

79a Ryan Place  
Beacon Hill NSW 2100

**Development Application for  
Change of Use to a Bed and  
Breakfast and Minor Change in  
Design of Approved Addition to a  
Detached 'Cabin'**

**Statement of Environmental  
Effects**

29 January 2020

THE COUNCIL **APPROVAL** EXPERTS



Created	RJ
Checked	MF

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## Introduction

*Fragar Planning & Development* has been engaged by *Phil Wickings* to prepare and submit a Development Application for a bed and breakfast at 79a Ryan Place in Beacon Hill. Once determined, this proposal will provide a boutique tourist accommodation option on the Northern Beaches.

We thank Northern Beaches Council staff who have been of assistance during the formulation phase of this development application.

Specifically, this Statement of Environmental Effects (SoEE) includes

- an analysis of the subject site and the surrounding locality;
- a description of the proposed development;
- an analysis of the proposal against the provisions of the *Warringah Local Environmental Plan 2011 (Warringah LEP)*, relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- conclusion.

This SoEE is submitted in accordance with Schedule 1 of *The Environmental Planning and Assessment Regulation 2000* for the purposes of

- demonstrating that the environmental impact of the development has been considered; and
- outlining the steps to be undertaken to protect the environment and to mitigate any potential harm, if necessary.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the Warringah LEP.

## The Subject Site and Locality

The site is located at 79a Ryan Place in Beacon Hill (Lot 52 DP 1026033). The property is a battle-axe shaped allotment of approximately 1,832m<sup>2</sup> in area. Access to the site is via a shared driveway off Ryan Place, which also services a number of other properties. Existing development on the site comprises an elevated carpark at the top of the site with stairs providing access to a 2 storey dwelling with attached undercroft hobby room at the middle of the site. From the middle of the site stairs continue down to a detached 'cabin' on the lower portion of the site. Due to the slope of the site, the existing dwelling is a 'pole house' style and is elevated above natural ground level. The existing dwelling has had strata title subdivision approval granted for two (2) dwellings.

Nearby development to the north, east and west comprises similar single and two storey dwellings on sloping lots. Land to the south is used for industrial purposes and has a much flatter topography.

The site is legally identified as the following:

Address	Lot DP	Size
79A Ryan Place, Beacon Hill NSW 2100	Lot 52 DP 1026033	1,832 m <sup>2</sup> (approx.)



(Photo by Harris Environmental, 2020)

Diagram 1: Aerial Photos

Subject Site



Diagram 2: Locality Plan

## Summary of Environmental Mapping Constraints

Environmental constraints mapping has been undertaken for this property. The following key matters were identified:

- **Lot Size:** Mapped with a minimum Lot Size of 600m<sup>2</sup>.
- **Height Building:** Mapped with a maximum Building Height of 8.5m.
- **Bush Fire Prone Land:** Mapped as bush fire prone land containing both 'Vegetation Category 2' and 'Vegetation Buffer'.
- **Landslide Risk Land:** Mapped as Landslide risk Land Area C – Slopes >25° and Area B – Flanking Slopes 5° to 25°.
- **Flood Prone Land:** Partially mapped as Low Risk Planning Precinct.

## Site Zoning

The site is zoned *R2 – Low Density Residential* under *Warringah Local Environmental Plan 2011* (Warringah LEP).

## Development History

The relevant development history on Councils online DA tracking system associated with this property is listed below:

- Principal Certifying Authority NOC2019/0313 - Alterations and additions to an existing outbuilding and carpark - X2017-/00350 (Submitted: 19/03/2019)
- DA2016/0229 - Alterations and additions to an existing outbuilding and carpark (Submitted: 15/03/2016)
- DA2016/0224 - Tree Application (Submitted: 14/03/2016)
- Principal Certifying Authority IOC2016/0005 - Alterations and additions to a dwelling house (Submitted: 17/02/2016)
- CC2014/0184 - Alterations and additions to a dwelling house (Submitted: 11/04/2014)
- DA2013/0868 - Alterations and additions to a dwelling house (Submitted: 26/07/2013)
- CC2011/0429 - Alterations and additions to a dwelling house to create two (2) dwellings and strata subdivision (Submitted: 26/05/2011)
- Principal Certifying Authority PCA2011/0520 - Alterations and additions to a dwelling house to create two (2) dwellings and strata subdivision (Submitted: 26/05/2011)
- DA2010/1043 - Alterations and additions to a dwelling house to create two (2) dwellings and strata subdivision (Submitted: 06/07/2010)
- DA2009/1165 - Alterations and additions to a dwelling house and carport and a strata subdivision (Submitted: 07/09/2009)
- CC2009/0696 - Proposed Hobby Room and Connecting Stairs to Under Croft of Existing Dwelling (Submitted: 26/08/2009)
- Principal Certifying Authority PCA2009/0924 - Proposed Hobby Room and Connecting Stairs to Under Croft of Existing Dwelling (Submitted: 26/08/2009)
- DA2005/0866 - Awning Over Existing Upper Floor Deck (Submitted: 14/09/2005)



- DA2005/0058 - Proposed Hobby Room and Connecting Stairs to Under Croft of Existing Dwelling (Submitted: 21/01/2005)
- MOD2001/1498/2 - Addition of Front Entrance Porch and Relocation of Stormwater Drainage Pipe - Mod. of Consent 2001/1498DA for Erection of a Split Level Dwelling & Assoc. Landscaping Works (mod 2) - (Submitted: 18/11/2002);
- MOD2001/1498/1 - Modification Involves the Alteration of Floor Level/Height, Relocation of the Window Associated With the Dining Room and Deletion of the Requirement for the Provision of a Heat Shield Against Bushfire Attack - (split Level Dwelling and Associated Landscaping Works) (Submitted: 31/05/2002); and
- DA2001/1498 - Split Level Dwelling and Associated Landscaping - (three Bedroom Split Level with Outdoor Deck, landscaping, including a Log Wall) 23/4/02 (Submitted: 17/10/2001).

## The Proposed Development

The proposed development is for a change of use to 'bed and breakfast accommodation' and the minor realignment of an approved addition to the existing detached 'cabin' at 79a Ryan Place in Beacon Hill.

Existing development on the site includes the residence on the middle portion of the site and the associated detached cabin on the lower portion of the site. The cabin was originally approved as an 'garden shed' under DA2501 in 1999. Its use as a 'habitable space' as well as alterations and additions, including an addition containing a bedroom and bathroom, was approved under DA2016/0229 on 3 June 2016.

The owner is proposing to use the detached cabin as the sitting room, bedroom and bathroom component of the proposed 'bed and breakfast accommodation' (B&B) at the site. It is proposed that all cooking, such as main meals, will be provided within the existing dwelling but a fridge, microwave and tea /coffee making facilities are to be provided in the cabin (note: no oven or cooktop is proposed in the cabin). A bench with a sink is also proposed for good housekeeping practices, as illustrated on the plans in Appendix A.

This development application also proposes a redesign of the bedroom/bathroom addition to the cabin that was previously approved under DA 2016/0229. This is required to allow the proposal to comply with relevant bushfire development controls and provide an 11m setback from the western property boundary. The floor area of this addition will be 20.4m<sup>2</sup> (previously approved design was 13.6m<sup>2</sup>).

Pedestrian and vehicular access to the property is off Ryan Place and via a concrete driveway (Right of Way) across the lot to the north (Lot 51 DP1026033). Given the unique location and setting it is anticipated the B&B will attract younger (18 – 40 year old) backpacker type tourists that use public transport and Apps such as Uber/ Menulog for transport. The dedicated B line bus service is approximately 15 minutes walk from the site. As a result, no additional car parking is proposed as part of this development. An extension on the western side of the car parking area was approved under a previous DA, however it is considered that construction of this car parking extension will not be necessary at this stage.

No changes to the existing principal dwelling are proposed and no demolition work is proposed.

Plans of the proposal are provided in Appendix A.

# Planning Considerations

## *Environmental Planning and Assessment Act 1979*

Development of land under the *Environmental Planning and Assessment Act 1979* (EPA Act 1979) requires consideration of the various Environmental Planning Instruments, Planning Policies and Codes to determine whether development approval is required and if so, what consideration must be given to an application. Specifically, Section 4.15 of the EPA Act 1979 sets out the matters Council must take into consideration when determining a development application.

This SEE forms part of the Development Application Council for the proposed bed and breakfast accommodation and alterations to the 'cabin'. All relevant matters associated with this proposal are addressed within this report.

## **Integrated Development**

Clause 4.46 of the EPA Act 1979 identifies development that is considered 'integrated development'. Development that requires authorisation under section 100B of the *Rural Fires Act 1997* in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes is considered integrated development. Before granting development consent to a proposal for integrated development the consent authority must obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development.

**Comment:** The site is mapped as bushfire prone land containing both *Vegetation Category 2* and *Vegetation Buffer*. The proposal is for a tourist development (bed and breakfast accommodation) and is considered a 'special fire protection purpose' and therefore the proposed development is considered 'integrated development'.

A Bushfire Hazard Assessment was prepared with regard to the proposed bed and breakfast accommodation by Harris Environmental Consulting (2019).

The Bushfire Hazard Assessment states that the existing cabin proposed for use as a B&B and the associated additions are bordered by remnant parcels of Sydney Coastal Dry Sclerophyll Forest on the Western and Eastern elevations. The sheltered gully topography makes way for an open eucalypt canopy approximately 25 m high. The understory has been highly modified. This is shown in Photo 1 and 2. The formation on the eastern elevation holts due to residential development with a total area of 0.24 ha. The formation on the western elevation has been reduced to a narrow corridor running along the southern lot boundaries that does not exceed 50 m in width. The PBP 2006 allows for the downgrading of vegetation to Remnant and therefore assessed as rainforest in cases where vegetation is:

*'Less than 1 Ha or a shape that provides a potential fire run directly towards the building not exceeding 50°'.*

In accordance with the Planning for Bushfire Protection 2006 the vegetation has been classified as Remnant Vegetation.

The Bushfire Hazard Assessment (Harris Environmental Consulting, 2019) provides the following conclusions and recommendations:



- The proposed additions can be built to meet BAL 29 as specified by AS3959 - 2009 Construction for Buildings in Bushfire Prone Areas on all facades;
- An APZ is required to be established from the commencement of building works and should be maintained for perpetuity over the entirety of the subject lot;
- The subject lot is located on Ryan Place on a shared ROW;
- Reticulated water is supplied to the subject lot. The cabin is within 70 m of the ROW;
- Any bottled gas will be installed and maintained in accordance with AS1596 and the requirements of the relevant authority. If gas cylinders need to be kept close to the buildings, the release valves must be directed away from the building and away from any combustible material. Polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used;
- Electrical transmission lines, if above ground, will be managed in accordance with specifications issued by Energy Australia;

A copy of the Bushfire Hazard Assessment (Harris Environmental Consulting, 2019) is provided in Appendix B.

## Local Environmental Plan

### *Warringah Local Environmental Plan 2011*

The relevant local planning instrument is the *Warringah Local Environmental Plan 2011* (Warringah LEP). Relevant clauses of the Warringah LEP are addressed in the following sections.

### **Zoning and Permissibility**

The site is zoned *R2 – Low Density Residential* under the Warringah LEP 2011. The objective of the R2 zone is to:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

The following relevant definitions are provided within the Warringah LEP 2011:

***bed and breakfast accommodation*** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where –

*(a) meals are provided for guests only, and*

*(b) cooking facilities for the preparation of meals are not provided within guests' rooms, and*

*(c) dormitory-style accommodation is not provided.*

**Comment:** Bed and breakfast accommodation is permissible in the zone with development consent. The proposal is considered to be consistent with the objectives of the zone as the design compliments the existing character of the immediate locality and setting. The B&B would only cater for two guests at a time and would have the following Conditions of use (with a security bond) to ensure there is no impact to the low density character, natural environment or amenity of the area:

- no smoking;
- no pets;
- quiet time between 10pm and 7am;
- guests aged 18+;
- no guest traffic noise;
- no interference with flora or fauna;
- no parties (e.g. bucks/ hens nights or similar); and
- no fires/ candles/ naked flames permitted.

### Clause 4.3 – Height of Buildings

Clause 4.3 of the Warringah LEP requires that proposals for new buildings not exceed the maximum height for the site on the height of buildings map. The maximum building height for this site is 8.5m.

**Comment:** The proposed development complies with this control. The proposed maximum height of the cabin addition is 5.2m above natural ground level at the eastern end, well below the maximum height of 8.5m.

### Clause 5.4 – Controls relating to miscellaneous permissible uses

Clause 5.4(1) of the Warringah LEP 2011 relates to proposal for bed and breakfast accommodation, it states:

***Bed and breakfast accommodation*** *If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.*

**Comment:** The proposed development is for bed and breakfast accommodation and will consist of only one (1) bedroom, therefore it complies with Clause 5.4(1) of the Warringah LEP.

### Clause 6.2 – Earthworks

Clause 6.2 of the Warringah LEP relates to earthworks with the aim of ensuring that earthworks do not result in significant environmental impacts.

**Comment:** Complies - only minor earthworks associated with the footings of the cabin extension are proposed which, with the implementation of soil erosion control methods, will not result in any adverse environmental impacts.

### Clause 6.3 – Flood Planning

Clause 6.3 of the Warringah LEP relates to flood planning for sites that are impacted during flooding. A very small part of the site is flood prone near the southern boundary and therefore this clause is relevant to the proposed development.

**Comment:** Complies - a letter from Jack Hodgson Consultants Pty Limited (civil, geotechnical and structural engineers) regarding flooding at the site, and the proposal, accompanies this development application. The letter states that as the proposed cabin extensions will have an FFL of 20.90m AHD the cabin will be well above both the wide area or localised flooding in the southern section of the site. A copy of the letter from Jack Hodgson Consultants Pty Limited is provided in Appendix C.



## Clause 6.4 – Development on sloping land

Clause 6.4 relates to proposals for development on land identified as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map in the Warringah LEP.

**Comment:** The site is mapped as containing both 'Area B – Flanking slopes from 5 to 25 degrees' and 'Area C – Slopes more than 25 degrees' and therefore Clause 6.4 is relevant.

This development application is accompanied by a Preliminary Geotechnical Assessment (Jack Hodgson Consultants Pty Ltd, 2016) relating to the proposed cabin extension as well as changes to the car parking area with regard to the slope of the site. It is noted that this report related to the previously approved DA for the cabin extension however, the authors have indicated that the conclusions and recommendations of this assessment would remain the same regardless of the minor change in location of the extension as proposed in this DA.

The Preliminary Geotechnical Assessment (Jack Hodgson Consultants Pty Ltd, 2016) concludes that no geotechnical hazards will be created by the proposed cabin alterations and additions. With the exception of those required for footings for the addition, the proposal does not require significant excavation or filling and no further geotechnical reporting is considered necessary. The assessment recommends that a Geotechnical Engineer inspect the foundation materials of all footing excavations before concrete is placed. A copy of the Preliminary Geotechnical Assessment (Jack Hodgson Consultants Pty Ltd, 2016) is provided in Appendix D.

## Development Control Plan

The *Warringah Development Control Plan 2011* (Warringah DCP) is the applicable DCP to this site. The provisions of the Warringah DCP are addressed in the following table.

### *Warringah Development Control Plan 2011*

Clause	Provisions	Comment
1.1	Name of Plan	Noted
Part B	Built Form Controls	
B1	Wall Heights 1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).	Complies – maximum overall building height is approximately 5.2m.
B2	Number of storey's	Not relevant.
B3	Side boundary envelope 1Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of: <ul style="list-style-type: none"><li>• 4 metres, or</li><li>• 5 metres</li></ul> as identified on the map.	Complies – the proposed cabin addition will be situated a minimum of 11m from the site boundaries – refer to attached Plans in Appendix A.
B4	Site Coverage	Not relevant.
B5	Side boundary setbacks Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map. Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences. On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, basement car parking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side setback except as provided for under Exceptions below.	Complies – the minimum side boundary setback under Warringah DCP 2011 are 0.9m. The proposed side setbacks are at least 11m.



Clause	Provisions	Comment
B6	Merit assessment of side boundary setbacks	Not relevant.
B7	Front boundary setbacks Development is to maintain a minimum setback to road frontages. The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences. Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.	Complies – the site is an existing battle-axe allotment with an identified minimum front setback of 6.5m under the Warringah DCP. The proposed cabin additions are located at the rear of the lot and therefore will not reduce front setback distances.
B8	Merit assessment of front boundary setbacks	Not relevant.
B9	Rear boundary setbacks Development is to maintain a minimum setback to rear boundaries. The rear setback area is to be landscaped and free of any above or below ground structures. On land zoned R3 Medium Density where there is a 6m rear boundary setback, above and below ground structures and private open space, including basement carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the rear building setback. The rear building setback for land zoned IN2 Light Industrial at Tepko Road that adjoins land zoned R2 Low Density Residential is not to be used for industrial purposes or vehicle access. The rear building setback for land zoned IN2 Light Industrial in the vicinity of Campbell Parade, Manly Vale is not to be used for industrial purposes or vehicle access.	Complies – The minimum rear boundary setback for this site under the DCP is 6m. The proposed cabin addition has a minimum rear setback of 11m.
B10	Merit assessment of rear boundary setbacks	Not relevant.
Part C	Siting Factors	
C1	Subdivision	Not relevant. No subdivision proposed.
C2	Traffic, access and safety Vehicular Access 1. Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives. 2. Vehicle access is to be obtained from minor streets and lanes where available and practical. 3. There will be no direct vehicle access to properties in the B7 zone from Mona Vale Road or Forest Way. 4. Vehicle crossing approvals on public roads are to be in accordance with Council's Vehicle Crossing Policy	Complies – The site is accessed via a Right of Carriageway off Ryan Place which also serves a number of other properties in the immediate vicinity. This DA does not propose any change to the existing pedestrian and vehicular access.

Clause	Provisions	Comment
	<p>(Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.</p> <p>5. Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.</p> <p>On-site loading and unloading</p> <p>6. Facilities for the loading and unloading of service, delivery and emergency vehicles are to be: appropriate to the size and nature of the development; screened from public view; and designed so that vehicles may enter and leave in a forward direction.</p>	Not relevant.
C3	<p>Parking facilities</p> <p>1. The following design principles shall be met:</p> <ul style="list-style-type: none"> <li>Garage doors and carports are to be integrated into the house design and to not dominate the façade.</li> </ul> <p>Parking is to be located within buildings or on site.;</p> <ul style="list-style-type: none"> <li>Laneways are to be used to provide rear access to carparking areas where possible;</li> <li>Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments;</li> <li>Parking is to be located so that views of the street from front windows are not obscured; and</li> <li>Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.</li> </ul> <p>2. Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:</p> <ul style="list-style-type: none"> <li>the land use;</li> <li>the hours of operation;</li> <li>the availability of public transport;</li> <li>the availability of alternative car parking; and</li> <li>the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.</li> </ul> <p>3. Carparking, other than for individual dwellings, shall :</p> <ul style="list-style-type: none"> <li>Avoid the use of mechanical car stacking spaces;</li> <li>Not be readily apparent from public spaces;</li> <li>Provide safe and convenient pedestrian and traffic movement;</li> <li>Include adequate provision for manoeuvring and convenient access to individual spaces;</li> <li>Enable vehicles to enter and leave the site in a forward direction;</li> <li>Incorporate unobstructed access to visitor parking spaces;</li> <li>Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places;</li> </ul>	<p>Complies – additional parking for the site (western carpark extension) was approved in 2016 with Construction certificate obtained (2017/00350) and is pending construction when required and could be constructed for use in association with the proposed B&amp;B if needed. However, given the unique location and setting of the site it is envisaged the B&amp;B will attract eco-conscious younger backpacker type travellers who use Apps such as Uber and Menulog for transportation, as well as public transport services, and do not drive cars. Also, the dedicated B-line bus service is located a 15 minute walk from the site. As a result, no additional car parking is considered necessary.</p> <p>The Warringah DCP requires that car parking be provided in accordance with Appendix 1 of the DCP. With regard to 'bed and breakfast accommodation' the DCP states "comparison must be drawn with developments for a similar purpose". Recent research identified six (6) similar bed and breakfast accommodation developments in nearby suburbs that c=may be used as a comparison to the proposed development. All of these other accommodation developments either did not advertise that car parking was available or did not provide on-site car parking. The B&amp;B's are as follows:</p> <ol style="list-style-type: none"> <li>Freshwater Views B&amp;B – 36 Ocean View Rd, Freshwater;</li> <li>Jacarandah B&amp;B – 13 Brighton St, Balgowlah;</li> <li>Cecil Street B&amp;B – 18 Cecil St, Fairlight;</li> </ol>

Clause	Provisions	Comment
	<ul style="list-style-type: none"> <li>• Provide on-site detention of stormwater, where appropriate; and</li> <li>• Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1.</li> </ul> <p>4. Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.</p> <p>5. Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.</p> <p>6. For bulky goods premises adequate on-site parking spaces for service/delivery vehicles at a convenient location, separated from customer parking must be provided.</p> <p>7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.</p> <p>8. For Forest Way Village car parking at ground level is to be provided for individual units.</p>	<p>4. Frenchs Forest B&amp;B – 5A Gladys Ave, Frenchs Forest; and</p> <p>5. Ivanhoe House – 10 Birkley Rd, Manly.</p> <p>It is therefore considered that no additional car parking is required for the proposed bed and breakfast accommodation given there are numerous other similar developments in the area that also do not provide guest car parking.</p>
<b>C3(A)</b>	Bicycle parking and end of trip facilities	Not relevant.
<b>C4</b>	<p>Stormwater</p> <p>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.</p>	Complies – Jack Hodgson Engineering have provided a Hydraulic Stormwater Plan for this proposal (refer to Appendix I). All stormwater will be piped into the existing stormwater system.
<b>C5</b>	<p>Erosions and sedimentation</p> <p>All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.</p> <p>Any erosion and sedimentation is to be managed at the source.</p> <p>Erosion, sediment and pollution controls including water discharge from the site must comply with Council's Water Management Policy.</p>	Complies – only very minimal earthworks will be undertaken associated with the construction of the footings for the proposed cabin addition. Appropriate erosion and sedimentation control measures will be put in place to avoid this occurring in accordance with Council's Water Management Policy.



Clause	Provisions	Comment
	<p>An Erosion and Sediment Control Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of up to 2500m<sup>2</sup> of land.</p> <p>Soil and Water Management Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of more than 2500m<sup>2</sup> of land.</p>	
C6	Building over or adjacent to constructed council drainage easements.	Not relevant.
C7	<p>Excavation and landfill</p> <ol style="list-style-type: none"><li>1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.</li><li>2. Excavation and landfill works must not result in any adverse impact on adjoining land.</li><li>3. Excavated and landfill areas shall be constructed to ensure the geological stability of the work.</li><li>4. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.</li><li>5. Rehabilitation and revegetation techniques shall be applied to the fill.</li><li>6. Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.</li></ol>	Complies – only very minor hand excavation work associated with footings for the proposed cabin addition will be undertaken. It is not considered that the proposed excavation will result in any impacts on adjoining land.
C8	<p>Demolition and construction</p> <p>All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.</p>	Complies – no demolition is proposed. All construction waste will be managed in accordance with the attached Waste Management Plan provided in Appendix E which was previously approved by Council as part of DA 2016/0229 and complies with relevant Council policies.
C9	<p>Waste management</p> <p>All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.</p>	Complies – all waste will be managed in accordance with the attached Waste Management Plan provided in Appendix E which was previously approved by Council as part of DA 2017/350 and complies with relevant Council policies.





Clause	Provisions	Comment
<b>Part D</b>	Design	
<b>D1</b>	<p>Landscaped open space and bushland setting</p> <p>1. The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:</p> <ul style="list-style-type: none"><li>a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;</li><li>b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;</li><li>c) Landscaped open space must be at ground level (finished); and</li><li>d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.</li></ul> <p>2. Where land is shown on DCP Map Landscaped Open Space and Bushland Setting as “Bushland Setting”, a minimum of 50% of the site area must remain undisturbed by development and is to be kept as natural bushland or landscaped with locally indigenous species.</p> <p>3. In Cottage Point the relationship of the locality with the surrounding National Park and Cowan Creek waterway will be given top priority by enhancing the spread of indigenous tree canopy and protecting the natural landscape including rock outcrops and remnant bushland.</p>	<p>1. Complies – the required 40% area of landscaped open space at the site will remain therefore complying with the DCP.</p> <p>2. Not relevant.</p> <p>3. Not relevant.</p>
<b>D2</b>	<p>Private open space</p> <p>1. Residential development is to include private open space for each dwelling.</p> <p>2. The minimum area and dimensions of private open space are as follows:</p> <p><i>Dwelling Type</i></p> <p>Area and Minimum Dimensions per dwelling</p> <ul style="list-style-type: none"><li>• Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms - a total of 35m<sup>2</sup> with minimum dimensions of 3 metres</li><li>• Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms - a total of 60m<sup>2</sup> with minimum dimensions of 5 metres</li><li>• Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing – a total of 10m<sup>2</sup> with minimum dimensions of 2.5 metres</li></ul> <p>3. Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children’s play.</p>	<p>Complies – the proposed cabin addition will not reduce the private open space area on the lot to less than that required by the DCP.</p>



Clause	Provisions	Comment
	4. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development. 5. Private open space shall not be located in the primary front building setback. 6. Private open space is to be located to maximise solar access.	
D3	Noise	Complies – the proposal will not result in significant noise impacts.
D4	Electromagnetic radiation	Not relevant.
D6	Access to sunlight	Complies – the proposal will not result in impacts to solar access or cause overshadowing.
D7	Views	Complies – the proposed cabin addition and use as bed and breakfast accommodation will not impact on any views.
D8	Privacy	Complies – the proposed cabin addition and use as bed and breakfast accommodation will not impact on neighbour's privacy.
D9	Building bulk	Complies – the design of the proposed cabin addition is considered an appropriate scale for the site and locality.
D10	Building colours and materials	Complies – the colours and materials of the proposed cabin addition will match the existing cabin. An external colours and materials board is provided in Appendix H.
D11	Roofs	Complies – the roof of the proposed addition will match the material of the existing cabin roof and compliment the cabin design.
D12	Glare and reflection	Complies – the proposal will not result in significant glare or reflection.
D13	Front fences and front walls	Not relevant.

Clause	Provisions	Comment
<b>D14</b>	<p>Site facilities</p> <p>1. Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places. In particular:</p> <ul style="list-style-type: none"> <li>• Waste and recycling bin enclosures are to be durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection;</li> <li>• All dwellings which are required to have landscaped open space are to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets;</li> <li>• Garbage areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers;</li> <li>• Landscaping is to be provided to reduce the impact of all garbage and recycling enclosures. They are to be located away from habitable rooms, bedrooms or living areas that may detract from the amenity of occupants; and</li> <li>• Mail boxes are to be incorporated into the front fence or landscaping design. They are to be easily accessible and clearly identifiable.</li> </ul>	<p>Complies – The site contains a permanent commercial rotary composter mounted under the car park in the garden. It will be available to guests and is used for all fruit and vegetable waste. Appropriate garbage storage facilities are available on site to accommodate for the bed and breakfast accommodation development. All waste will be managed in accordance with the attached WMP in Appendix E.</p>
<b>D15</b>	Side and rear fences	<p>Complies – A new colorbond steel fence is proposed on the western boundary and complies to 'Bushfire Prone Land Standards'. The location of this fence is illustrated on the accompanying plans in Appendix A.</p>
<b>D16</b>	Swimming pools and spa pools	Not relevant.
<b>D17</b>	Tennis courts	Not relevant.
<b>D18</b>	<p>Accessibility</p> <p>1. The design is to achieve a barrier free environment with consideration given to the design of door handles and switches, entrances and corridors. Steep, rough and slippery surfaces, steps and stairs and narrow paths should be avoided.</p> <p>2. There are to be continuous, independent and barrier-free access ways incorporated into the design of buildings.</p> <p>3. Pathways are to be reasonably level with minimal cross fall and sufficient width, comfortable seating and slip-resistant floor surfaces.</p> <p>4. Where there is a change of level from the footpath to commercial or industrial floor levels, ramps rather than steps should be incorporated.</p> <p>5. There is to be effective signage and sufficient illumination for people with a disability.</p>	<p>Complies – the site is a naturally sloping from the north to the south, with steeper sections in the northern half of the property. The existing 'cabin' is accessed on foot only (i.e. cannot be accessed with a vehicle) via hardstand stairs and paths within the site.</p> <p>Due to the natural slope of the site it is therefore difficult and cost prohibitive to provide disabled access to the proposed B&amp;B. A Performance Solution Report has been prepared with regard to the proposed development and relevant sections of the BCA by Access-i Pty Ltd. This report concludes that exceptional circumstances occur in this project and lessen the</p>

Clause	Provisions	Comment
	<p>6. Tactile ground surface indicators for the orientation of people with visual impairments are to be provided in accordance with the relevant Australian Standard.</p> <p>7. Access for people with a disability is to be provided at the main entrance to the development.</p> <p>8. Development is to comply with Australian Standard AS1428.2.</p> <p>9. Where a development comprises at least five (5) dwellings, 10% (rounded up to next whole number) of dwellings shall be capable of being adapted (Class C) under AS4299.</p>	<p>extent of the need for access to the bed and breakfast 'cabin.' The assessment demonstrates that access is available to the proposed development 'to the degree necessary'. A copy of the report is provided in Appendix F.</p>
<b>D20</b>	Safety and security	Complies – the proposed cabin addition and use as 'bed and breakfast accommodation' will not result in any impacts to safety and security.
<b>D21</b>	Provisions and location of utility services	Complies – the site has access to all utilities.
<b>D22</b>	Conservation of energy and water	<p>Complies – The proposal will maximise solar access to both the cabin and existing residential dwelling.</p> <p>A new 10KL rainwater tank is proposed to the west of the cabin addition. This tank water will be used on site for watering of gardens as well as firefighting purposes (if required).</p>
<b>D23</b>	Signs	Not relevant.
<b>Part E</b>	The Natural Environment	
<b>E1</b>	Preservation of trees and bushland vegetation	Complies – the proposal does not include the removal of any mature native trees. Vegetation on the site will be managed as an 'inner protection zone' in accordance with the accompanying Bushfire Hazard Assessment (Harris Environmental Consulting, 2019).
<b>E2</b>	<p>Prescribed vegetation</p> <p>1. The following is prescribed for the purposes of clause 5.9(2) of Part 2 of the Vegetation SEPP:</p> <p>All native vegetation identified on:</p> <p>a) DCP Map Threatened and High Conservation Habitat</p> <p>b) DCP Map Wildlife Corridors</p>	Complies – the site is mapped as containing native vegetation on Councils DCP Native Vegetation map.



Clause	Provisions	Comment
	<p>c) DCP Map Native Vegetation</p> <p>d) known or potential habitat for threatened species, populations or ecological communities as listed under the NSW Threatened Species Conservation Act 1995 and/or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.</p> <p>2. Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.</p>	<p>The proposed cabin addition has been designed to minimise impacts to native vegetation on the site whilst still meeting relevant bushfire hazard requirements.</p>
E3	E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat.	Not relevant.
E4	Wildlife corridors	Not relevant.
E5	<p>Native vegetation</p> <p>1. For modification of native vegetation where the area of land supporting the vegetation to be modified is greater than 100m<sup>2</sup> or the land supporting the vegetation to be modified forms part of an allotment where vegetation has been modified in the last five years:</p> <p>i. The applicant must demonstrate that the objectives have been achieved through a Flora and Fauna Assessment prepared in accordance with Council guidelines; and</p> <p>ii. The applicant must demonstrate that the objectives have been achieved through a Biodiversity Management Plan prepared in accordance with Council guidelines that will protect native vegetation on the subject property.</p> <p>2. For modification of native vegetation in all other cases, the applicant must demonstrate that the objectives have been achieved.</p>	<p>Complies – the site is identified on Councils Native Vegetation map however only minor vegetation trimming management work will be undertaken to allow for the site to be managed as an ‘inner protection zone.’</p>
E6	Retaining unique environmental features	Not relevant – the proposal will not impact on any unique environmental features.
E7	Development on land adjoining public open space	Not relevant.
E8	Waterways and Riparian Lands	Not relevant.

Clause	Provisions	Comment
E10	<p><b>Landslip Risk</b></p> <ol style="list-style-type: none"> <li>The applicant must demonstrate that: <ul style="list-style-type: none"> <li>The proposed development is justified in terms of geotechnical stability; and</li> <li>The proposed development will be carried out in accordance with good engineering practice.</li> </ul> </li> <li>Development must not cause detrimental impacts because of stormwater discharge from the land.</li> <li>Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.</li> <li>To address Requirements 1 to 3: <ol style="list-style-type: none"> <li>For land identified as being in Area A: Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions (see Notes) by a suitably qualified geotechnical engineer/ engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent.</li> </ol> <p>If the preliminary assessment determines that a geotechnical report is required, the same provisions apply in Area A as those that apply in Area B and Area D.</p> <ol style="list-style-type: none"> <li>For land identified as being in Area B or Area D: A preliminary assessment of site conditions prepared in accordance with the Checklist for Council's assessment of site conditions (see Notes) must be carried out for development. The preliminary assessment must be prepared by a suitably qualified geotechnical engineer/ engineering geologist and must be submitted with the development application.</li> </ol> <p>If the preliminary assessment determines that a geotechnical report is required a report must be prepared by a suitably qualified geotechnical engineer / engineering geologist and must be submitted with the development application.</p> <p>Also, if the preliminary assessment determines that a geotechnical report is required a hydrological assessment of stormwater discharge and subsurface flow conditions, prepared by a suitably qualified geotechnical/ hydrological engineer, must be submitted with the development application.</p> <ol style="list-style-type: none"> <li>For land identified as being in Area C or Area E: A geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer/ engineering geologist, must be submitted with the development application.</li> </ol> </li> </ol>	<p>Complies - The site is mapped as containing both 'Area B – Flanking slopes from 5 to 25 degrees' and 'Area C – Slopes more than 25 degrees'.</p> <p>This development application is accompanied by a Preliminary Geotechnical Assessment (Jack Hodgson Consultants Pty Ltd, 2016) relating to the proposed cabin addition. (It is noted that this report related to the previously approved DA for the cabin extension however, the authors have indicated that the conclusions and recommendations of this assessment would remain the same regardless of the minor change in location of the extension as proposed in this DA).</p> <p>The Preliminary Geotechnical Assessment (Jack Hodgson Consultants Pty Ltd, 2016) concludes that no geotechnical hazards will be created by the proposed cabin alterations and additions. With the exception of those required for footings for the addition, the proposal does not require significant excavation or filling and no further geotechnical reporting is considered necessary. The assessment recommends that a Geotechnical Engineer inspect the foundation materials of all footing excavations before concrete is placed. A copy of the Preliminary Geotechnical Assessment (Jack Hodgson Consultants Pty Ltd, 2016) is provided in Appendix D.</p>

Clause	Provisions	Comment
	<p>Also, a hydrological assessment of stormwater discharge and subsurface flow conditions, prepared by a suitably qualified geotechnical/ hydrological engineer, must be submitted with the development application.</p> <p>iv) When a geotechnical report is required to be submitted, (determined in accordance with i) to iii) above), the report must include a risk assessment of landslip in relation to both property and life. The risk assessment must have regard to any guidelines published by the Australian Geomechanics Society.</p> <p>Exceptions</p> <p>1. No preliminary assessment of site conditions will be required in Areas B and D and no geotechnical and hydrological reports will be required in Areas C and E if the proposed development does not involve any site, building or structural works.</p> <p>2. Council may determine that no geotechnical report is required for development situated in Areas C or E where this can be demonstrated by a preliminary assessment of site conditions, prepared by a suitably qualified geotechnical engineer / engineering geologist, in accordance with the Checklist for Council's Assessment of site conditions (see Notes).</p> <p>3. Council may determine that no hydrological assessment is required for development situated in Areas C or E where this can be demonstrated by a preliminary assessment of site conditions, prepared by a suitably qualified geotechnical engineer/ engineering geologist, in accordance with the Checklist for Council's Assessment of site conditions (see Notes).</p>	
<b>E11</b>	<p>Flood Prone Land</p> <p>1.1 Performance Criteria</p> <p>(a) SITE LAYOUT AND BUILT FORM: The site layout and ultimate built form of the proposed development should be compatible with the flood risk. Site analysis and layout should incorporate flood risk as a critical element in site planning.</p> <p>(b) PUBLIC INTEREST: The proposed development should not result in increased risk—to human life or damage to property or infrastructure—beyond acceptable limits.</p> <p>(c) PRIVATE AND PUBLIC COSTS: The economic and social costs, which may arise from damage to property from flooding, should not be exacerbated by proposed development.</p>	<p>Complies – A small area of the site is flood prone along the southern boundary. A statement provided by Jack Hodgson Consultants Pty Limited regarding flooding at the site with regard to the proposal accompanies this development application. The letter states that as the proposed cabin extensions will have an FFL of 20.90m AHD the cabin will be well above both the wide area or localised flooding in the southern section of the site. A copy of the letter from Jack Hodgson Consultants Pty Limited is provided in Appendix C.</p>



Clause	Provisions	Comment
	<p>(d) FLOOD EFFECTS CAUSED BY DEVELOPMENT ACTIVITY: Development should not detrimentally increase the potential flood effects on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.</p> <p>(e) DRAINAGE INFRASTRUCTURE AND CREEK WORKS: Any proposed works on drainage infrastructure or natural creeks, whether or not carried out as flood modification measures, shall:</p> <ul style="list-style-type: none"><li>a. Not cause adverse flooding impacts;</li><li>b. Not result in a loss of flood storage;</li><li>c. Increase protection of existing and proposed development; and</li><li>d. Not have a detrimental impact on the environment.</li></ul> <p>(f) BUILDING COMPONENTS: Building components and materials likely to be affected by flood waters should be designed, built and installed so as not to be damaged by those floodwaters.</p> <p>(g) STRUCTURAL SOUNDNESS: The proposed development shall be designed and constructed so that it remains structurally sound for its intended life taking into account all the likely flood events during that lifetime.</p> <p>(h) STORAGE OF GOODS: Goods that are likely to amplify the damages arising from flood events—including but not limited to pollutants and toxic chemicals—shall be stored so as not to find their way into floodwaters.</p> <p>(i) FLOOD EMERGENCY RESPONSE: Proposed developments should only be permitted where effective warning time and reliable access is available for evacuation from an area potentially affected by floods to an area free of risk from flooding. Such an area may be within the same building where a shelter-in-place option is appropriate and achievable. The emergency response should be consistent with the Flood Emergency Response Planning for Development in Pittwater Policy where it applies to the land. The proposed development should have procedures in place (such as warning systems, signage or evacuation drills) so that people are aware of the need to evacuate and relocate goods and motor vehicles during a flood and are capable of identifying an appropriate evacuation route.</p>	





Clause	Provisions	Comment
	<p>(j) FLOOR LEVELS: All floor levels within a proposed development shall be set at the required prescriptive level with additional consideration for the following:</p> <ul style="list-style-type: none"><li>a. The passage of flood waters;</li><li>b. The purpose for which that floor area is to used;</li><li>c. The relationship with the surrounding roadways;</li><li>d. The relationship with the existing building if the proposal is an extension; and</li><li>e. Surrounding built form and streetscape.</li></ul> <p>(k) FENCING: Fencing shall be designed and constructed so that it does not impede and/or direct the flow of floodwaters, add debris to floodwaters or increase flood affectation on surrounding land.</p>	

## Compliance with the Building Code of Australia

A BCA Compliance Report was prepared by BCA Vision with regard to the proposed development identify the extent to which the architectural design documentation for the proposed bed and breakfast accommodation complies with the relevant prescriptive provisions of the Building Code of Australia (BCA) 2016.

The findings of the BCA Compliance Assessment are summarised in the following table, with the full report provided in Appendix G.

BCA Clause	Requirement	Recommendation in BCA Assessment	Comment
3.1.2.5	Stormwater drainage	Hydraulic Engineering Advice is required. Provide Hydraulic Design Compliance Certificate A Compliance Certificate will be required on completion.	Proposed addition will be connected to the existing stormwater drainage system as indicated on the attached Stormwater Plan in Appendix I. To be addressed at Construction Certificate (CC) stage.
3.2.1	Footings and Slabs	Structural Engineers Advice is required. Provide Structural Engineers Details & Structural Design Certificate prior to Construction Certificate A Compliance Certificate will be required on completion.	To be addressed at CC stage.
3.2.2.1	Excavation and Footings	Structural Engineers Advice is required.	To be addressed at CC stage.
3.2.2.3	Foundations for footings and slabs	Provide Structural Engineers Details & Structural Design Certificate prior to Construction Certificate. A Compliance Certificate will be required on completion.	
3.4.3.0	Residential timber framed construction	Where proposed Timber Wall and roof framing must comply with AS 1684. Structural Engineers Advice is required. Provide Structural Engineers Details & Structural Design Certificate prior to Construction Certificate A Compliance Certificate will be required on completion.	To be addressed at CC stage.
3.5.1.3	Metal Sheet Roofing	Metal Sheet Roofing must be installed in accordance with Clause 3.5.1.3 of the National Construction Code. Provide construction method in Project Specification or on project plans prior to Construction Certificate. A Compliance Certificate will be required on completion.	To be addressed at CC stage.
3.5.2.2	Materials	Gutter and downpipe installation must comply with AS/NZS 3500	To be addressed at CC stage.
3.5.2.3	Selection of guttering		
3.5.2.4	Installation of gutters		
3.5.2.5	Downpipes – size and installation		



BCA Clause	Requirement	Recommendation in BCA Assessment	Comment
		Provide construction method in Project Specification or on project plans prior to Construction Certificate.	
3.5.3.5	Eaves and soffit linings	Flashing to openings and eave cladding installation must comply with AS 1562.1	To be addressed at CC stage.
3.5.3.3	Fibre cement planks and weatherboard cladding	Provide construction method in Project Specification or on project plans prior to Construction Certificate.	
3.5.3.6	Flashings to wall openings	A Compliance Certificate will be required on completion.	
3.6.2	Glazing sizes and installation	Glazing must comply with AS 1288 and AS 2047	To be addressed at CC stage.
3.6.3	Fully framed glazing installed in perimeter of buildings	Provide construction method in Project Specification or on project plans prior to Construction Certificate.	
3.6.4	Human impact safety requirements	A Compliance Certificate will be required on completion.	
3.6.4.1	Doors		
3.6.4.2	Door side panels		
3.6.4.3	Full height framed glazed panels		
3.6.4.4	Glazed panels, other than doors or side panels, on the perimeter of rooms		
3.6.4.5	Bathroom, ensuite and spa room glazing		
3.6.4.6	Visibility of glazing		
3.7.2	Smoke Alarms		
3.7.2.2	Requirements for smoke alarms Smoke alarms must— (a) be located in— (i) Class 1a buildings in accordance with 3.7.2.3; and (ii) Class 1b buildings in accordance with 3.7.2.4 and 3.7.2.5; and (b) comply with AS 3786; and (c) be connected to the consumer mains power where consumer power is supplied to the building; and (d) be interconnected where there is more than one alarm.	Hardwired smoke alarm with battery backup will be required:- · In the lounge room · In the bedroom The smoke alarms are required to be interconnected.	To be addressed at CC stage.
3.7.2.4	Lighting to assist evacuation — Class 1b buildings In a Class 1b building, a system of lighting must be installed to assist evacuation of occupants in the event of a fire, and— (a) be activated by the smoke alarm required by 3.7.2.4(b); and (b) consist of— (i) a light incorporated within the smoke alarm; or (ii) the lighting located in the corridor, hallway or area served by the smoke alarm.	Recommend providing additional emergency lights within the lounge area.	To be addressed at CC stage.
3.7.4.1	Bush fire construction	Recommend obtaining a Bushfire report from a qualified bushfire consultant to determine the BAL and construction method required.	Complies - A Bushfire Hazard Assessment accompanies this



BCA Clause	Requirement	Recommendation in BCA Assessment	Comment
			DA. Refer to Appendix B.
3.8.1.2	Wet areas	Waterproofing to wet areas must comply with AS 3740 Provide construction method in Project Specification or on project plans prior to Construction Certificate.	To be addressed at CC stage.
3.8.4.3	Artificial lighting	Artificial Lighting must comply with AS 1680.0 Provide construction method in Project Specification or on project plans prior to Construction Certificate.	To be addressed at CC stage.

### *Site Access*

It is noted that the BCA Compliance Assessment recommends that guidance from an Access Consultant in regard to the merit in assessing this structure under the NCC performance provisions with regard to access. A Performance Solution Report has been prepared with regard to the proposed development and relevant sections of the BCA by Access-i Pty Ltd Section 4.15 Considerations. This report concludes that exceptional circumstances occur in this project and lessen the extent of the need for access to the bed and breakfast 'cabin.' The assessment demonstrates that access is available to the proposed development 'to the degree necessary'. A copy of the report is provided in Appendix F.

### *The Suitability of the Site for the Proposed Development*

The previous sections of this report have demonstrated the suitability of the site for the proposed usage, particularly in terms of:

- The proposal is consistent with the existing development within the locality.
- The proposal is consistent with the objectives and development standards applying to the land.
- Overall the development is considered an appropriate usage of the site.

### *Public Interest*

The proposal is considered to accord with the wider public interest in that:

- It provides an appropriate use of the site;
- It will have a positive effect on local tourism and jobs, whilst providing a unique and diverse avenue of accommodation; and
- It is consistent with all relevant LEP aims and objectives

**Section 4.15 of the Environmental Planning and Assessment Act, 1979**

Section 4.15 (1) (a)(i) – Has consideration been given to all relevant provisions of any relevant environmental planning instrument?	Yes
Section 4.15 (1) (a)(ii) – Has consideration been given to any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)?	Yes
Section 4.15 (1) (a)(iii) – Has consideration been given to all relevant provisions of any provisions of any development control plan?	Yes
Section 4.15 (1) (a)(iia) – Has consideration been given to all relevant provisions of any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?	N/A
Section 4.15 (1) (a)(iv) – Have you considered all relevant provisions of the Regulations (to the extent that they are prescribed for the purposes of this paragraph)?	Yes
Section 4.15 (1) (b) – Are the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality acceptable?	Yes
Section 4.15 (1) (c) – Is the site suitable for the development?	Yes
Section 4.15 (1) (d) – Has consideration been given to any submissions made in accordance with the EPA Act or EPA Regulations?	TBA by council
Section 4.15 (1) (e) – Is the proposal in the public interest?	Yes

## Summary and Conclusion

*Fragar Planning & Development* is pleased to submit under *Warringah Local Environmental Plan 2011* this development application and accompanying information for a proposed change of use to bed and breakfast accommodation and minor change in the design of an existing detached 'cabin' at 79a Ryan Place in Beacon Hill.

This Statement of Environmental Effects for the proposed development has considered

- the circumstances of the case;
- an analysis of the subject site and the surrounding locality;
- an analysis of the proposal against the provisions of the Warringah LEP 2011, as well as relevant DCPS, SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- Section 9.1 Directions.

This report concludes that the proposal will substantially complement the objectives and vision of the Plan, Zone, and DCP.

We are pleased to present this SEE for bed and breakfast accommodation and an addition to an existing cabin, which, once approved, will provide consent for a new low scale tourist accommodation option in a naturally scenic and appealing location.

### ***Recommendation***

Under all the circumstances of the case, it is therefore recommended to Council for favourable consideration.



## **Appendix A – Plans**

## **Appendix B – Bushfire Hazard Assessment**





## **Appendix C – Engineering Statement - Flooding**



## Appendix D – Preliminary Geotechnical Assessment



## **Appendix E – Waste Management Plan**



## Appendix F – BCA Access Performance Solution Report



## **Appendix G – BCA Compliance Assessment**



## Appendix H – Exterior Colour Sample Board



## **Appendix I – Hydraulic Stormwater Plan**