

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1981
Responsible Officer:	Penny Wood
Land to be developed (Address):	Lot 11 DP 10519, 973 Pittwater Road COLLAROY NSW 2097
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	David Neal Greenberg
Applicant:	The George Group Pty Ltd
Application lodged:	14/12/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	27/12/2018 to 29/01/2019
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval
Estimated Cost of Works:	\$ 379,500.00

ASSESSMENT INTRODUCTION

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

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

- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B1 Wall Heights

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - C2 Traffic, Access and Safety

Warringah Development Control Plan - C3 Parking Facilities

SITE DESCRIPTION

Property Description:	Lot 11 DP 10519 , 973 Pittwater Road COLLAROY NSW 2097
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Pittwater Road and is identified as Lot 36, Section in DP 10648.</p> <p>The site is regular in shape with a frontage of 15.24m along Pittwater Road and a depth of 46.34m. The site has a surveyed area of 682.9m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a two (2) storey dwelling</p> <p>The site slopes up gradually from Pittwater Road to the rear of the site by approximately 4.5m.</p> <p>The site consists of low lying shrubs within the front setback. Within the rear setback, the site is predominantly grass with three (3) canopy trees located along the rear which are to be retained as part of the proposed works.</p> <p>Adjoining and surrounding development is characterised by single residential dwellings along the western side of Pittwater Road. Directly opposite the site is Griffith Park which consists of tennis courts and playing fields.</p> <p>The site and adjacent homes enjoy scenic views, including that of the ocean to the east.</p> <p>A visit to the site was conducted on Friday 22 February 2019. Contact with the objector was not obtained, however a visit to the property was undertaken to ascertain any potential view loss. Discussed further in the submission section of the assessment report.</p>

Map:



SITE HISTORY

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

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

PROPOSED DEVELOPMENT IN DETAIL

The development proposes the following works:

- Extend the existing ground floor towards the front and rear of the dwelling;
- First floor addition to the existing dwelling proposing three (3) bedrooms and rumpus room;
- New decking at ground and first floor level along part of the eastern and northern elevation of the dwelling;
- Widen existing garage entry to accommodate a side by side car parking arrangement for the dwelling.

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	Warringah Development Control Plan applies to this

Section 4.15 Matters for Consideration'	Comments
any development control plan	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>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 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 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 Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social</p>

Section 4.15 Matters for Consideration'	Comments
	<p>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.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mrs Philippa May Armfield	36 Sherwin Street HENLEY NSW 2111

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

- View loss
- Ventilation

The matters raised within the submissions are addressed as follows:

- View Loss
Comment:
Concern has been raised from the 971 Pittwater Road located south of the subject site in regards to potential view loss as a result of the proposed works. The submission states that the proposed development will be constructed forward of the existing front setback and will obscure ocean views and views along Pittwater Road. Whilst the development will move forward of the existing building alignment, the development will remain compliant with the 6.5m front setback control prescribed for the site. In relation to view loss, a full view sharing assessment has been carried out in accordance with the planning principle for view sharing *Tenacity Consultancy v Warringah Council [2004] NSWLEC 140* under Clause C1.3 which has concluded that any view

loss experienced from 971 Pittwater Road is considered negligible. The subject site and adjoining property at 971 Pittwater Road face directly east and will continue to enjoy expansive views over Griffith Park towards the Ocean.

- Ventilation

Comment:

Concern has been raised from 971 Pittwater Road located south of the subject site in regards to the proposed development reducing air flow to the first bedroom and through the front door to the main living areas of the dwelling. 971 Pittwater Road will be located approximately 6.5m from the southern elevation of the subject dwelling due to the existing driveway located along the northern side of 971 Pittwater Road. The development proposes compliant side setbacks (2.57m) to the southern boundary, complies with the maximum 8.5m height control and maintains a compliant front setback. 971 Pittwater Road is located at a higher level than 973 Pittwater Road due to the topography of the land along this portion of Pittwater Road. The proposed works are not anticipated to have any impact on the ventilation/air flow for 971 Pittwater Road.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Industrial)	<p>General Comments</p> <p>Environmental health has reviewed this application for a small extension and internal modifications to an existing dwelling. We considered things such as noise, dust and asbestos and have concluded that the proposal requires no conditions.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>
NECC (Development Engineering)	<p>Reference is made to Development Engineering Referral Response dated 19/01/19 and additional information provided by the Applicant.</p> <p><u>RMS Comments:</u></p> <p>It is noted that the RMS have requested the removal of one vehicular crossing. In this regard, additional conditions have been applied. Please ensure the revised plans are submitted to the RMS for further assessment.</p> <p>No objections are raised to the proposed development, subject to conditions.</p> <p><u>Planner's Comments:</u></p> <p>Revised plans indicating the removal of one of the vehicular crossings was referred back to RMS for comment. No objection was raised from RMS in regards to this issue.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day
NSW Roads and Maritime Services (Traffic Generating Development)	<p>The Roads and Maritime Services (RMS) provided the following comments on the 21 Jan</p> <p><i>Pittwater Road is a major arterial road, which carries a high volume of traffic, where trans</i></p> <p><i>Roads and Maritime advises that current practice is to limit the number of vehicular confl</i></p> <p><i>Developments, which states 'access across the boundary with a major road to be avoided</i></p> <p><i>The proposed development contains two vehicular access points to Pittwater Road. Road</i></p> <p><i>have no record of any approval of this work</i></p> <p><i>As the southern vehicular access point is unauthorised, Roads and maritime insist that it</i></p> <p><i>In addition to this, Roads and Maritime current practice is to limit the number of vehicular</i></p> <p><i>Roads and Maritime has reviewed the submitted documentation and request the following</i></p> <ul style="list-style-type: none"> <i>Amended swept paths are to be submitted which removes one of the two existing</i> <i>Swept path plans are to be submitted for review showing that two vehicles can sir</i> <i>Swept path plans are to be provided for review showing that two vehicles simulta</i> <p>The swept path plans provided show basic turning movements within the property only. In the kerb side lane and another vehicle can exit the site into the kerb side lane at the same time.</p> <p>A response to the comments provided by the RMS is discussed within C2 Traffic, Access</p>

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(EPIs)* PIs)*

Plans and Council Policies have been considered in the merit assessment of this application.

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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.

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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. A332461, dated 10 December 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.

Roads and Maritime Service (RMS)

Clause 101 of the SEPP is addressed as follows: 101 Development with frontage to classified road

(1) The objectives of this clause are listed below and are satisfied as follows:

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads

Comment: The proposed turning bay within the front setback will ensure vehicles will be able to exit in a

forward direction, and will achieve simultaneous entry and exit for 2 vehicles, and will therefore not compromise the effective ongoing operation and function of Pittwater Road. The development is not a new dwelling, but rather is alterations and additions to an existing dwelling, with existing access off Pittwater Rd, consistent with other dwellings nearby. The proposal will provide for additional vehicle parking (3 spaces within a garage) and a turning area, including the removal of a second unauthorised driveway crossing. The application does not intensify the use of the site, and remains low traffic generating. There is no impact upon the bus lane in operation from 3pm to 7pm weekdays given the above.

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

Comment: The proposed works will provide a better design in regards to entering and existing the property in a forward motion from the site. The potential impact of traffic noise and vehicle emission towards the existing dwelling will not alter as a result of the proposed works.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

Comment: N/A. The site only provides vehicular access from Pittwater Road

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or
(ii) the emission of smoke or dust from the development, or

Comment: The proposed development will improve vehicular access to the site due to the location of the turning bay proposed within the front setback of the site. The development will have a negligible impact on the operation of the classified road in regards to the emission of smoke or dust as a result of any proposed works.

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

Comment: The proposed alterations and additions to the dwelling house will not alter the use of the site and are not expected to alter the volume or frequency of vehicles entering and exiting the site.

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment: The proposed use of the site will not alter as a result of the development with the additional off street car parking spaces positively benefiting the location of the dwelling adjacent to a classified road.

Warringah Local Environmental Plan 2011

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

aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.1m	N/A	Yes

Compliance Assessment

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

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	7.6m (northern side)	5.3%	No
B3 Side Boundary Envelope	4m (south)	0.8m - 1.1m in height for a length of 16.9m	16.7%	No
	4m (north)	1.47m - 3.48m in height for a length of 16.9m	70.4%	No
B5 Side Boundary Setbacks	0.9m (south)	2.57m	N/A	Yes
	0.9m (north)	0.94m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	6.5m	N/A	Yes
B9 Rear Boundary Setbacks	6m	18.3m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	53.6%	N/A	Yes

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	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
D22 Conservation of Energy and Water	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The development proposes a non-compliant maximum wall height of 7.6m along the northern boundary representing a 5.3% variation to the wall height control.

Merit consideration:

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

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

Comment:

The non-compliant wall height is located along the northern elevation of the dwelling towards the front of the site. The 400mm non-compliance is considered minor as the development has been designed to integrate well with the sites natural topography and incorporates a flat roof design

which reduces the visual impact when viewed from adjoining properties and from Pittwater Road,

- *To ensure development is generally beneath the existing tree canopy level*

Comment:

The development will be located below the existing tree canopy located at the rear of the site.

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

Comment:

The proposed development will not unreasonably impact on any existing views experienced from adjoining properties, and will achieve view sharing.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

The amenity of adjoining properties is protected by way of compliant side setbacks, front and rear setbacks and a compliant building height. The development does not unreasonably overlook or overshadow the adjoining properties.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

The development responds positively to the topography of the site falling from the rear to the street frontage. The design of the roof and moderate floor to ceiling heights result in a development which minimises bulk and scale and results in a building compliant with the 8.5m height control prescribed in the WLEP 2011

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The proposed roof ensures minimal impact to the adjoining properties in that it reduces any potential bulk and scale and responds positively with the topography of the site.

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

B3 Side Boundary Envelope

Description of non-compliance

The development proposes a non compliant building envelope along both the northern and southern elevations of the dwelling. The non-compliant side boundary envelopes are as follows:

- Northern elevation: 1.47m - 3.48m for a length of 16.9m demonstrating a 70.4% variation ; and
- Southern elevation: 0.8m - 1.1m for a length of 16.9m demonstrating a 16.7%

Merit consideration

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

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

Comment:

The non compliant building envelope is greater on the northern side of the dwelling where the site slopes to it's lowest point. Where the non-compliant building envelope is greatest towards Pittwater Road along the northern elevation, the application proposes a deck at both ground and first floor which wraps around the north eastern corner of the dwelling. A battened screen is proposed along the northern elevation of the deck at both levels to provide privacy for the occupants of the dwelling and the neighbouring property. This also creates visual interest to the dwelling which detracts from the overall bulk and scale of the design. The overall bulk and scale of the development is in keeping with more recently developed sites along the western side of Pittwater Road and will not dominate the existing scale of development along Pittwater Road opposite Griffith Park. The development complies with the maximum building height control and side setbacks which will also alleviate the overall bulk and scale of the development.

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

Comment:

The development retains maintains adequate side setbacks, particularly along the southern elevation where the non-compliant building envelope is not as great. Along the northern elevation, the non compliance with the building envelope is greatest towards the front of the site. Whilst the non-compliant building envelope along the northern side is greater than the southern side, the use of materials and articulated side setbacks will improve the spatial separation between the dwellings. The development will ensure the amenity of the neighbouring properties will be retained in regards to solar access, adequate light and privacy.

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

Comment:

The development responds well to the topography of the site by virtue of the roof design following the change in the natural ground level from the front of the site to the rear. The roof will increase in height towards the rear and therefore will reduce the overall height when viewed from Pittwater Road where the dwelling will appear as a three (3) storey development due to the location of the existing garage.

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

C2 Traffic, Access and Safety

Merit consideration

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

- *To minimise traffic hazards.*

Comment:

As discussed within the external referral section of this assessment report, the RMS requested that the development propose swept paths indicating how two (2) vehicle simultaneously can enter and exit the site from Pittwater Road. The development has provided swept paths indicating a turning bay within the front setback of the site. The compliant front setback allows for an adequately sized turning bay which will enable vehicles to be able to enter and exit the site in a forward direction from Pittwater Road as required. The development will provide three (3) car parking spaces within the garage as a result of the works and therefore allowing turning bay within the front setback to be used for the sole purpose of maneuvering within the site. A condition is to be imposed to ensure the turning bay within the front setback is kept clear for this purpose only.

- *To minimise vehicles queuing on public roads.*

Comment:

The proposed turning bay located within the front setback of the site will ensure that all vehicles entering and existing the site will be able to do so in a forward direction, hence minimising any potential for vehicles to queue on Pittwater Road. The proposal is for alterations and additions to a dwelling house which is not considered to further impact on the number of cars entering and existing the site on a daily basis from the current situation.

- *To minimise the number of vehicle crossings in a street.*

Comment:

As discussed in the referral comments from the RMS and further correspondence with the applicant, the crossover located on the southern side of the site has been removed due to no approval ever been granted from the RMS. Amended plans have been received from the applicant indicating the removal of the crossover and is considered acceptable subject to a condition.

- *To minimise traffic, pedestrian and cyclist conflict.*

Comment:

The proposal will ensure any traffic, pedestrian and cyclist conflict is minimised as a result of the proposal providing adequate off-street car parking for three (3) cars. The addition of a turning bay within the front setback will enable two (2) vehicles to simultaneously enter access the site and for vehicles to be able to enter and exiting the site from Pittwater Road in a forward direction.

- *To minimise interference with public transport facilities.*

Comment:

The proposal will not interfere with public transport facilities.

- *To minimise the loss of "on street" kerbside parking.*

Comment:

The subject site is located on Pittwater Road which is a classified road. A bus lane is located adjacent to the subject site which is in use between 3pm - 7pm Monday to Friday. Kerbside parking is permitted outside these houses. With the proposal including the one (1) additional off street car parking space, the development is considered to have a minimal impact on the available amount of "on street" kerbside parking.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in S1.3 of the Environmental Planning and Assessment Act, 1979.

C3 Parking Facilities

As discussed in C2 Traffic, Access and Safety, the development is considered to address the parking facilities proposed as part of the application.

The development proposes to widen the existing garage located at basement level on the northern side of the site to enable three (3) car parking spaces to be accommodated within the garage. The proposed widening of the garage door will not dominate the facade of the dwelling and will be in keeping with surrounding development located along Pittwater Road.

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 \$ 379,500		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 3,605
Section 7.12 Planning and Administration	0.05%	\$ 190
Total	1%	\$ 3,795

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 DA2018/1981 for Alterations and additions to a dwelling house on land at Lot 11 DP 10519, 973 Pittwater Road, COLLAROY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
4101/01A	Not dated	The George Group Pty Ltd
4101/02	Not dated	The George Group Pty Ltd
4101/03	Not dated	The George Group Pty

		Ltd
4101/04	Not dated	The George Group Pty Ltd
4101/05	Not dated	The George Group Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A332461	10 December 2018	The George Group Pty Ltd

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
Northern Beaches Waste Management Plan	14 December 2018	Philip George

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

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

2. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement

3. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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



- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches Council Contributions Plan 2018

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

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 379,500.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 3,605.25
Section 7.12 Planning and Administration	0.05%	\$ 189.75
Total	1%	\$ 3,795.00

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

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating

compliance are to be submitted to the Principal Certifying Authority.

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

5. **Security Bond**

A bond (determined from cost of works) of \$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

6. **Stormwater Disposal**

Plans indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments, shall be submitted prior to the issue of the Construction Certificate. Stormwater shall be conveyed from the site to Pittwater Road.

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

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

7. **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 removal of the driveway and must be paid. The redundant layback and vehicular crossing adjacent the southern boundary shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the Applicant. Concurrence from the RMS shall be obtained.

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.

8. **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.

9. **Turning Bay**

A compliant sized turning area must be provided within the front setback of the subject site to demonstrate that two (2) vehicles can simultaneously access the site and enter or depart the site in a forward direction. The drawings must be compliant with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Drawings must be submitted with the Construction Certificate application.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

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

11. **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.

12. **Reinstatement of Kerb**

The redundant layback and vehicular crossing adjacent the southern boundary shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To remove redundant vehicular access.

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

13. **Use of Turning Bay**

The turning bay located within the front setback of the subject site is not to be used as off street car parking space and to be used only for the vehicles being able to simultaneously enter and exit the site in a forward direction.

Reason: To ensure vehicles are able to enter and exit the site from Pittwater Road in a forward direction in accordance with Australian Standards.

14. **Use of Premises**

The dwelling is to be solely used as a single dwelling. The area identified as a bar on the first floor is not to be used as a kitchen and is not to include any cooking facilities. A laundry is not to be located on the first floor.

Reason: To ensure the development is not to be used for the purpose of a dual occupancy.

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

Signed



Penny Wood, Planner

The application is determined on 07/06/2019, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments