

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/1130
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 200 DP 11497, 28 Woodbine Street NORTH BALGOWLAH NSW 2093
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Van Sarkis Bardzhamian Michelle Bardzhamian
Applicant:	Corona Projects Pty Ltd

Application Lodged:	15/10/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	28/10/2019 to 11/11/2019
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 20,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to a dwelling house. Specifically, the application proposes the following works:

- The conversion of a single carport into a double garage;
- The construction of a covered patio with two skylights;
- The demolition of the existing rear deck and concrete slab in the rear yard;
- Additional soft landscaping works; and
- Widening the existing vehicle crossing.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - B9 Rear Boundary Setbacks
 Warringah Development Control Plan - C4 Stormwater
 Warringah Development Control Plan - C5 Erosion and Sedimentation
 Warringah Development Control Plan - C8 Demolition and Construction
 Warringah Development Control Plan - C9 Waste Management
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
 Warringah Development Control Plan - D2 Private Open Space

SITE DESCRIPTION

Property Description:	Lot 200 DP 11497 , 28 Woodbine Street NORTH BALGOWLAH NSW 2093
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the corner of Woodbine Street and Kalau Street in North Balgowlah.</p> <p>The site is irregular in shape with a frontage of 35.095m along Kalau Street and a frontage of 9.62m along Woodbine Street. The site has a maximum depth of 38.025m along the eastern side boundary and has a surveyed area of 461.6sqm.</p> <p>The site is located in the R2 Low Density Residential zone and accommodates a two (2) storey detached dwelling</p>

house and a detached carport in the north-western corner of the site.

The site experiences a fall of approximately 4.5m that slopes towards the south-eastern corner.

The site contains landscaped open space within the southern and northern portions of the site and contains garden beds along the southern, eastern and western boundaries.

The site is mapped as being located within the 'Landslip Risk Area B' precinct under the provisions of the WLEP 2011.

The site is mapped as being located within an 'Extremely High' Aboriginal Potential Area under Council's provisions.

Detailed Description of Adjoining and Surrounding Development

Adjoining and surrounding development is characterised by similar one (1) and two (2) storey detached dwelling houses.

Map:



SITE HISTORY

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

- Development Application 4595DA for a first floor addition approved by Council staff on 23 November 2000. It is noted that the owners did not activate this consent.

- Development Application DA2006/0622 for a first floor addition approved by Council staff on 24 October 2006.
- Building Certificate BC2011/0081 for building works consisting of a detached carport, the conversion of a covered pergola area to an enclosed sunroom, together with a deck at the rear of the dwelling approved by Council staff on 26 September 2011.
- Building Certificate BC2011/0150 for specific internal alterations on the ground floor and first floor of existing dwelling approved by Council staff on 21 June 2012.
- Development Application DA2019/0678 for alterations and additions to a dwelling house withdrawn by the applicant on 17 July 2019.

Site Visit

A site visit was undertaken on 28 October 2019.

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 2011 applies to this proposal.
Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement	None applicable.
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&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>Clause 92</u> of the EP&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>Clause 98</u> of the EP&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&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	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are</p>

Section 4.15 Matters for Consideration'	Comments
and social and economic impacts in the locality	<p>addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</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	No submissions were received during the Notification Period.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject 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.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The Arborists Report submitted with the application is noted. The report undertook root mapping to assess impacts of the widened driveway on an existing street tree. The results of the root mapping indicate that the works can be undertaken with an acceptable level of impact on the tree.</p> <p>No objections to approval subject to conditions.</p>
NECC (Development	No objections are raised to the proposed development, subject to

Internal Referral Body	Comments
Engineering)	conditions.

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	<p>Reference is made to the proposed development at the above area and Aboriginal heritage.</p> <p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>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.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	3.48m	-	Yes

Compliance Assessment

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

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	3.06m	-	Yes
B3 Side Boundary Envelope	4m (east)	Within envelope	-	Yes
	4m (west)	Within envelope	-	Yes
B5 Side Boundary Setbacks	0.9m (east)	0.3m (Rainwater Tank)	66.67%	No
B7 Front Boundary Setbacks - Woodbine Street	6.5m (south)	Unchanged	N/A	N/A
B7 Front Boundary Setbacks (Corner Allotments) - Kalau Street	3.5m (west)	0.355m (garage) and 1.61m (deck)	89.86% (carport) and 54% (deck)	No
B9 Rear Boundary Setbacks (Corner Allotments)	0.9m (north)	0.62m - 1.98m (garage)	31.11%	No
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (184.64sqm)	34.53% (159.4sqm)	13.68%	No

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

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	No	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	No	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	No	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B5 Side Boundary Setbacks

Description of non-compliance

Clause B5 of the WDCP 2011 stipulates that all development shall be setback at least 0.9m from side boundaries. The application proposes a rainwater tank that would be setback 0.3m from the eastern side boundary. As a consequence, the proposal fails to comply with the requirements of the Control.

Merit Assessment

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

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

Comment:

The application provides landscaped open spaces within the front and rear yards. Whilst the application proposes a minor non-compliance with the landscaped open space numerical control, it is considered that the proposed areas are sufficient and capable of further vegetation planting.

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

Comment:

The proposed rainwater tank is minor in the context of the existing dwelling and proposed development. Furthermore, the proposed rainwater tank would be constructed to a maximum height of approximately 1.71m above the existing ground level. As such, it is considered that the rainwater tank will not be visually dominant.

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

Comment:

As noted above, the proposed rainwater tank is minor in the context of the existing dwelling and proposed development.

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

Comment:

The rainwater tank will be used as services infrastructure and not for habitation purposes, As such, the rainwater tank will not give rise to unreasonable privacy impacts to the adjoining property (26 Woodbine Avenue). Due to the minor scale of the rainwater tank, the current provisions of solar access will not be impacted as a result of its construction.

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

Comment:

The proposed rainwater tank will not give rise to view loss within the locality.

Having regard to the above assessment it is considered that the relevant Objectives of the Control have been achieved. Therefore, the application is supported on merit.

B7 Front Boundary Setbacks

Description of non-compliance

Clause B7 of the WDCP 2011 stipulates that development on corner allotments must be setback at least 3.5m from secondary frontages. The proposed garage would be setback 0.335m from the secondary frontage (Kalau Street), whilst the proposed deck would be setback 1.61m from the secondary street frontage. As a consequence, the proposed development fails to comply with the requirements of the Control. It is noted that the proposed garage is largely located within the footprint of the existing carport, with the application maintaining the existing front setback. Furthermore, it is also noted that the proposed deck would be setback behind the existing dwelling house along the secondary frontage.

Merit Assessment

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

- *To create a sense of openness.*

Comment:

Whilst the garage is an enclosed structure, it will only occupy 6.2m of the secondary frontage. Furthermore, the proposed deck is an open structure with no enclosed walls. It is considered that the proposed landscaped open spaces within the front and rear yards will encourage a sense of openness throughout the site.

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

Comment:

As noted above, the proposed garage is largely located within the footprint of the existing carport. Furthermore, the proposed deck would be setback behind the existing dwelling house along the secondary frontage. It is considered that that the proposed development will not significantly alter the visual pattern of development on the subject site and surrounding locality. Moreover, the proposal will not result in the removal of significant landscape features on site.

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

Comment:

As noted above, the proposed carport will be largely located within the footprint of the existing carport and will only occupy 6.2m of the secondary frontage. Furthermore, the proposed deck is an open structure with no enclosed walls and will be setback behind the existing dwelling house. Having regard to the above, it is considered that the proposed development will not be visually imposing on the secondary frontage.

- *To achieve reasonable view sharing.*

Comment:

The proposed development will not give rise to unreasonable view loss to adjoining properties.

Having regard to the above assessment it is considered that the relevant Objectives of the Control have been achieved. Therefore, the application is supported on merit.

B9 Rear Boundary Setbacks

Description of non-compliance

Clause B9 of the WDCP 2011 stipulates that on corner allotments for land zoned R2 Low Density Residential or R3 Medium Density Residential, where the minimum rear building setback is 6m, the rear building setback control does not apply. Alternatively, the side setback control of 0.9m applies. The proposed garage would be setback between 0.62m and 1.98m from the northern boundary, which fails to comply with this Control. It is noted that the garage is located within the footprint of the existing carport on the northern elevation. It is also noted that the extent of the non-compliance occurs for a length of 1.27m, with the rest of the structure being located within the 0.9m side setback control.

Merit Assessment

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

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

As discussed earlier within this report, the application provides landscaped open spaces within the front and rear yards. Whilst the application proposes a minor non-compliance with the landscaped open space numerical control, it is considered that the proposed areas are sufficient and capable of further vegetation planting. Furthermore, the application will not result in the removal of significant landscaped features on site.

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

Comment:

The application provides a large landscaped open spaced area within the rear yard, which encourages a sense of openness.

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

Comment:

The proposed garage is a non-habitable structure and as a result, is not likely to give rise to unreasonable privacy impacts to the northern adjoining property (1 Kalau Street).

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

Comment:

As noted earlier within this report, the proposed garage will be largely located within the footprint of the existing carport. Furthermore, the proposed deck will be setback behind the existing dwelling house along the secondary frontage. It is considered that the proposed development will not significantly alter the visual pattern of development on the subject site and surrounding locality. Moreover, the proposal will not result in the removal of significant landscape features on site.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

As noted above, the proposed garage is a non-habitable structure and as a result, is not likely to give rise to unreasonable privacy impacts to the northern adjoining property.

Having regard to the above assessment it is considered that the relevant Objectives of the Control have been achieved. Therefore, the application is supported on merit.

C4 Stormwater

Council's Development Engineer Officer has assessed the application against the requirements of this Control and raised no objections, subject to conditions. Subject to compliance with the recommended conditions of consent, the application will comply with the requirements of this Control.

C5 Erosion and Sedimentation

The plans submitted with this application do not indicate sediment and erosion control measures for action during works. Accordingly, a suitable condition has been recommended with this consent requiring sediment and erosion control measures to be installed prior to the commencement of works. The sediment and erosion control measures are to be maintained until all development activities have been completed and the site is stabilised.

C8 Demolition and Construction

A Waste Management Plan was not submitted with this application. Accordingly, a suitable condition has been included with this consent requiring a detailed Waste Management Plan to be prepared by the applicant and submitted to the Certifying Authority prior to the issue of any Construction Certificate. Subject to compliance with this recommended condition of consent, the proposal will comply with the requirements of this Control.

C9 Waste Management

A Waste Management Plan was not submitted with this application. Accordingly, a suitable condition has been included with this consent requiring a detailed Waste Management Plan to be prepared by the applicant and submitted to the Certifying Authority prior to the issue of any Construction Certificate. Subject to compliance with this recommended condition of consent, the proposal will comply with the requirements of this Control.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

Clause D1 of the WDCP 2011 stipulates that all development is to provide at least 40% of the site area as landscaped open space. In calculating landscaped open space, landscaped areas with dimensions less than 2m are excluded from the calculation. The application proposes a landscaped open space area of 35.53% (159.4sqm), which fails to comply with the Control.

Merit Assessment

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

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

Comment:

The site contains sufficient landscaped open spaces within the front and rear yards, of which are capable of further planting and vegetation growth.

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

Comment:

The proposed development will not result in the removal of any significant indigenous vegetation or landscape features on site.

- *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:

As noted above, the proposed dimensions for landscaped open space within the front and rear yards are capable of further vegetation planting and growth.

- *To enhance privacy between buildings.*

Comment:

The proposed development is not likely to give rise to unreasonable privacy impacts to adjoining properties.

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

Comment:

The front and rear yards provide appropriate recreational opportunities to sufficiently meet the needs of the occupants.

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

Comment:

The site contains a sufficient amount of space to service functions, including clothes drying.

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

Comment:

The site will provide sufficient landscape open space to facilitate water management and water infiltration.

Having regard to the above assessment it is considered that the relevant Objectives of the Control have been achieved. Therefore, the application is supported on merit.

D2 Private Open Space

The application proposes 94.9sqm of private open space within the rear yard, which is compliant with the 60sqm requirement for dwelling houses with three (3) or more bedrooms. In undertaking a site visit, it was noted that the western secondary frontage contains landscape planting. The plans submitted with this application do not indicate whether the planting will be retained. To ensure the privacy of the occupants, a suitable condition has been recommended with this consent requiring the landscape planting to be retained. Subject to compliance with the recommended condition noted above, the proposal will comply with the requirements of this Control.

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

Northern Beaches Section 7.12 Contributions Plan 2019

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 DA2019/1130 for Alterations and additions to a dwelling house on land at Lot 200 DP 11497, 28 Woodbine Street, NORTH BALGOWLAH, 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
Sheet 00 Amendment A - SITE ANALYSIS / CONSTRUCTION MANAGEMENT PLAN	05 August 2019	Corona Projects
Sheet 01 Amendment A - PROPOSED PLAN	05 August 2019	Corona Projects
Sheet 02 Amendment A - ELEVATIONS	05 August 2019	Corona Projects
Sheet 03 Amendment A - ELEVATION, SECTION	05 August 2019	Corona Projects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Assessment	August 2019	Bluegum Tree Care and Consultancy

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

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

In the event of any inconsistency between conditions of this consent and the

drawings/documents referred to above, the conditions of this consent will prevail.

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

2. **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.

3. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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.

4. **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).

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

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

5. **Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Warringah Water Management Policy PL850 . Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

6. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

7. **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.

8. **Sydney Water "Tap In"**

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

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

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

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

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

9. **Boundary Survey**

A Boundary Survey prepared by a Registered Surveyor shall be provided as evidence that all buildings are within the appropriate property, easement boundaries and rights of carriageway. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

10. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Warringah Development Control Plan 2011 and Northern Beaches Council's Waste Management Guidelines.

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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

11. **Tree protection**

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land
- iii) All street trees.

(b) Tree protection

- i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site.
- ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by the Project Arborist on site.
- iii) All tree protection to be in accordance with the Arboricultural Impact Assessment dated August 2019 prepared by Bluegum Tree Care and Consultancy and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause

E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

12. **Project Arborist**

- i) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the Arboricultural Impact Assessment dated August 2019 prepared by Bluegum Tree Care and Consultancy and AS4970-2009 Protection of trees on development sites.
- iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: to ensure protection of vegetation proposed for retention on and adjacent to the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. **Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

14. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 3.5 metres wide at layback and 5.0 metres wide at boundary in accordance with Northern Beaches Council Drawing No A4-3330/5 EL and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

15. **Aboriginal Heritage**

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

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

Reason: Aboriginal Heritage Protection. (DACAHE01)

16. **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 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**

17. **Stormwater Disposal**

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

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

18. **Landscaping**

No consent is granted for the removal of the existing landscape planting located along the western boundary of the rear yard. The applicant is to ensure that all works associated with the development do not result in the removal of the existing landscape planting located along the western boundary. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of any Interim / Final Occupation Certificate.

Reason: To ensure that a reasonable level of privacy is maintained on site.

19. **Removal of All Temporary Structures/Material and Construction Rubbish**

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

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

Reason: To ensure bushland management. (DACPLF01)

20. **Waste Management Confirmation**

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



Thomas Burns, Planner

The application is determined on 12/11/2019, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments