

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1959
Responsible Officer:	Catriona Shirley
Land to be developed (Address):	Lot 16 DP 33000, 2 Claudare Street COLLAROY PLATEAU NSW 2097
Proposed Development:	Construction of a detached secondary dwelling and hardstand parking
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Cristian Kilpatrick
Applicant:	Cristian Kilpatrick
Application lodged:	13/12/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New second occupancy
Notified:	18/12/2018 to 25/01/2019
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval
Estimated Cost of Works:	\$ 198,000.00

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 Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
 Warringah Development Control Plan - D3 Noise
 Warringah Development Control Plan - D8 Privacy
 Warringah Development Control Plan - D9 Building Bulk

SITE DESCRIPTION

Property Description:	Lot 16 DP 33000 , 2 Claudare Street COLLAROY PLATEAU NSW 2097
Detailed Site Description:	<p>The site is described as 2 Claudare Street, Collaroy Plateau being Lot 16 within Deposited Plan 33000. The site is located within the R2 Low Density Residential zone as per the provisions of the Warringah Local Environmental Plan 2011.</p> <p>The property is located on the north-western corner of Claudare Street and Hall Avenue.</p> <p>The site is rectangular in shape with a total site area of 506.6m². The site is a corner allotment with a primary street frontage of 13.1m to Claudare Street and a secondary frontage of 39.6m to Hall Avenue. The northern and western side boundaries are 39.6m and 12.5m respectively. There is no rear boundary.</p> <p>The property has a slight fall to the eastern boundary, with stormwater from the site directed to the street gutter in Hall Avenue.</p> <p>The site is currently developed with a single storey brick dwelling with a tile roof, with a detached single garage with storage area and with driveway access from Hall Avenue.</p> <p>Surround sites consist of one and two storey dwelling houses, of varying ages, within landscaped settings.</p>

Map:



SITE HISTORY

A search of Council's records has revealed the following relevant applications:

- Development Application DA2010/0151 for alterations & additions to a dwelling house was approved by Council on the 04/03/2010.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the construction of a new secondary dwelling over the existing garage and a hardstand parking area.

The proposed secondary above existing garage will comprise of:

- Ground Level: Foyer and internal stairs adjacent to existing garage
- First Level: Internal stairs, open plan kitchen dining and lounge room, bedroom, bathroom and balcony.

The proposal also includes the construction of an car hardstand area in the front setback to Claudare Street.

Amended plans were received the address concerns with the building bulk of the two storey secondary dwelling. The amended plans amended the facade of the secondary dwelling and the following assessment has been undertaken with the amended plans.

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)(iiia) – 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>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 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&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&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment 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 Warringah 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>

Section 4.15 Matters for Consideration'	Comments
	<p>(iii) Economic Impact</p> <p>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 not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objections subject to conditions to ensure compliance with the Building Code of Australia.
Landscape Officer	<p>The Arborist's Report submitted with the application is noted.</p> <p>No objections are raised to approval subject to conditions as recommended.</p>
NECC (Development Engineering)	Development Engineer has no objection to the application subject to the following conditions of consent.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been

External Referral Body	Comments
	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 (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

Division 2: Secondary dwellings

Clause 19: Definition

Development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

Note: The standard instrument defines secondary dwelling as follows:

"secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as

the principal dwelling, and
(c) *is located within, or is attached to, or is separate from, the principal dwelling."*

Comment:

The proposed use is defined under WLEP 2011 as as "secondary dwelling" and satisfies this definition.

Clause 20: Land to which this Division applies:

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but <i>only if</i> development for the purposes of a dwelling house is permissible on the land:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or (d) Zone R4 High Density Residential, or (e) Zone R5 Large Lot Residential.	Consistent. The site is located within the R2 Low Density Residential zone and, as such, the proposed use is permissible with consent under WLEP 2011.

Clause 21: Development to which this Division applies

Requirement	Comment
This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.	Consistent. The development involves the construction of a secondary dwelling, as defined by the Standard Instrument. Therefore, this Division applies.

Development to which this Division applies may be carried out with consent.

Requirement	Comment
(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	The site contains a single dwelling house and the proposed secondary dwelling is detached from the dwelling house and located ontop of the existing garage at the western area of the site.
(3) A consent authority must not consent to development to which this Division applies unless: (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and (b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.	The floor area is less than 60sqm for the secondary dwelling.
(4) A consent authority must not refuse consent to development to which this Division applies on	The secondary dwelling is detached from the principal dwelling and the site exceeds

either of the following grounds:	450sqm (being 507.6sqm).
(a) site area if:	There is three (3) parking spaces to be provided on the site.
(i) the secondary dwelling is located within, or is attached to, the principal dwelling, or	
(ii) the site area is at least 450 square metres.	
(b) parking if no additional parking is to be provided on the site.	

Note: A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

Clause 24: No subdivision

Requirement	Comment
A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	Consistent. This application does not propose any subdivision of the existing allotment.

Conclusion

The proposal satisfies the assessment criteria and requirements for approval under SEPP ARH.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 977424S_02 and 14 November 2018). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 977424S_02 and 14 November 2018).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	Pass
Thermal Comfort	Pass	Pass
Energy	40	Pass

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.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	7m	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	6.3m	-	Yes
B3 Side Boundary Envelope	5m North	No encroachment	-	Yes
	5m West	No encroachment*	-	Yes
B5 Side Boundary Setbacks	0.9m North	1.0m	-	Yes
	0.9m West	1.5m Secondary Dwelling	- 66.6%	Yes No

		0.3m Hardstand		
B7 Front Boundary Setbacks	6.5m	3.1m Hardstand	52%	No
B7 Secondary Front Setbacks	3.5m	4.0m Secondary Dwelling	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	40.7% (206.8sqm)	-	Yes

*minor encroachment of the eaves on the western elevation. However, the distance is less than 0.675m front the western side boundary and therefore is an exception under the control.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B5 Side Boundary Setbacks

Description of non-compliance

The proposed car hardstand is setback 0.3m from the northern boundary shared with no. 4 Claudare Street. The proposed setback represents a contravention of 0.6m to the requisite 0.9m setback.

The hardstand will be conditioned to maintain a minimum setback of 0.5m from the northern side boundary. The conditioned setback will provide an additional area for landscaping to assist in mitigating any privacy impacts, and will screening and soften the proposed hardstand.

An assessment of the variation sought against the control objects follows:

Merit consideration

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

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

Comment:

The subject has a complying landscape open space provision of over 40%, and thereby there are sufficient opportunities for deep soil landscaping on the site.

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

Comment:

The proposed hardstand is at ground level and adjoins the parking area of the northern adjoining property. The hardstand is consistent to surrounding hardstand parking areas in the streetscape. Therefore, the hardstand is not considered to be visually dominant.

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

Comment:

The hardstand is at ground level. The hardstand will be conditioned to maintain a minimum setback of 0.5m from the northern side boundary. This will provide an additional area for landscaping to assist in screening and softening the proposed hardstand.

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

Comment:

Whilst the proposed carport has an insufficient setback to the northern boundary, the variation and location of the hardstand are not considered to give rise to any adverse or unreasonable amenity impacts upon adjoining neighbours as the adjoining property has a hardstand area which runs parallel to the proposed hardstand location.

However, the hardstand will be conditioned to maintain a minimum setback of 0.5m from the

northern side boundary. This will provide an additional area for landscaping to assist in mitigating any privacy impacts, and will screening and soften the proposed hardstand.

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

Comment:

The hardstand is at ground level, and will not unreasonably obstruct or obscure any views.

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

B7 Front Boundary Setbacks

Description of non-compliance

The proposed hardstand attains a front setback of 3.1m in alignment with the northern neighbouring hardstand parking area. This setback represents a 3.4m variation to the 6.5m front setback requirement. An assessment of the variation sought against the control objects follows:

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The variation sought to the front setback requirement is not found to detract from a sense of openness given that the proposed hardstand is aligned with the northern properties hardstand area, and is open in nature.

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

Comment:

The visual continuity in the streetscape is maintained by virtue of the location of the hardstand to the northern neighbouring property. Other surrounding allotments have hardstand areas similarly close to the front boundary, and thereby the pattern of buildings is maintained.

The hardstand will also be conditioned to maintain a minimum setback of 0.5m from the northern side boundary. This will provide an additional area for landscaping to screening and soften the proposed hardstand, and therefore maintaining the landscaped elements of the streetscape.

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

Comment:

The hardstand will be conditioned to maintain a minimum setback of 0.5m from the northern side boundary. This will provide an additional area for landscaping to assist in screening and softening the proposed hardstand. Therefore, the ground level hardstand will not detract from the quality of the streetscape.

- *To achieve reasonable view sharing.*

Comment:

The development is not considered to unreasonably obstruct any existing views or vistas.

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.

C3 Parking Facilities

The State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) has no requirement to provide carparking for a secondary dwelling.

The proposal provides three (3) car spaces. Therefore, the application complies with the requirements of the control.

D1 Landscaped Open Space and Bushland Setting

The landscape open space provision is compliant with the 40% requirement at 10.7% (206.8sqm). However, additional landscaping will be conditioned in the secondary front setback and the side boundary setbacks to enhance privacy between the properties, and soften the proposed built form.

D3 Noise

The potential of increased noise was assessed as part of the proposal. The State Environmental Planning Policy (Affordable Rental Housing) 2009 enables Secondary dwellings within low density areas as a compatible land use.

The location and sufficient spatial distance from all neighbouring properties ensure noise impacts are reasonable. The design of the proposed secondary dwelling ensures that any recreational areas for the secondary dwelling are orientated towards the secondary frontage (Hall Ave) minimising any potential additional noise impacts.

D8 Privacy

A degree of overlooking between adjoining and surrounding properties currently exists. Having regard to this localised situation, the assessment of privacy is to be based on the principle of not creating unreasonable additional impacts on the existing level of privacy between neighbouring sites.

Privacy between neighbours will be satisfactorily maintained by the following;

- The use of high sil window on the western elevation

- Conditioned opaque glazing on windows W6 and W7 on the northern elevation
- Conditioned high sil window (minimum of 1.5m above finished floor level) for W4 on the northern elevation
- Sufficient spatial separation of the secondary dwelling to the northern adjoining site of 1.0m and to the west of 1.5m
- Conditioned minimum northern side boundary to the car hardstand (minimum of 0.5m) to provide an area for landscaping
- The location of the proposed secondary dwelling adjoins the garage and car hardstand area of the western neighbouring property
- Intervening northern and western side boundary fencing

Subject to the above, an acceptable and reasonable level of visual and acoustic privacy for occupants and neighbours is achieved

D9 Building Bulk

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment:

The proposal is considered to be of an appropriate size, scale and design to respond to the site and its topography.

The secondary dwelling has compliant building height and side setbacks that are greater than the required minimum of 0.9m at 1.0m (north) and 1.5m (west). The building envelope is also compliant, and the design is consistent with other dwellings in the Iris Street streetscape.

The two storey design has the potential to impact the visual amenity of adjoining properties and the Hall Street streetscape. However, the design provides visual relief by stepping in the second storey to provide a 4m setback to the secondary frontage, and combining this step in with a open front balcony. There are also open areas on the ground floor and conditioned landscaping to soften and provide visual relief from the built form.

The proposal provides sufficient articulation and visual breaks in the building and will not not unreasonably nor detrimentally create additional overshadowing to adjoining and nearby properties.

Overall, the proposed dwelling house is acceptable and reasonably consistent with the established character of the area.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The development will not have any unacceptable visual impact when viewed from the Hall Ave street view, and is consistent with other dwelling houses in the area.

The dwelling is designed with a step in on the southern elevation, combined with an open balcony area which provide sufficient articulation and visual breaks in the building, particularly when the viewed from the Hall Ave street view.

The conditioned additional landscaping provides a design solution to soften the built form, whilst improving the overall outlook of the built environment.

Therefore, the proposal is inconsistent with this objective.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

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 \$ 198,000		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.45%	\$ 891
Section 7.12 Planning and Administration	0.05%	\$ 99
Total	0.5%	\$ 990

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1959 for Construction of a detached secondary dwelling and hardstand parking on land at Lot 16 DP 33000, 2 Claudare Street, COLLAROY PLATEAU, 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
Site Plan DA3	27/03/2019	Northern Beaches Designs
Ground Floor Plan DA4	27/03/2019	Northern Beaches Designs
First Floor Plan DA5	27/03/2019	Northern Beaches Designs
Roof Floor Plan DA6	27/03/2019	Northern Beaches Designs
Elevations North and South DA7	27/03/2019	Northern Beaches Designs
Elevations East and West DA8	27/03/2019	Northern Beaches Designs
Sections DA9	27/03/2019	Northern Beaches

	Designs
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Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Tree Report	03/12/2018	Evergreen Tree Services

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

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

2. Amendments to the approved plans

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

- The sill height of window W4, on the northern elevation adjoining the bedroom, is to be a minimum height of 1.5m above the finished floor level.
- Window W7 and W6 on the northern elevation, is to be of opaque glazing
- The car hardstand area is to maintain a minimum setback of 0.5m from the northern side boundary

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

3. 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

4. **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

5. 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 Section 7.12 Development Contributions Plan		
Contribution based on a total development cost of \$ 198,000.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.45%	\$ 891.00
Section 7.12 Planning and Administration	0.05%	\$ 99.00
Total	0.5%	\$ 990.00

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.

6. **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

7. **Garage Top Dwelling - Fire Safety Measures**

Where the building works involve a Class 1a Secondary Dwelling above a 'non-appurtenant private garage', works are to be carried out in accordance with the provisions of 'Additions NSW 1.1' contained within Volume Two of the Building Code of Australia.

Where required by the Certifier, full details are to be provided with the Construction Certificate and works are to be completed/implemented prior to the issue of any interim or final Occupation Certificate.

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

8. **Vehicle Crossings Application**

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

Approval of the application by Council is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

9. **Required Planting - screening**

Screen planting is to be provided in the following areas:

- Between the northern boundary and the car hardstand area
- Between the northern boundary and the secondary dwelling for a minimum length of 10m (measured from the north west corner)
- Along the southern boundary (Hall street) adjoining the existing fenced area, planting to start approximately 6.6m along the southern boundary measured from the south west corner, for a minimum length of 5m.

The selected planting is to comprise of native species capable of attaining a minimum height of three metres at maturity.

Plants are to be planted at minimum 1.5 metre centres and be of a minimum pot size of 25 litres at planting.

The selected planting is to comprise of native species.

Reason: Local amenity.

10. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

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

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

11. **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.

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.

12. **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

13. 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 25mm 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 25mm 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

14. 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.

15. Vehicle Crossings

The provision of one vehicle crossing 3 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

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

Signed



Catriona Shirley, Planner

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



Steven Findlay, Manager Development Assessments