

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/0410
<b>Responsible Officer:</b>	Monique Perera
<b>Land to be developed (Address):</b>	Lot 2 DP 14092, 17 Beach Road COLLAROY NSW 2097
<b>Proposed Development:</b>	Alterations and additions to a dwelling house including a swimming pool
<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>	Rae Frances Milsted
<b>Applicant:</b>	Gary Milsted Michelle Milsted
<b>Application lodged:</b>	18/04/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	06/05/2019 to 20/05/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	2
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 610,000.00

### 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

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings  
 Warringah Development Control Plan - B3 Side Boundary Envelope  
 Warringah Development Control Plan - B5 Side Boundary Setbacks  
 Warringah Development Control Plan - B9 Rear Boundary Setbacks

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 2 DP 14092 , 17 Beach Road COLLAROY NSW 2097
<b>Detailed Site Description:</b>	<p>The site is legally identified as Lot 2 DP 14092, known as Number 17 Beach Road, Collaroy.</p> <p>The subject site consists of one(1) allotment located on the eastern side of Beach Road. The proposed allotment is relatively flat and accommodates two storey brick veneer residence with a tiled roof. The property is within the Landslip Risk Map (Area A under the Warringah LEP 2011). The slope of the site is less than 5 degrees. The sites Acid Sulfate Soil Classification is Class 5.</p> <p>The allotment is rectangular in shape, with a total area of 439sqm and site dimensions are as follows:          The front boundary located to west is 15.24m.          The side boundary located to north is 28.956m.          The side boundary located to south is 28.956m.          The rear boundary located to east is 15.113m.</p> <p>The subject site is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011. The site does not contain significant vegetation.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>The surrounding precinct predominantly consists of one and two storey recently renovated and new dwellings within a landscape setting.</p> <p>.</p>

Map:



## SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

## PROPOSED DEVELOPMENT IN DETAIL

The proposal includes alterations and additions to the existing dwelling and associated structures.

Details of the proposal are as follows:

### Ground Floor:

- Addition to front bedroom.
- New windows
- New stairs and a ramp
- New masonry and timber boundary fence
- A swimming Pool and a Spa.
- Alterations to the rear shed.
- Associated landscaping.

### First Floor:

- Replacement of the tiled roof with a metal roof.

- New solar panels to the roof.
- Replacement of windows.
- Internal alteration.
- Alterations to the rear deck.
- New deck to front bedroom.

## 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 (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	<p>(i) <b>Environmental Impact</b></p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the</p>

Section 4.15 Matters for Consideration'	Comments
and built environment and social and economic impacts in the locality	<p>Warringah Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will 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 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 (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 process council is in receipt of 2 submission/s from:

Name:	Address:
DM Planning	1 / 9 Narabang Way BELROSE NSW 2085
Mrs Patricia Linda Teresa Johns	PO Box 222 COLLAROY NSW 2097

The following issues were raised in the submissions and each have been addressed below:

- Bulk and scale of the proposed roof.
- Location and glare from solar panels.
- Loss of privacy.

The matters raised within the submissions are addressed as follows:

- ***Concern was raised from No.19 Beach Road in regards to the bulk and scale of the proposed roof, height and the building envelope would impact visual amenity.***

Comment:

**Bulk and scale:**

The aged two storey dwelling dates back to 60's to 80's Brick Veneer era and consists a traditional tiled hip roof. The bulk and scale of the existing roof is sizable and monotonous. An amended articulated roof design was submitted which will enhance the front facade and to reduce the bulk and scale of the dwelling. The proposal achieves this by a mix of gable and hip roof formations combined to create a better roof design to the dwelling. Consequently the proposed roof will minimise the bulk and the scale of the dwelling. Viewed from the front the dwelling will retain its existing form and character.

**Height of the proposed roof:**

The height of the proposal would be 8.5m. It is considered that the proposed height is consistent with the Part 4 Principal Development Standard under the Height of Buildings. The proposed roof design complements and add character to the local skyline and the streetscape. In this circumstances the proposal would harmonies existing bulk and scale of the dwelling by the new pitch, material and a combination of different roof forms.

**Proposed building envelope:**

The assessment shows an encroachment of the building envelop on northern and southern sides of the dwelling. The existing southern boundary envelope encroachment is minor and it is the protrusion of the eave. The eave of the proposed roof would encroach 22% on the northern side of the building envelope. It is considered this minor encroachment would not signify the bulk and scale of the proposed roof. Consequently the proposed roof would not become visually dominant by virtue of its height, scale and bulk. The spatial separation between buildings will not be altered. Accordingly the proposal is not considered to be unreasonable.

**Loss of Privacy:**

The proposal is consistent with the requirements and objectives of the DCP. The proposal will maintain the existing privacy between dwellings.

This matter does not warrant refusal of the application.

- ***There was concern raised from No.19 Beach Road, that proposed solar panels would cause glare and reflection due to the location on northern side of the roof over the existing balcony.***

The proposed dwelling and the adjoining dwelling No.19 Beach Road are not aligned with the front setbacks. The front setbacks of the two dwellings are offset by 2.2m. The proposed solar panels will be located to the same location as the existing solar hot water unit facing north. It is considered that north facing solar panels receive the best energy input specially during winter. The existing positioning and the angle of the solar panel does not create any glare or reflection creating nuisance to the adjoining neighbours. Most of the solar panels are now equipped with an anti- reflective coating to reduce solar glare and to increase energy efficiency. A suitable condition will be imposed to reduce glare and reflection that may cause from the solar panels. Accordingly the proposal is not considered to be unreasonable.

This matter does not warrant refusal of the application.



**Note:**

In the submission received from No.19 Beach Road raised no concerns regarding the proposed Swimming Pool, Spa and the BBQ area located to the rear of the property.

**REFERRALS**

Internal Referral Body	Comments
Landscape Officer	The DA is considered acceptable with regard to the relevant controls relating to landscape issues.
NECC (Bushland and Biodiversity)	<p>This application was assessed under Warringah DCP E2 Prescribed vegetation and E6 Retaining unique environmental features.</p> <p>The proposal is for the alterations and additions of the existing dwelling and the construction of a new pool, spa and new front boundary fence.</p> <p>No native trees or vegetation are proposed for removal or will be impacted as a result of the proposal.</p> <p>Council's Natural Environment - Biodiversity section supports the application.</p>
NECC (Coast and Catchments)	<p><b>12 Development on land within the coastal vulnerability area</b></p> <p><i>Development consent must not be granted to development on land that is within the area identified as "coastal vulnerability area" on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:</i></p> <ul style="list-style-type: none"> <li>(a) <i>if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</i></li> <li>(b) <i>the proposed development:</i> <ul style="list-style-type: none"> <li>(i) <i>is not likely to alter coastal processes to the detriment of the natural environment or other land, and</i></li> <li>(ii) <i>is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and</i></li> <li>(iii) <i>incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</i></li> </ul> </li> <li>(c) <i>measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</i></li> </ul> <p><u>Comment:</u> The subject land is located in the 'coastal use' area and has not been included on the Coastal Vulnerability Area Map under State Environmental Planning Policy (Coastal Management) 2018 (CM</p>

Internal Referral Body	Comments
	SEPP) and in regard to CM SEPP the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land.  As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.
NECC (Development Engineering)	No objections to the proposed development, subject to conditions.
NECC (Riparian Lands and Creeks)	The proposal is supported without 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	<b>Conclusion / General Comments</b>  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.  No objections to the proposed development, subject to conditions.

## 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 (Building Sustainability Index: BASIX) 2004

## 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	8.5m (Proposed Roof)	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes

#### Detailed Assessment

#### 4.3 Height of buildings

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is consistent with the provisions of Clause 4.3 Height of Buildings of the Warringah Local Environmental Plan 2011.

#### Warringah Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	6m	N/A	Yes
B3 Side Boundary Envelope- North Boundary	4m	Wall of the dwelling within (Unchanged)  Eave 0.9m from the boundary	N/A  N/A	Yes Yes (Eaves up to 0.675m from the boundary complies)
South Boundary	4m	Wall of the dwelling 0.9m from the boundary (Variation of 1.2m for a length of 6.2m - Unchanged)  Eave 0.2m from the boundary ( Variation of 0.4m for a length of 7m Unchanged)	22.5% (0.9m)  29% (0.2m)	<b>No (Unaltered)</b>  <b>No (Unaltered)</b>
B5 Side Boundary Setbacks - North Boundary	0.9m	0.3m (Dwelling) 3m (Swimming Pool)	66% N/A	<b>No (Unaltered)</b> Yes

South Boundary	0.9m	0.2m ( BBQ area) 1m (Dwelling)	77.7%	<b>No (Unaltered)</b> Yes
B7 Front Boundary Setbacks	6.5m	6.5m (Balcony)	N/A	Yes
B9 Rear Boundary Setbacks - Southeast corner	6m	0.0m (BBQ Area)  10.9m (Dwelling)  3m (Swimming Pool)	100%  N/A  N/A	<b>No (Unaltered)</b>  Yes N/A (may encroach within 6m of rear boundary setback)
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	40.29% (176.9sqm)	N/A	Yes

**Note:** Unaltered Side setback and Rear setback.

### **WDCP 2014 - B3 Exceptions to Building Envelope**

For all land **Zoned R2** or **E4**, or land zoned **RU4** with frontage to "The Greenway", Duffy's Forest:

- *Fascias, gutters, downpipes, eaves (up to 0.675 metres from the boundary), masonry chimneys, flues, pipes or other services infrastructure may encroach beyond the side boundary envelope.*
- *Consent may be granted for the addition of a second storey to an existing dwelling house that to a minor extent does not comply with the requirement of this control.*

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	No	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	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	No
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D15 Side and Rear Fences	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes

#### Detailed Assessment

### **B3 Side Boundary Envelope**

#### Description of non-compliance

The existing dwelling exhibits minor non-compliance to the south boundary envelope. Encroachment is at a height of 4.2 for a length of 6.2m along the south side elevation of the dwelling. The existing encroachment will be unchanged and unaltered by the proposal.

#### Merit consideration

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

#### **South Boundary Envelope:**

- To ensure that development does not become visually dominant by virtue of its height and bulk.*

#### Comment:

The proposed development will not alter the existing external walls of the dwelling. The proposed roof will maintain the existing building setback and the building envelope. Therefore, the development will not become visually dominant by virtue of its height and bulk.

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

#### Comment:

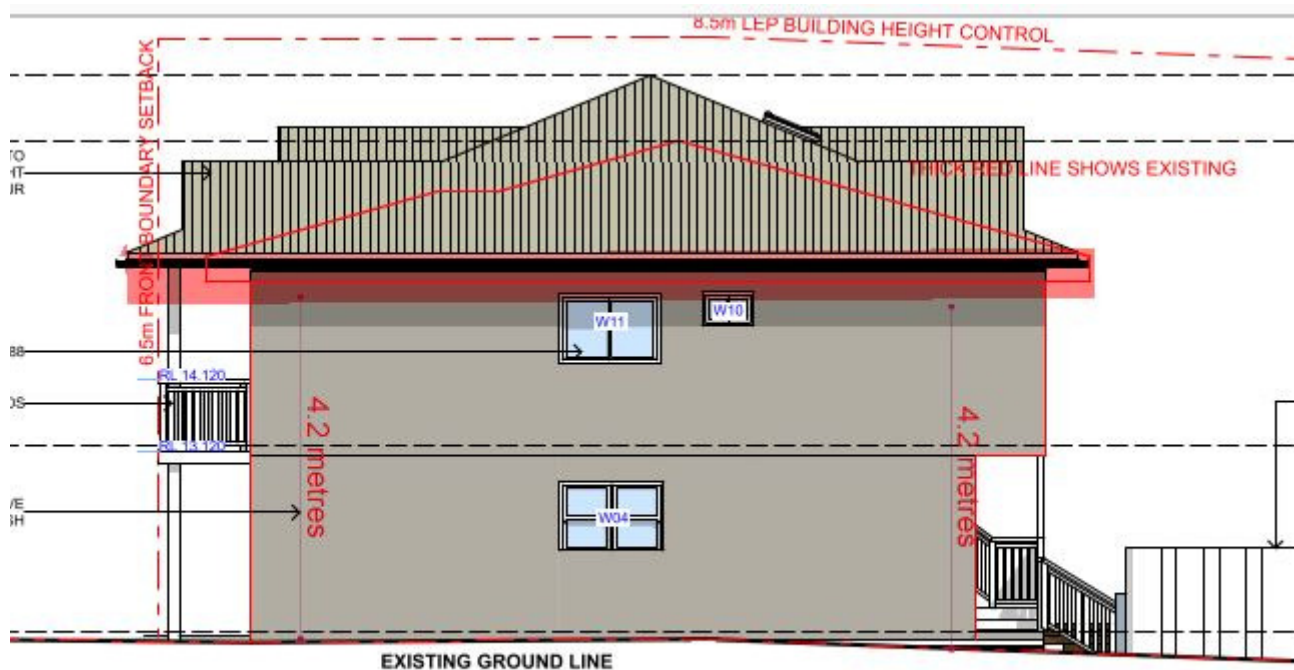
The proposed development will not adversely effect light, solar access and privacy. The existing

spatial separation between dwellings will be maintained.

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

Comment:

The proposed site is relatively flat. The proposed swimming pool and the spa will be located to the rear of the site. Therefore, the proposal will maintain the existing height, bulk scale and the form of the dwelling. Therefore, the proposed alteration and additions to the existing dwelling will not have any adverse effect on the topography of the site and consistent with the surrounding sites.



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.

## B5 Side Boundary Setbacks

### Description of non-compliance

Northern side boundary:

The side boundary control is 0.9m. The existing balcony demonstrates 0.3m setback to the northern side boundary. The non-compliance percentile variation is 66.6%. It is considered that the proposed north boundary setback to the balcony of the dwelling would not be changed or altered. The proposed roof on the northern side of the dwelling will be in compliance with 0.9m side setback control.

Southern side boundary:

The proposed BBQ area will be located 0.3m to the southern side boundary located to the southeastern corner of the rear boundary resulting a non-compliance variation of a 66.6%. The existing side

boundary setback will be maintained.

**DCP B5 - Exceptions to Side Boundary Setback:**

*Ancillary to a dwelling house:*

- *Consent may be granted to allow a **single storey outbuilding**, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause*

The proposed BBQ area is ancillary to the dwelling house. Therefore it is considered that the development satisfies the objectives of DCP B5 - Side Boundary Setback.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of 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.

**B9 Rear Boundary Setbacks**

Description of non-compliance

The existing shed is located to the boundary of southeast corner of the property. The area of this outbuilding is 21.7sqm. The proposed BBQ area will be sited within the same footprint to the rear and side boundary. The rear setback control is 6m. The percentile variation of the rear setback encroachment is 100%.

**Exceptions under the DCP:**

*On land zoned R2 Low Density Residential where the minimum rear building setback is 6 metres, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, provided that the objectives of this provision are met.*

*The total area of proposed swimming pool, spa and the outbuilding (BBQ area) located within the rear back yard will be 65.9sqm. The total area of the rear backyard is 150sqm. Therefore the proposed built upon area within the backyard would be 43.9% which will be less than 50% of the rear yard.*

Merit consideration:

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

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

Comment:

The proposed pervious area equating to a 39% of the total site area. The WDCP landscape area requirement is 40%. Under the circumstances 1% variation is acceptable. The existing landscape area located within the front yard will be maintained and the landscape area proposed within the backyard complies with the numerical requirements of the control.

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

Comment:

The proposed Swimming Pool, Spa and the outbuilding would not create any adverse impact on sense of openness within the rear yard. It is considered that the sense of openness would not be hindered by the proposal and it will be maintained ensuring compliance with this merit consideration.

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

Comment:

Located within the existing footprint of the outbuilding, the proposed BBQ area located to the rear boundary would not create any detrimental effects on the amenity of adjacent properties or privacy between dwellings. The property number 11 Ocean Grove located to the rear of the proposed site consists of a swimming pool in the backyard. Adjoining properties Number 15 Beach Road and Number 11 Ocean Grove did not raise any concerns to the proposal. The proposed non-compliance rear setback will not create any adverse impact on amenity of adjacent land and privacy between dwellings. The proposal ensures compliance with this merit consideration.

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

Comment:

The proposed articulated roof will reduce the existing bulk and scale of the dwelling. Therefore the proposal will maintain and enhance the visual continuity and pattern of the dwelling. The under utilised rear back yard will be made more practical & effective use by the proposal. The proposed landscape elements within the back yard will be successful in producing a desired character and an intended use as a private open space. Therefore the proposal ensures compliance with this merit consideration.

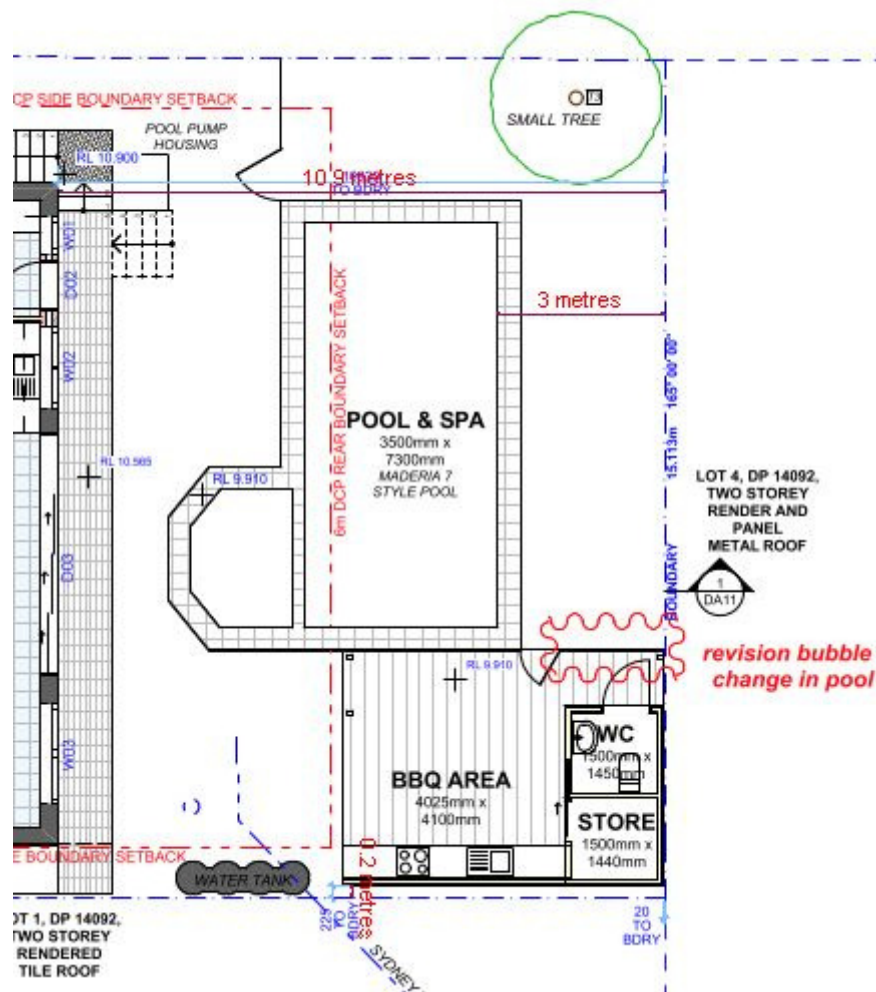
- *To provide opportunities to maintain privacy between dwellings.*

Comment:

The proposed non-compliant rear setback will not result in any unreasonable privacy impacts. The rear yard contains sufficient space to allow planting and to maintain privacy between dwellings. The proposed development will retain the existing separation between dwellings and would not create any adverse impact on privacy between dwellings. The proposal ensures compliance with this merit consideration.

Proposed





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

## POLICY CONTROLS

### Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 610,000		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 5,795

Section 7.12 Planning and Administration	0.05%	\$ 305
Total	1%	\$ 6,100

## 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 DA2019/0410 for Alterations and additions to a dwelling house including a swimming pool on land at Lot 2 DP 14092, 17 Beach 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

<b>Architectural Plans - Endorsed with Council's stamp</b>
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Drawing No.	Dated	Prepared By
Site Plan - DA02	07/06/2019	Action Plans
Proposed Ground Floor - DA04	07/06/2019	Action Plans
Proposed First Floor - DA06	07/06/2019	Action Plans
Proposed Roof Plan - DA08	07/06/2019	Action Plans
Proposed North/East Elevation - DA09	07/06/2019	Action Plans
Proposed South/West Elevation - DA10	07/06/2019	Action Plans
Long/Cross Section - DA11	07/06/2019	Action Plans
Pool Plan - DA12	07/06/2019	Action Plans
Sample Board - DA14	07/06/2019	Action Plans

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

Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report	28/03/2019	Ascent
Basix Certificate A342779 _02	29/03/2019	Action Plans

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Plan - DA13	18/04/2019	Action Plan

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	25/10/2016	Unnamed

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.

## FEES / CHARGES / CONTRIBUTIONS

### 4. Policy Controls

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018			
Contribution based on a total development cost of \$ 610,000.00			
<b>Contributions</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><b>Levy</b></td><td style="width: 50%; text-align: center;"><b>Payable</b></td></tr> </table>	<b>Levy</b>	<b>Payable</b>
<b>Levy</b>	<b>Payable</b>		



	Rate	
Total Section 7.12 Levy	0.95%	\$ 5,795.00
Section 7.12 Planning and Administration	0.05%	\$ 305.00
Total	1%	\$ 6,100.00

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Northern Beaches Council Contributions Plan 2018.

## 5. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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

## 6. Stormwater Disposal

The Applicant is to demonstrate 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.

**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. External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted. The location and the positioning of solar panels on the roof, are to be placed and maintained in order to minimise solar reflection and heat to neighbouring properties.

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, heat and reflectivity nuisance does not occur as a result of the development.

**9. 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](http://www.sydneywater.com.au) for:

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

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

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

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

**10. 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

(b) Tree protection

- i) No tree roots greater than 30mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 30mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with 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.

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

### 11. 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.

### 12. Protection of sites of significance

a) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

### 13. 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.

### 14. Aboriginal Heritage Office

The 'Stop Work Provision' (unexpected discovery protocol) applies should human remains be uncovered.

In the event that human remains are uncovered, works should cease and the NSW Police must be contacted.

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.

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

### 15. Stormwater Disposal

The Applicant shall submit a certificate from a suitably qualified person that the stormwater

drainage works have been constructed/installed in accordance with all relevant Australian Standards and Codes. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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

16. **Required Planting**

Trees shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Pot Size
1	Tree species capable of attaining a minimum height of 4 metres at maturity	1 x Front Yard	200mm

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To maintain environmental amenity.

17. **Privacy Screen / Hedge Planting**

A privacy screen or a hedge planting to a height of 1.8m shall be provided to the northern side of the swimming pool to obscure direct line of sight to and from the adjoining dwelling.

Reason: In order to maintain privacy

In signing this report, I declare that I do not have a Conflict of Interest.

**Signed**



**Monique Perera, Planner**

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



**Steven Findlay, Manager Development Assessments**