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Dear Panel Members,

The purpose of this memo is to inform the Panel that additional information for DA2020/1228 has been provided by the applicant, in response to the concerns raised by objecting parties. The amendments are limited to Dwelling 2 and can be summarised as follows:

- Building height reduced from RL53,400 to RL53,300;
- Level 1 amendments;
  - internal stair amended
- Level 2 amendments;
  - Floor space shifted forward to align with Dwelling 1, resulting in an increased rear setback from 8m to 9.5m,
  - Depth of front balcony reduced from 5.05m to 3.55m, to ensure that the 8.55m front setback remains the same.
  - Depth of rear deck reduced from 4.3m to 3m, providing 6.5m deep soil zone across the entire site,
  - Southern side setback of rear deck increased from 3.248m – 4m
- The shift in the location of Level 2 alters the position of the three windows along the southern in relation to the adjoining dwelling.

The proposed amendments will further reduce amenity impacts upon the neighbouring properties, by reducing the useability of the level 2 outdoor living areas and increasing physical separation between the subject site and adjoining properties.

Therefore, the proposed amendments are supported, subject to the privacy conditions outlined in the recommendation below.

### RECOMMENDATION

As a result of the proposed revised drawings, it is recommended that Condition 1 – Approved Plans and Supporting Documentation for both DA2020/1228 be amended as follows:



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- **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A0301/ Revision F	17 March 2021	ADS
A0401/ Revision I	17 March 2021	ADS
A0402/ Revision G	17 March 2021	ADS
A0601/ Revision F	17 March 2021	ADS
A1001/ Revision M	17 March 2021	ADS
A1002/ Revision L	17 March 2021	ADS
A1003/ Revision L	17 March 2021	ADS
A1004/ Revision L	17 March 2021	ADS
A1501/ Revision J	17 March 2021	ADS
A1502/ Revision J	17 March 2021	ADS
A1503/ Revision J	17 March 2021	ADS
A1504/ Revision J	17 March 2021	ADS
A1505/ Revision G	17 March 2021	ADS
A1601/ Revision K	17 March 2021	ADS
A1602/ Revision F	17 March 2021	ADS
A1603/ Revision F	17 March 2021	ADS

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate No. 1133001M	16 September 2020	Eco Certificates PTY LTD
Geotechnical Stability Assessment	4 March 2021	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:

<b>Waste Management Plan</b>		
<b>Drawing No./Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	16 September 2020	Pavlo Doroch



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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.

The following conditions be imposed to ensure the protection of adjoining properties.

- **Add Condition – Pre-Construction Dilapidation Report - to read as follows:**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Properties:

**23 Nield Avenue, Balgowlah**  
**46 and 46A West Street, Balgowlah**  
**44 West Street, Balgowlah**

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 Principal 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 Principal Certifying Authority prior to the commencement of any works on site.

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

- **Add Condition – Post Construction Dilapidation Report - to read as follows:**

Post-Construction Dilapidation Reports, 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,



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- 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.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

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

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

The following conditions be imposed to ensure adequate privacy for the adjoining southern property No. 23 Nield Avenue, Balgowlah:

- **Add Condition – Privacy Screen - to read as follows:**

A 1.8 metre privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost southern edge of the deck located to the rear of dwelling 2 on the approved plans. The privacy screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

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

Reason: In order to maintain privacy to the adjoining / nearby property.

- **Modify Condition 8 – Amendments to the approved plans – to read as follows:**

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

- a) Windows FG1.08, FG1.07 and FG1.11 are to have a sill height of at least 1.65m above finished floor level, or be fixed and frosted below 1.65m.
- b) **Windows FG1.06, FG1.09, FG1.10, FG1.12 are to be externally screened. The screen shall be fixed angled louvres (with a maximum spacing of 20mm), in materials that complement the design of the approved development. The screen shall cover the whole window.**

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.