

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/0637
<b>Responsible Officer:</b>	Daniel Milliken
<b>Land to be developed (Address):</b>	Lot 1 DP 10757, 1140 Pittwater Road COLLAROY NSW 2097
<b>Proposed Development:</b>	Alterations and Additions to an existing dwelling
<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>	Allan Thomas Davy Yvonne Betty Davy
<b>Applicant:</b>	Allan Thomas Davy Yvonne Betty Davy
<b>Application lodged:</b>	20/04/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	30/04/2018 to 16/05/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 44,500.00

### 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

Assessment - NECC (Riparian Lands and Creeks)

Warringah Local Environmental Plan 2011 - 5.5 Development within the coastal zone

Warringah Local Environmental Plan 2011 - 6.5 Coastline hazards

Warringah Development Control Plan - B5 Side Boundary Setbacks

Warringah Development Control Plan - C9 Waste Management

Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 10757 , 1140 Pittwater Road COLLAROY NSW 2097
<b>Detailed Site Description:</b>	<p>The subject site is No. 1140 Pittwater Road. The site is located on the eastern side of Pittwater Road and is surrounded Collaroy Beach to the east, detached residential dwellings to the north and south, and Pittwater Road to the west.</p> <p>The site currently contains a single storey dwelling and obtains driveway access from Pittwater Road.</p> <p>The sites also include a loose geobag barrier near the eastern boundary that provides some protection from coastal erosion during storms. This geobag barrier was erected during and after large storms in June 2016 when significant coastal erosion damaged the dwelling, including the deck that did exist where the proposal is to be located.</p> <p>Future coastal protection works are envisaged along the eastern boundary of the subject site as part of a separate application currently under assessment.</p>

Map:



## SITE HISTORY

In June 2016 a large storm caused severe coastal erosion to the eastern side of the subject site. The storm damaged the dwelling and the existing deck. The deck had to be demolished for safety reasons.

There are no recent or relevant applications for the site, which has been used for residential purposes for an extended period of time.

## PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks the construction of a covered deck at the rear of the dwelling, including a privacy screen on the northern elevation of the deck.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

## 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	None applicable.
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)(iia) – Provisions of any planning agreement	None applicable.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 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><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 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><u>Clause 98</u> of the EP&amp;A Regulation 2000 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 (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 Matters for Consideration'	Comments
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.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

## MEDIATION

No requests for mediation have been made in relation to this application.

## REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	Works do not appear to be deeper than 2 meters therefore should not disturb Acid Sulphate Soils.
Landscape Officer	No objections raised.
NECC (Bushland and Biodiversity)	No objections raised and no conditions recommended.
NECC (Coast and Catchments)	<p>The merits of the proposed development have been considered against the level of risk the property is exposed to from coastal erosion and inundation as well as the relevant building controls for this type of development.</p> <p>Based on this assessment the proposal can be approved subject to conditions to ensure that it is designed and constructed in accordance with the structural plans prepared by James Taylor &amp; Associates and the Coastal engineering report prepared by Horton Coastal Engineering.</p>
Parks, reserves, beaches, foreshore	No objections raised and no conditions recommended.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
Aboriginal Heritage Office	No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.

External Referral Body	Comments
	<p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should be contacted.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs, REPs 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, REPs 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 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 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 Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

### SEPP (Infrastructure) 2007

#### Ausgrid

Clause 45 of the SEPP 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. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

### **SEPP (Coastal Management) 2018**

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

#### **13 Development on land within the coastal environment area**

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

#### Comment:

The proposal was accompanied by a Coastal Engineering Report prepared by Horton Coastal Engineering, and was assessed by Council's Senior Environment Officer - Coast who provided the following comments:

*"The merits of the proposed development have been considered against the level of risk the property is exposed to from coastal erosion and inundation as well as the relevant building controls for this type of development.*

*Based on this assessment, the proposal can be approved, subject to conditions to ensure that it is designed and constructed in accordance with the structural plans prepared by James Taylor & Associates and the Coastal engineering report prepared by Horton Coastal Engineering."*

- (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 subclause (1), or*
  - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The proposal has been designed, sited and will be managed to avoid an adverse impact to the coastal environment area.

#### 14 Development on land within the coastal use area

- (1)
- (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,
    - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
    - (iv) Aboriginal cultural heritage, practices and places,
    - (v) cultural and built environment heritage, and
  - (b) is satisfied that:
    - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
    - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
    - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
  - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposal was accompanied by a Coastal Engineering Report prepared by Horton Coastal Engineering, and was assessed by Council's Senior Environment Officer - Coast who provided the following comments:

*"The merits of the proposed development have been considered against the level of risk the property is exposed to from coastal erosion and inundation as well as the relevant building controls for this type of development.*

*Based on this assessment, the proposal can be approved, subject to conditions to ensure that it is designed and constructed in accordance with the structural plans prepared by James Taylor & Associates and the Coastal engineering report prepared by Horton Coastal Engineering."*

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

#### 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	Complies
Height of Buildings:	8.5m	4.8m	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.5 Development within the coastal zone	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
6.5 Coastline hazards	Yes

#### Detailed Assessment

##### 5.5 Development within the coastal zone

Clause 5.5 of the Warringah Local Environmental Plan 2011 states:

*(2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:*

*(a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:*

- (i) maintaining existing public access and, where possible, improving that access, and*
- (ii) identifying opportunities for new public access, and*

#### Comment:

The proposal will not impede existing public access to the beach as it is entirely on private land.

*(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:*

- (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and*
- (ii) the location, and*
- (iii) the bulk, scale, size and overall built form design of any building or work involved, and*

#### Comment:

The proposed covered deck is suitable for the site and will not impact on the existing and future network

of coastal protection works along Collaroy and Narrabeen beaches.

*(c) the impact of the proposed development on the amenity of the coastal foreshore including:*

- (i) any significant overshadowing of the coastal foreshore, and*
- (ii) any loss of views from a public place to the coastal foreshore, and*

Comment:

The covered deck will be close to ground level and will not result in any unreasonable overshadowing or loss of views to or from the coastal foreshore.

*(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and*

Comment:

The visual amenity and the scenic quality of the coast will be reasonably protected due to the covered deck being located near ground level and being a relatively open structure.

*(e) how biodiversity and ecosystems, including:*

- (i) native coastal vegetation and existing wildlife corridors, and*
- (ii) rock platforms, and*
- (iii) water quality of coastal waterbodies, and*
- (iv) native fauna and native flora, and their habitats, can be conserved, and*

Comment:

The area that will be the location of the covered deck was heavily damaged and eroded during the storms in June 2016. There are no rock platforms in the area and limited coastal vegetation or habitats for native fauna and flora remained after these storms.

*(f) the cumulative impacts of the proposed development and other development on the coastal catchment.*

Comment:

The proposed covered deck, combined with known future coastal protection walls along Collaroy and Narrabeen beaches that are necessary to protect private land, public land and critical infrastructure, will not have unacceptable impacts on the coastal catchment.

*(3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:*

*(a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and*

Comment:

The proposed development is located on private land and will not impede or diminish, the physical, land-based right of access of the public to or along the coastal foreshore.

*(b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or*

*other similar body of water, or a rock platform, and*

Comment:

The development does not involve the disposal of effluent.

*(c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

Comment:

The development does not involve the discharge of untreated stormwater into the sea or onto the beach.

*(d) the proposed development will not:*

- (i) be significantly affected by coastal hazards, or*
- (ii) have a significant impact on coastal hazards, or*
- (iii) increase the risk of coastal hazards in relation to any other land.*

Comment:

The covered deck will be affected by coastal hazards, however, the risk is acceptable, the design is robust and future coastal protection works are likely to be constructed seaward of the proposal.

Overall, the development will not have a significant impact on coastal hazards and will not increase the risk of coastal hazards on any other land.

## 6.5 Coastline hazards

The objectives of Clause 6.5 - 'Coastline Hazards' require development to:

- (a) avoid significant adverse impacts from coastal hazards, and
- (b) enable evacuation of coastal risk areas in an emergency, and
- (c) ensure uses are compatible with coastal risks, and
- (d) preserve and protect Collaroy Beach, Narrabeen Beach and Fishermans Beach as national assets for public recreation and amenity.

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

Clause 6.5 - 'Matters for Consideration'	Comments
Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:	
(a) will not significantly adversely affect coastal hazards	<p>The development is for a relatively minor covered deck.</p> <p>The proposal was accompanied by a Coastal Engineering Report prepared by Horton Coastal Engineering, and was assessed by Council's Senior Environment Officer - Coast who provided the following comments:</p> <p><i>"The merits of the proposed development have been considered</i></p>

	<p><i>against the level of risk the property is exposed to from coastal erosion and inundation as well as the relevant building controls for this type of development.</i></p> <p><i>Based on this assessment, the proposal can be approved, subject to conditions to ensure that it is designed and constructed in accordance with the structural plans prepared by James Taylor &amp; Associates and the Coastal engineering report prepared by Horton Coastal Engineering."</i></p>
(b) will not result in significant detrimental increases in coastal risks to other development or properties.	The development will not unreasonably increase the risk to other properties.
(c) will not significantly alter coastal hazards to the detriment of the environment.	The development will not significantly alter coastal hazards due to its relatively minor nature.
(d) incorporates appropriate measures to manage risk to life from coastal risks.	The development will not result in an unreasonable risk to life or property.
(e) avoids or minimises exposure to coastal hazards.	The development will be piled to ensure it is stable and to minimise exposure to coastal hazards.
(f) makes provision for relocation, modification or removal of the development to adapt to coastal hazards and NSW sea level rise planning benchmarks.	The structure is relatively light weight and could be removed if required.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## Warringah Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	3.11m	N/A	Yes
B3 Side Boundary Envelope	4m	No encroachments	N/A	Yes
	4m	No encroachments	N/A	Yes
B5 Side Boundary Setbacks	North - 0.9m	150mm	83.3%	<b>No</b>
	South - 0.9m	1.1m to deck 110mm to access ramp	N/A 87.8%	Yes <b>No</b>
B7 Front Boundary Setbacks	6.5m	Works to the rear	N/A	Yes
B9 Rear Boundary Setbacks	6m	Minimum of 7.638m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	23% (80sqm)	42.5%	<b>No</b>

## Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	No	Yes
D1 Landscaped Open Space and Bushland Setting	No	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
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E9 Coastline Hazard	Yes	Yes
E10 Landslip Risk	Yes	Yes

## Detailed Assessment

### **B5 Side Boundary Setbacks**

#### Description of non-compliance

The covered deck has a set back to the northern boundary of 150mm. The access ramp has a set back to the southern boundary of 110mm.

The control requires a minimum of 900mm.

#### Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide opportunities for deep soil landscape areas.*

#### Comment:

The proposed covered deck will replace a deck that existed prior to the June 2016 storms. These storms damaged the deck to the point where they had to be removed. While the site will be below the minimum 40% landscaped open space area, the proposal will be consistent when compared to what existed prior to the storms.

- *To ensure that development does not become visually dominant.*

#### Comment:

The structure is a single storey, relatively open, covered deck close to ground level. As such, it will not become visually dominant.

- *To ensure that the scale and bulk of buildings is minimised.*

#### Comment:

The structure is a single storey, relatively open, covered deck close to ground level. As such, it will not have an unreasonable scale and bulk.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

#### Comment:

A privacy screen is proposed on the northern elevation to prevent privacy impacts to the northern neighbouring property. The southern elevation does not require a screen as it is in line with an existing structure on the neighbouring site that will block any overlooking, plus the deck is set back 1.1m from the southern boundary.

Solar access will be maintained as the structure is single storey.

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

#### Comment:

The relatively low structure will not unreasonably impact on views.



Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **C9 Waste Management**

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

## **D1 Landscaped Open Space and Bushland Setting**

### Description of non-compliance

The proposal seeks consent for a landscaped open space area of 23% (80sqm).

The control requires a minimum of 40%.

### Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To enable planting to maintain and enhance the streetscape.*

#### Comment:

The works are to the rear, no changes to the streetscape are proposed.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

#### Comment:

The proposed covered deck will replace a deck that existed prior to the June 2016 storms. These storms damaged the deck to the point where it had to be removed. While the site will be below the minimum 40% landscaped open space area, the proposal will be consistent when compared to what existed prior to the storms. Enhanced opportunities for indigenous vegetation will be present once future coastal protection works are constructed seaward of the proposal.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

#### Comment:

The deck directly adjoins the landscaped rear yard which will provide sufficient dimensions to enable the establishment of low lying and medium high shrubs. Canopy trees are not appropriate in this location.

- *To enhance privacy between buildings.*

#### Comment:

Privacy treatment is provided on the northern elevation and a neighbouring building will provide privacy protection on the southern elevation.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The deck directly adjoins the landscaped rear yard which itself directly adjoins the public beach. Together these will provide appropriate outdoor recreational opportunities that meet the needs of the occupants.

- *To provide space for service functions, including clothes drying.*

Comment:

Sufficient space for service functions will remain on the site.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

The site drains directly to the beach and the stormwater from the covered deck will be collected and disposed of appropriately.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly effect 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**

### **Warringah Section 94A Development Contribution Plan**

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

## **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 2000;
- 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 DA2018/0637 for Alterations and Additions to an existing dwelling on land at Lot 1 DP 10757, 1140 Pittwater Road, COLLAROY, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. 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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A101 Issue B	28.11.2017	Blue Sky Building Designs
A102 Issue B	28.11.2017	Blue Sky Building Designs
A103 Issue B	28.11.2017	Blue Sky Building Designs

**Reports / Documentation – All recommendations and requirements contained**

<b>within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Coastal Engineering Advice on 1140 Pittwater Road Collaroy	14 April 2018	Horton Coastal Engineering Pty Ltd

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

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. (DACPLB01)

## 2. **Amendments to the approved plans**

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

- The privacy screen on the northern elevation of the deck is to be reduced to a maximum height of 1.65m above the finished floor level of the deck. The area above the 1.65m high screen is to remain open.

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. (DACPLB02)

## 3. **Works within the property boundaries**

All works approved under this consent are to be constructed within the boundaries of the subject site.

Reason: To ensure compliance with the terms of this consent and to prevent any further encroachments onto neighbouring land.

## 4. **No Approval for other works**

No approval is granted under this Development Consent for any existing parts of the dwelling.

Reason: To clarify the extent of this consent.

## 5. **Prescribed Conditions**

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

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

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

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

Reason: Legislative Requirement (DACPLB09)

## 6. 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) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) 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.
- (d) 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.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) 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.

- (k) 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 2008
  - (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. (DACPLB10)

## FEES / CHARGES / CONTRIBUTIONS

### 7. **Security Bond**

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is

located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

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

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

### 8. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

### 9. **Certification of Deep Foundation Piling**

To ensure the proposed development complies with the relevant controls and is consistent with the recommendations detailed in Coastal Engineering Advice provided by Horton Coastal Engineering (14 April 2018) a suitably qualified engineer is to certify that the design has made suitable allowance for the following coastal engineering parameters.

- scour down to -1m AHD over the development footprint
- sand slumping forces on the piles as per Nielsen et al (1992)
- wave impact loading on the piles
- wave uplift on the solid concrete deck.

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

Reason: To avoid damage through wave impact

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

### 11. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority 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. (DACPLC03)

12. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. **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 Certifying Authority.

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

14. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

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

15. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority 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**




**Daniel Milliken, Principal Planner**

The application is determined under the delegated authority of:




**Steven Findlay, Manager Development Assessments**

**ATTACHMENT A**

Notification Plan	Title	Date
 2018/253410	Plan - Notification	23/04/2018

**ATTACHMENT B**

Notification Document	Title	Date
 2018/260429	Notification Map	27/04/2018

## ATTACHMENT C

Reference Number	Document	Date
 2018/253911	Letter - Work Order	11/04/2018
 2018/253384	Plans - Survey	11/04/2018
 2018/253394	Report - Coastal Engineering Advice	15/04/2018
 2018/253399	Plans - Structural	16/04/2018
 2018/253387	Report - Statement of Environmental Effects	18/04/2018
 2018/253413	Plans - Master Set	19/04/2018
 2018/253320	Builders Quote	19/04/2018
 DA2018/0637	1140 Pittwater Road COLLAROY NSW 2097 - Development Application - Alterations and Additions	20/04/2018
 2018/248860	DA Acknowledgement Letter - Yvonne Betty Davy - Allan Thomas Davy	20/04/2018
 2018/253310	Development Application Form	23/04/2018
 2018/253312	Applicant Details	23/04/2018
 2018/253410	Plan - Notification	23/04/2018
 2018/253416	Plans - Shadow Diagrams	23/04/2018
 2018/253422	Plans - External	23/04/2018
 2018/253428	Plans - Internal	23/04/2018
 2018/266188	Environmental Health (Acid Sulphate) - Assessment Referral - DA2018/0637 - 1140 Pittwater Road COLLAROY NSW 2097	27/04/2018
 2018/260404	ARP Notification Map	27/04/2018
 2018/260425	DA Acknowledgement Letter (not integrated) - Yvonne Betty Davy - Allan Thomas Davy	27/04/2018
 2018/260429	Notification Map	27/04/2018
 2018/260455	Notification Letter - 117	27/04/2018
 2018/260664	DA2018/0637 - 1140 Pittwater Road, Collaroy	27/04/2018
 2018/261899	Environmental Health Referral Response - acid sulfate soils	30/04/2018
 2018/282230	Comments - DA2018/0637 - 1140 Pittwater Road COLLAROY - Aboriginal Heritage Office	08/05/2018
 2018/285554	Working plans	09/05/2018
 2018/314730	Landscape Referral Response	24/05/2018
 2018/343191	Natural Environment Referral Response - Coastal	05/06/2018