

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1623
Responsible Officer:	Adam Urbancic
Land to be developed (Address):	Lot 171 DP 13643, 202 Woorarra Avenue ELANORA HEIGHTS NSW 2101
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Matthew Patrick Montgomery Tamara Joanne Montgomery
Applicant:	Matthew Patrick Montgomery
Application lodged:	03/10/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	10/10/2018 to 26/10/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval
Estimated Cost of Works:	\$ 189,000.00

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

Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements

Pittwater 21 Development Control Plan - C1.3 View Sharing

Pittwater 21 Development Control Plan - C1.14 Separately Accessible Structures

Pittwater 21 Development Control Plan - D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)

Pittwater 21 Development Control Plan - D5.5 Front building line (Excluding Elanora Heights Village Centre)

Pittwater 21 Development Control Plan - D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)

Pittwater 21 Development Control Plan - D5.7 Building envelope (Excluding Elanora Heights Village Centre)

Pittwater 21 Development Control Plan - D5.9 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 171 DP 13643 , 202 Woorarra Avenue ELANORA HEIGHTS NSW 2101
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the corner of the northern side of Woorarra Avenue and the eastern side of Coolangatta Avenue.</p> <p>The site is irregular in shape with a primary frontage of 12.63m (inclusive of the splay corner) along Woorarra Avenue, a secondary frontage of 43.16m along Coolangatta Avenue, and a depth of 23.47m along the northern boundary and 42.67m along the eastern boundary. The site has a surveyed area of 761.4m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates a vinyl clad and brick dwelling house with a tile roof elevated over a partially enclosed garage and storage area, with an attached single storey rendered brick secondary dwelling with flat concrete roof, located in the northern portion of the site.</p> <p>The site has an overall slope of 12.77% and falls 5.97m from the northern boundary to the southern boundary.</p> <p>The site contains one (1) large canopy tree located in the south-western corner of the site, along with small to medium sized shrubs and groundcover vegetation spread across the site.</p> <p>A site inspection was conducted on 24 January 2019.</p>

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one (1) and two (2) storey dwelling houses of varying architectural styles within a landscaped setting to the north, east and west of the subject site, with Deep Creek Reserve located to the south of the subject site across Woorarra Avenue.

Map:



SITE HISTORY

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

30 January 2014

Complying Development Certificate 2013-282 (Council's Record CDC0019/14) for the construction of a secondary dwelling was granted consent by a Private Certifier.

PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for alterations and additions to an existing dwelling house, specifically the following works:

Lower Ground Floor

- construction of a new storage room with internal access from the existing garage.

Upper Ground Floor

- extension of the principal dwelling over the existing concrete roof of the secondary dwelling, as well as over the proposed lower ground floor storage room and existing deck on the northern elevation, and major internal reconfiguration works within the existing building footprint, to create three (3) bedrooms, including the existing master bedroom and ensuite, new study, bathroom, and kitchen with walk-in pantry, dining room, family room and living room;
- removal, replacement and addition of multiple windows and doors on all elevations of the dwelling house;
- demolition of the existing temporary staircase and construction of a new staircase and porch on the western elevation of the dwelling house, leading to the relocated entry to the principal dwelling on the western elevation;
- construction of a partially enclosed terrace on the southern elevation of the dwelling house, accessed from the upper ground floor living room;
- construction of a covered deck on the northern and western elevations, accessed from the upper ground floor family room; and
- removal of the existing gravel area located in the north-western corner of the site and replacement with landscaping.

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	Pittwater 21 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&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 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&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&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The</p>

Section 4.15 Matters for Consideration'	Comments
	<p>Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</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> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan 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	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.

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Building Code & Bushfire Hazard Solutions Pty Limited, dated 16 July 2018) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

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
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><i>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</i></p> <p>Change of Use/Building Upgrade</p> <p>The existing building that is proposed to be converted to a secondary dwelling will result in a change of classification to a Class 2 building and will be required to be upgraded to comply with the provisions of the Building Code of Australia.</p> <p>Details of upgrading works are to be included in the Construction Certificate and be implemented prior to occupation of the new building or part.</p> <p>Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety.</p> <p><u>Planner Comment:</u> Despite the recommended condition above referring to the conversion of an existing building to a secondary dwelling, it has been confirmed with Council's Building Surveyor that it is still necessary for the proposed development to meet the requirements of this condition, and</p>

Internal Referral Body	Comments
	<p>the other recommended conditions, as the proposed alterations and additions to the principal dwelling over the existing secondary dwelling will result in a change in the class of the building, therefore triggering upgrades in accordance with the Building Code of Australia.</p>
NECC (Coast and Catchments)	<p>12 Development on land within the coastal vulnerability area</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"> <i>(a) 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> <i>(b) the proposed development:</i> <ul style="list-style-type: none"> <i>(i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and</i> <i>(ii) 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> <i>(iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</i> <i>(c) 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> <p><u>Comment:</u> The subject land is under the 'coastal environment area' and has not been included on the Coastal Vulnerability Area Map under State Environmental Planning Policy (Coastal Management) 2018 (CM 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.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p>
NECC (Riparian Lands and Creeks)	<p>There are no objections to this application on riparian or water quality grounds.</p> <p>The application does not impact on the riparian area of a watercourse and impervious area on the lot is not increasing by more than 50sqm, so controls do not apply.</p> <p>Sediment and erosion controls must be installed prior to any work on site and maintained until all work is complete and groundcover re-</p>

Internal Referral Body	Comments
	established.

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.

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 (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been submitted with the application (see Certificate No. A326573, dated 28 August 2018).

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).

- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

SEPP (Coastal Management) 2018

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

12 Development on land within the coastal vulnerability area

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:

- (a) *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*
- (b) *the proposed development:*
 - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
 - (ii) *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*
 - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and*

*future
coastal
hazards.*

Comment:

There is currently no adopted Coastal Vulnerability Area Map under SEPP Coastal Management (2018), however, Council's Coastal Engineer has reviewed the proposed development in light of the requirements of Clause 12 and is satisfied that the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land.

13 Development on land within the coastal environment area

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

Comment:

The proposed development is unlikely to cause an adverse impact to the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, coastal environmental values and natural coastal processes, the water quality of the marine estate, or to marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms. The proposed development is also unlikely to cause an adverse impact to existing public open space and safe access to and along the rock platform for members of the public, including persons with a disability. The subject site has not been identified to contain any Aboriginal cultural heritage, practices or places, however, a recommended condition will be placed with the consent to ensure that if any Aboriginal engravings or relics are unearthed as part of the proposed development, works will cease immediately and the relevant authorities will be notified. Furthermore, the proposed development is unlikely to cause an adverse impact on the use of the surf zone

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

As detailed above, the proposed development has been designed, sited and will be managed to avoid an adverse impact on the cultural and environmental aspects referred to in Subclause 1.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The land has not been identified as being affected by any coastal hazards and is not likely to cause increased risk of coastal hazards on other land.

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	8.5m	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation	Complies
Front building line	6.5m	16.01m to Proposed Terrace	N/A	Yes

	(Woorarra Ave)			
	3.25m (Coolangatta Ave)	2.18m - 4.57m to Proposed Staircase	32.92% (1.07m)	No
		2.76m - 8.85m to New Works	15.08% (0.49m)	No
Rear building line	6.5m (N)	3.3m to New Works	49.23% (3.2m)	No
Side building line	2.5m (E)	2.35m to New Works	6% (0.15m)	No
Building envelope	3.5m (E)	Outside envelope	N/A	No
Landscaped area	60% (456.84m ²)	43.79% (333.4m ²)	27.02% (123.44m ²)	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.5 Elanora Heights Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.23 Eaves	Yes	Yes
D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.2 Scenic protection - General	Yes	Yes
D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)	No	Yes
D5.5 Front building line (Excluding Elanora Heights Village Centre)	No	Yes
D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)	No	Yes
D5.7 Building envelope (Excluding Elanora Heights Village Centre)	No	Yes
D5.9 Landscaped Area - Environmentally Sensitive Land	No	Yes
D5.13 Construction, Retaining walls, terracing and undercroft areas (Excluding Elanora Heights Village Centre)	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

The proposed development maintains the one (1) off-street parking space within the existing garage, which does not meet the minimum requirement of three (3) parking spaces, being two (2) parking spaces for a dwelling house of 2 bedrooms or more, and one (1) for a secondary dwelling, as stated under this control. The internal dimensions of the existing garage (3.4m x 5.2m) also do not meet the minimum dimensions under this control in terms of length, being 3m x 6m, with a minimum 2.4m width entry. It is noted that the non-compliance with the amount of parking spaces is existing based on the amount of bedrooms in the dwelling house and the existence of the secondary dwelling, and that the proposed development does not involve any works to the existing garage, other than the construction of the adjacent storage room. Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *An adequate number of parking and service spaces that meets the demands generated by the development.*

Comment

The proposed development retains the existing single off-street parking space located within the garage on the site, meaning that there will be no change to the existing provision of parking. A condition of consent will be included to ensure that this parking space is maintained, to ensure that an adequate number of parking spaces to meet the demands generated by the development is maintained within the subject site.

- *Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*

Comment

The proposed development provides functional parking within the existing garage, which does not result in any additional hard surface area on the site, therefore minimising rainwater runoff and adverse visual and environmental impacts, while maximising pedestrian and vehicle safety.

- *Safe and convenient parking.*

Comment

The proposed development provides safe parking within the subject site, which is also convenient in terms of its location close to the primary entry point to the principal dwelling.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

C1.3 View Sharing

At the site inspection, it was identified that the adjoining property at 32 Coolangatta Avenue has three (3) windows on the southern elevation which may enjoy views over to Narrabeen Lagoon and which may be impacted upon by the proposed development. Although a site inspection to 32 Coolangatta Avenue was not undertaken as part of this assessment, no submissions were raised in regards to view loss, and an assessment was undertaken from Woorarra Avenue, when standing in line with the windows to ensure that view loss was considered in the assessment of this development application. This assessment found that the increased setback to the first floor addition from the eastern side boundary, as well as the increased setback from the southern boundary, when compared to the existing setbacks of the ground floor secondary dwelling, will ensure that the proposed development provides a reasonable sharing of views from the adjoining property.

As such, it is considered that the proposed development complies with the requirements of this control and is therefore acceptable.

C1.14 Separately Accessible Structures

The proposed development includes the construction of a separately accessible storage room on the lower ground floor of the dwelling house, which is to be internally accessed from the existing garage. As this space has been indicated on the architectural plans as being used for storage purposes, is of minimal overall size, and has a floor to ceiling height of 2.1m, concern is not raised over the use of this area for storage purposes, however, a condition of consent will be placed to ensure that the storage room is not used for the purpose of separate habitation or as additional floor space for the secondary dwelling, and that no cooking facilities are installed within the storage room, to ensure that this space remains ancillary to the principal dwelling.

D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)

A *Colour Schedule* with samples was submitted with the application which proposes the use of Dulux 'Grey Pail' on the new external walls and 'white' on the window and door frames, both of which are non-compliant with the requirement for dark and earthy tones under this control. The use of Dulux 'Malay Grey' on the external stair balustrade and posts, and Colorbond 'Monument' for the roof sheeting, gutters and fascia are compliant with the requirements of this control and are acceptable. Further consideration of the non-compliance to the external walls, and window and door frames, will be given in accordance with the outcomes of the control, as below.

- *To achieve the desired future character of the Locality.*

Comment

The proposed development is consistent with the desired future character of the Elanora Heights Locality.

- *The development enhances the visual quality and identity of the streetscape. (S)*

Comment

The streetscapes of Woorarra Avenue and Coolangatta Avenue do not conform to a consistent colour scheme and generally consist of dwelling houses with lighter toned external walls and

trims, therefore, the proposed development enhances the visual quality and identity of the streetscapes by matching the existing character.

- *To provide attractive building facades which establish identity and contribute to the streetscape.*

Comment

The proposed development provides attractive building facades through the addition of a staircase with entry porch on the western elevation and a partially enclosed terrace on the southern elevation, which establish identity and contribute to the streetscapes of Woorarra Avenue and Coolangatta Avenue.

- *To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.*

Comment

The proposed building colours and materials compliment the visual character of the location within the natural landscapes of Pittwater by matching the lighter colours within the streetscape.

- *The colours and materials of the development harmonise with the natural environment. (En, S)*

Comment

Although the proposed colours and materials to the external walls and trims are lighter toned, it is considered that the proposed development is in harmony with the natural environment.

- *The visual prominence of the development is minimised. (S)*

Comment

The proposed development complements the lighter toned external walls (beige) of the existing dwelling house, which is compatible with the predominantly lighter toned streetscapes of Woorarra Avenue and Coolangatta Avenue, with the limited use of 'white' on the window and door frames, which are a minor feature of the overall building, ensuring that the visual prominence of the development is minimised.

- *Damage to existing native vegetation and habitat is minimised. (En)*

Comment

The proposed development minimises damage to native vegetation and habitat by retaining all existing vegetation.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D5.5 Front building line (Excluding Elanora Heights Village Centre)

The application proposes a 2.18m setback from the western front boundary, which forms the secondary street frontage to Coolangatta Avenue, to the south-western corner of the proposed staircase, and a 2.76m setback to the new portion of the dwelling house, both of which are non-compliant with the 6.5m requirement of this control, however, the control allows for a variation to be considered for a setback to a secondary street of half the front building line (3.25m) where the outcomes of this control are achieved. The application seeks to further encroach on the setback available under the variation, however, the site is irregular in shape and this can also be considered as a variation to the secondary street setback. As such, further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *To achieve the desired future character of the Locality.*

Comment

The proposed development is consistent with the desired future character of the Elanora

Heights Locality.

- *Equitable preservation of views and vistas to and/or from public/private places. (S)*
Comment
 The proposed development is generally located within and above the existing building footprint, with the new roof ridge at a reduced level (RL) of 85.10, which is just above the existing roof ridge of RL 85.03, to ensure the equitable preservation of views and vistas to and/or from both public and private places.
- *The amenity of residential development adjoining a main road is maintained. (S)*
Comment
 The subject site adjoins local roads, therefore, this outcome is not applicable.
- *Vegetation is retained and enhanced to visually reduce the built form. (En)*
Comment
 The proposed development retains all existing vegetation on the site to visually reduce the built form, however, it is not proposed to further enhance the vegetation on the site. As the subject site contains minimal vegetation and the area of non-compliance is not screened from Coolangatta Avenue, it is necessary to implement screen planting capable of attaining a height of 2m at maturity along the western boundary, between the existing driveway and the concrete pathway to the secondary dwelling, as a condition of consent, to ensure that the built form is visually reduced.
- *Vehicle manoeuvring in a forward direction is facilitated. (S)*
Comment
 The proposed development does not change the existing arrangement for vehicle manoeuvring on the subject site.
- *Preserve and enhance the rural and bushland character of the non-urban area of the locality. (En, S)*
Comment
 The subject site is not located within the non-urban area of the Elanora Heights Locality, therefore, this outcome is not applicable.
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
Comment
 The proposed development enhances the existing streetscapes by incorporating a new entry porch on the western elevation and a partially enclosed terrace on the southern elevation, both of which create points of visual interest. The proposed development promotes a scale and density that is in keeping with the height of the natural environment by being located below the height of the canopy trees located within the Road Reserve.
- *To encourage attractive street frontages and improve pedestrian amenity.*
Comment
 The proposed development encourages attractive street frontages by creating points of visual interest on the western and southern elevations to ensure that the development addresses both the primary and secondary streets. The proposed development improves pedestrian amenity by including a new entry staircase in a safe and convenient location, leading to the new entry to the principal dwelling.
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

Comment

The proposed development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment by being generally located above and within the existing building footprint.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)

The application proposes a 2.35m setback from the eastern side boundary to the external wall of the new works, which is non-compliant with the 2.5m setback requirement under this control, however, the control allows for a variation to be considered for the maintenance of existing setbacks less than those specified where alterations and additions to existing buildings are proposed and where the development is able to achieve the outcomes of the control. In this case, the proposed development seeks to increase the existing 1.1m setback to the secondary dwelling and 1.3m setback to the existing principal dwelling when measured from the eastern side boundary. Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *To achieve the desired future character of the Locality. (S)*

Comment

The proposed development is consistent with the desired future character of the Elanora Heights Locality.

- *The bulk and scale of the built form is minimised. (En, S)*

Comment

The proposed development is generally located above and within the existing building footprint, and is well articulated to ensure that the bulk and scale of the built form is minimised.

- *Equitable preservation of views and vistas to and/or from public/private places. (S)*

Comment

The proposed development is generally located within and above the existing building footprint, with the new roof ridge at a reduced level (RL) of 85.10, which is just above the existing roof ridge of RL 85.03, to ensure the equitable preservation of views and vistas to and/or from both public and private places.

- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

Comment

The proposed development encourages view sharing by generally being sited above and within the existing building footprint, and by being designed to respond to the views which are able to be obtained from the adjoining property at 32 Coolangatta Avenue through the increased setback for the first floor addition from the eastern side boundary, when compared to the existing secondary dwelling. The proposed landscaping, which is to be included as a condition of consent, has been well-positioned along a portion of the western boundary to screen the proposed development, while also encouraging view sharing.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*

Comment

The proposed development ensures that a reasonable level of privacy, amenity and solar access is provided and maintained within the development site, and is also maintained to

adjoining and surrounding residential properties, by being located above and within the existing building footprint. The proposed development ensures a reasonable level of privacy is maintained to the adjoining property at 200 Woorarra Avenue by retaining the existing privacy screen along the eastern boundary and by including highlight windows on the eastern elevation of the new upper ground floor addition above the existing secondary dwelling.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*

Comment

The proposed development retains all existing vegetation on the site, which although is not substantial, will be sufficient in creating a landscaped setting for the principal and secondary dwellings upon completion of the required screen planting along a portion of the western boundary. The proposed development retains the existing mature tree canopy located within the subject site and also within the adjoining Road Reserve, and provides for attractive streetscapes through the inclusion of an entry porch on the western elevation and a partially enclosed terrace on the southern elevation, to create points of visual interest.

- *Flexibility in the siting of buildings and access. (En, S)*

Comment

The proposed development demonstrates flexibility in the siting of buildings and access by creating additional floor space above and within the existing building footprint and by including new entry stairs on the western elevation leading to the relocated entry point to the principal dwelling.

- *Vegetation is retained and enhanced to visually reduce the built form. (En)*

Comment

The proposed development retains all existing vegetation on the site to visually reduce the built form, however, it is not proposed to further enhance the vegetation on the site. A condition of consent has been included for screen planting capable of attaining a height of 2m at maturity along the western boundary, between the existing driveway and the concrete pathway to the secondary dwelling, to ensure that the built form is visually reduced from the street. Due to the limited space available between the eastern side boundary and the existing dwelling house (1.3m) and secondary dwelling (1.1m), and the increased setback to the new works (2.35m), it is not considered necessary to further enhance vegetation along the eastern side boundary.

- *To preserve and enhance the rural and bushland character of the locality. (En, S)*

Comment

The proposed development retains all existing vegetation on the site, which will be further enhanced by additional screen planting along a portion of the western boundary, therefore, preserving and enhancing the rural and bushland character of the Elanora Heights Locality.

- *To ensure a landscaped buffer between commercial and residential zones is established.*

Comment

The subject site is located within, and is surrounded by, environment protection zones, therefore, this outcome is not applicable.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D5.7 Building envelope (Excluding Elanora Heights Village Centre)

The proposed development protrudes the prescribed building envelope by 300mm on the eastern elevation of the new portion of the principal dwelling located above the secondary dwelling, however,

the control allows for a variation to be considered for the addition of a second storey where the existing dwelling is retained and where the outcomes of the control are achieved. Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *To achieve the desired future character of the Locality. (S)*

Comment

The proposed development is consistent with the desired future character of the Elanora Heights Locality.

- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

Comment

The proposed development enhances the existing streetscapes of Woorarra Avenue and Coolangatta Avenue by incorporating a new entry porch on the western elevation and a partially enclosed terrace on the southern elevation to create points of visual interest. The proposed development promotes a scale and density that is in keeping with the height of the natural environment by being located below the height of the canopy trees located within the Road Reserve.

- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*

Comment

The proposed development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment by being generally located above and within the existing building footprint.

- *The bulk and scale of the built form is minimised. (En, S)*

Comment

The proposed development is generally located above and within the existing building footprint, and is well articulated to ensure that the bulk and scale of the built form is minimised.

- *Equitable preservation of views and vistas to and/or from public/private places. (S)*

Comment

The proposed development is generally located within and above the existing building footprint, with the new roof ridge at a reduced level (RL) of 85.10, which is just above the existing roof ridge of RL 85.03, to ensure the equitable preservation of views and vistas to and/or from both public and private places.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*

Comment

The proposed development ensures that a reasonable level of privacy, amenity and solar access is provided and maintained within the development site, and is also maintained to adjoining and surrounding residential properties, by being located above and within the existing building footprint. The proposed development retains the existing privacy screen along the eastern boundary and includes highlight windows on the new portion of the eastern elevation which protrudes the prescribed building envelope, to ensure that a reasonable level of privacy is maintained to the adjoining property at 200 Woorarra Avenue.

- *Vegetation is retained and enhanced to visually reduce the built form. (En)*

Comment

The proposed development retains all existing vegetation on the site to visually reduce the built form, however, it is not proposed to further enhance the vegetation on the site. A condition of

consent has been included for screen planting capable of attaining a height of 2m at maturity along the western boundary, between the existing driveway and the concrete pathway to the secondary dwelling, to ensure that the built form is visually reduced from the street. Due to the limited space available between the eastern side boundary and the existing dwelling house (1.3m) and secondary dwelling (1.1m), and the increased setback to the new works (2.35m), it is not considered necessary to further enhance vegetation along the eastern side boundary.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D5.9 Landscaped Area - Environmentally Sensitive Land

Existing Landscaped Area: 45.22% or 344.3m²

Required Landscaped Area: 60% or 456.84m²

Proposed Landscaped Area: 43.79% or 333.4m²

Proposed Landscaped Area (with variations): 49.79% or 379.08m²

The proposed landscaped area on the site does not meet the 60% requirement of this control, however, the landscaped area currently provided on the site is also deficient of this requirement and the proposed development seeks to marginally reduce the landscaped area on the site, as outlined in the above calculations. Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *Achieve the desired future character of the Locality. (S)*

Comment

The proposed development is consistent with the desired future character of the Elanora Heights Locality.

- *The bulk and scale of the built form is minimised. (En, S)*

Comment

The proposed development is generally located above and within the existing building footprint, and is well articulated to ensure that the bulk and scale of the built form is minimised. The bulk and scale of the built form from an overall site perspective is generally minimised to the existing building footprint and hard surface areas.

- *A reasonable level of amenity and solar access is provided and maintained. (En, S)*

Comment

The proposed development ensures that a reasonable level of amenity and solar access is provided and maintained within the development site, and is also maintained to adjoining and surrounding residential properties, by being located above and within the existing building footprint.

- *Vegetation is retained and enhanced to visually reduce the built form. (En)*

Comment

The proposed development retains all existing vegetation on the site to visually reduce the built form, however, it is not proposed to further enhance the vegetation on the site. A condition of consent has been included for screen planting capable of attaining a height of 2m at maturity along the western boundary, between the existing driveway and the concrete pathway to the secondary dwelling, to ensure that the built form is visually reduced from the street.

- *Conservation of natural vegetation and biodiversity. (En)*

Comment

The proposed development conserves natural vegetation and biodiversity within the subject site by retaining and enhancing vegetation.

- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*

Comment

The proposed development results in a marginal increase in hard surface area on the site as a result of the storage room and first floor addition in the western portion of the site, however, the removal of the gravel area in the north-western corner of the site partially compensates for the additional hard surface. Although stormwater run-off is not reduced from a site perspective, it is considered that the increase in hard surface area is reasonable. A condition of consent has been included to ensure that the additional stormwater run-off is disposed of in an appropriate manner in accordance with the relevant Australian Standards and Codes.

- *To preserve and enhance the rural and bushland character of the area. (En, S)*

Comment

The proposed development retains all existing vegetation on the site, which will be further enhanced by additional screen planting along a portion of the western boundary, therefore, preserving and enhancing the rural and bushland character of the area.

- *Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)*

Comment

Although the proposed development seeks to increase the amount of hard (impervious) surface on the site, the amount of soft surface to be provided on the site is considered to be maximised based on the extent of the existing development on the site, and development on adjoining and surrounding sites, therefore providing for infiltration of water to the water table, minimising runoff and assisting with stormwater management. As above, a condition of consent has been included to ensure that the additional stormwater run-off is disposed of in an appropriate manner.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

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

Pittwater Section 94 Development Contributions Plan

S94 Contributions are not applicable to 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;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1623 for Alterations and additions to a dwelling house on land at Lot 171 DP 13643, 202 Woorarra Avenue, ELANORA HEIGHTS, 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
1-3 768 17 HD - Site Analysis, Storm Water Concept and Sediment Control Plan	March 2018	High Design
2-3 768 17 HD - Floor Plans	March 2018	High Design

3-3 768 17 HD - Elevations & Section A-A	March 2018	High Design
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Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (Cert No. A326573)	28 August 2018	BASIX Certificate Centre
Bushfire Assessment Report (Ref: 181171)	16 July 2018	Building Code & Bushfire Hazard Solutions Pty Limited
Colour Schedule	undated	Unknown

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:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	21 August 2018	Unknown

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. Security Bond

A bond (determined from cost of works) of \$1,500 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. Change of Use/Building Upgrade

The existing building that is proposed to be converted to a secondary dwelling will result in a change of classification to a Class 2 building and will be required to be upgraded to comply with the provisions of the Building Code of Australia.

Details of upgrading works are to be included in the Construction Certificate and be implemented prior to occupation of the new building or part.

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety.

6. 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.

7. External Finishes to Roof

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

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

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:

- "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

9. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. **Road Reserve**

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

Reason: Public Safety.

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

11. **Change of Use**

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.

Note: The obligation to comply with the category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.

Reason: Statutory requirement under S109N of the Environmental Planning & Assessment Act 1979.

12. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

13. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

14. **Required Screen Planting**

Screen planting is to be provided along the western boundary between the existing driveway and the concrete pathway leading to the secondary dwelling consisting of native shrub planting capable of attaining 2 metres in height at maturity, installed no more than 1.5m apart and planted at minimum 25 litre pot size.

Reason: To ensure that the proposed development does not cause adverse visual impacts and to enhance native vegetation.

15. **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.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

16. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

17. **Use of Storage Room**

The storage room is not to be used for the purposes of separate habitation or as additional floor space for the secondary dwelling, and is not to contain any cooking facilities.

Reason: To ensure that the storage room remains as an ancillary structure.

18. **Maintenance of Off-Street Parking**

The parking space within the existing garage must be maintained at all times.

Reason: To ensure that adequate off-street parking is provided within the subject site.

19. **Landscape Maintenance**


Any existing landscaping required to be retained together with any additional landscaping required by this Consent is to be maintained for the life of the development.

Landscape works shall be maintained for a minimum period of 12 months following practical completion. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the Plan.

Reason: To maintain local environmental amenity and ensure landscaping continues to soften the built form.

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

Signed



Adam Urbancic, Planner

The application is determined on 14/06/2019, under the delegated authority of:



Daniel Milliken, Acting Development Assessment Manager