

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0612
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Responsible Officer:	Nick England
Land to be developed (Address):	Lot 1 DP 900658, 7 Pavilion Street QUEENSCLIFF NSW 2096
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:	James David O'Leary Megan Oi Qwan Chan O'Leary
Applicant:	James David O'Leary

Application lodged:	17/04/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	24/04/2018 to 10/05/2018
Advertised:	Not Advertised
Submissions Received:	5
Recommendation:	Approval

Estimated Cost of Works:	\$ 400,000.00
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ASSESSMENT INTRODUCTION

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

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
 Warringah Development Control Plan - B1 Wall Heights
 Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - D7 Views

SITE DESCRIPTION

Property Description:	Lot 1 DP 900658 , 7 Pavilion Street QUEENSCLIFF NSW 2096
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Pavilion Street.</p> <p>The site is irregular in shape, with a surveyed area of 910.4m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a two-storey dwelling house.</p> <p>The site has an easterly aspect and is benched into two areas, separated by a significant coastal cliff, approximately 24 metres in height. The upper portion of the site is occupied by the dwelling house, with the rear portion of the site extending to the foreshore below.</p> <p>Adjoining and surrounding development is characterised by a mix of single dwelling houses and residential flat buildings. Adjacent the site at No.5 Pavilion Street is a six-level residential flat building, currently being re-constructed.</p>

Map:



SITE HISTORY

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

PLM2016/0064: A prelodgement meeting was held on 6 July 2016 to discuss potential alterations and additions to the existing dwelling. The proposal represented significant non-compliances with the Building Height development standard, Wall Height control and Side Boundary Envelope control. The applicant was advised that the acceptability of these non-compliances would be largely reliant on how the development minimises its impact on the views enjoyed by adjoining dwellings. Determination of this impact was only through the notification period of any future development application.

DA2017/0040: Application for the alterations and additions to existing dwelling house lodged with Council on 18 April 2017. This application was withdrawn based on the unreasonable impact of view loss, in the context of the non-compliances with the Building Height and Side Boundary Envelope controls. Council correspondence advised that a revised design should modify the roof of the upper level to ensure compliance with the Building Height standard.

The current application has been revised to provide a flat roof for most of the upper level and reduces the majority of the height of the works by up to 1.3m.

PROPOSED DEVELOPMENT IN DETAIL

The application involves the alteration and additions to an existing dwelling house, to create an upper level on the southern portion of the existing dwelling.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979,

are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(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>Division 8A 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, permits Council to request additional information. However, 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	(i) Environmental Impact

Section 4.15 Matters for Consideration'	Comments
the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	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 5 submission/s from:

Name:	Address:
Ms Barbara Roberta Hinton	30 Lillihina Avenue CROMER NSW 2099
Estelle Zappia	
Watermark Planning	PO Box 501 FRENCHS FOREST NSW 1640
Mr Christopher John O'Neill	6 Pavilion Street QUEENSCLIFF NSW 2096
Ms Elyane Joy Messara	9 Pavilion Street QUEENSCLIFF NSW 2096

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

- *Insufficient description of the development was provided on the notification correspondence.*

Comment: Council has opted to provide minimal description of proposed development in its

letters to avoid any mis-interpretation. Instead, an emphasis has been placed on making all documentation freely available on-line. In the instance that any member of the public cannot understand this documentation, the assessing planner is readily available for contact. Hence, this matter does not warrant refusal of the application.

- *The current dwelling has been altered a number of times causing disruption and noise and traffic impact to local residents.*

Comment: The impact of construction works is temporary. Under the circumstances this impact is reasonable and not a valid reason to refuse any application.

- *The proposed works are not something that the occupants of the existing building will "need".*

Comment: There is no requirement for Council to ascertain the specific "need" for a proposed development. Council's responsibility is to determine the impact of the proposed development and whether the application is worthy of either approval or refusal. Hence, this matter does not warrant refusal of the application.

- *The proposed additions may result in more people living in No.7, which in conjunction with the traffic generated by No.5 will result in significant traffic impact on the local area.*

Comment: As a single dwelling house, the level of traffic generated is not expected to be beyond that generated by the family occupants of the dwelling and their guests, which is a normal domestic functioning of any dwelling house. The standard two (2) parking spaces are provided, consistent with Council's policy. In effect, when completed, the works will not generate any additional traffic beyond that normally generated by a dwelling house. This is hence not a valid reason to refuse the application.

- *The proposal does not comply with the Height of Buildings standard in WLEP 2011.*

Comment: A detailed consideration of the non-compliance with this standard is provided elsewhere in this report. In summary, the extent of the impact caused by the non-compliance is not considered to be unreasonable and the variation is supported in this instance.

- *The proposal will result in an unreasonable loss of views from the adjoining properties at No.6 and No.9 Pavilion Street.*

Comment: A consideration of the potential loss of views from the adjoining property at No.6 Pavilion Street is provided elsewhere in this report. In summary, the extent of the view loss experienced is considered to be minor and not of a magnitude that would warrant the refusal of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments	
NECC (Coast and Catchments)	The proposal has been considered and can be approved without conditions. Noting that the recommendations outlined in the Geotechnical Assessment JK Geotechnics dated 7 December 2016 are to be adhered to.	
NECC (Development Engineering)	Development Engineer has no objection to the application subject to the following condition of consent.	
Strategic and Place Planning (Heritage Officer)	<table border="1"> <tr> <th data-bbox="518 620 1437 651">HERITAGE COMMENTS</th> </tr> </table>	HERITAGE COMMENTS
	HERITAGE COMMENTS	
	<table border="1"> <tr> <th data-bbox="518 660 1437 692">Discussion of reason for referral</th> </tr> </table>	Discussion of reason for referral
	Discussion of reason for referral	
<p>This application has been referred as the site is part of (and adjoins) a local heritage conservation area, being <i>Item C13 - Coastal cliffs - southern side of Freshwater Beach to Queenscliff</i>, listed in Schedule 5 of Warringah Local Environmental Plan 2011.</p>		
<table border="1"> <tr> <th data-bbox="518 913 1437 945">Details of heritage items affected</th> </tr> </table>	Details of heritage items affected	
Details of heritage items affected		
<p>Details of the heritage item, as in the Warringah heritage Inventory are:</p> <p>Statement of Significance The Queenscliff-Freshwater headland cliffs have existence value as a major coastline promontory, protecting adjacent beaches and estuarine lagoon and providing dramatic landforms and viewing points. The Freshwater View Reserve on its northern face is a former landscaped garden with heritage significance. The headland's associated rock platform is host to an ocean swimming bath on the Queenscliff side, and these combined with the cliffs' high aesthetic qualities have a high level of community esteem.</p> <p>Physical Description The Queenscliff-Freshwater Cliffs are high, steep, and much sheared, with substantial talus deposits on the rock platform at their base. They are higher and steeper on their northern side, where they abut deep water, and lower and more benched on the Queenscliff side. This southern face of the headland has borne the brunt of the most severe storms, which usually come from the south-east. The ridgetop contains very little of the original heath cover, as the greater part of the ridge/crest has been built upon. At the base of the southern face of the headland is the outlet to the Manly Lagoon, separating it from North Steyne beach. A tunnel was constructed through the headland in 1908 making easy access between its northern and southern faces. A section of the northern (Freshwater) face of the headland was developed in the period 1910-1920 by Arthur Costin as an elaborate terraced garden and following acquisition by Council, has recently been re-landscaped to form Freshwater View Reserve. Most of the land on the top of the headland has been subdivided into lots of varying sizes, and many homes and apartment blocks have been built close to the cliff edge. This is well illustrated by the aerial photographs at the end of this inventory.</p>		

Internal Referral Body	Comments		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	Comment if applicable
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	Consideration of Application		
	<p>This application is for alterations and additions to an existing substantial house. The alterations and additions consist of minor extensions at the ground level and the addition of a new partial floor. The footprint of the dwelling on the site is relatively unchanged, and there is no new development on the eastern cliff side of the property. The existing house is approximately 10 metres from the conservation area, with the garden features and pool about 5 metres from the cliff edge and the conservation area.</p>		
	<p>Given that these works are largely confined to the existing dwelling footprint, it is considered that there will be no impact upon the significance of the heritage conservation area. The additions will not greatly affect the bulk and scale of the dwelling, when viewing the conservation area from a distance, particularly given the nature of existing surrounding development adjacent to this cliff conservation area.</p>		
	<p>Therefore, no objections are raised to this application on heritage grounds and no conditions required.</p>		
	<p>Consider against the provisions of CL5.10 of WLEP 2011 Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Heritage considered in SEE.</p>		
	Further Comments		
<p>COMPLETED BY: Janine Formica, Heritage Planner DATE: 6 June 2018</p>			

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
Aboriginal Heritage Office	The Aboriginal Heritage Office has no objection to the proposal.

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 71 - Coastal Protection

Matters for Consideration	
Is the development located in an area identified as being within:	
100m of the coastline mean high water mark?	Yes
A Sensitive Coastal Location under SEPP 71?	No
A Zone of Wave Impact under WLEP 2000?	No
A Zone of Slope Adjustment under WLEP 2000?	No
A Reduced Foundation Capacity under WLEP 2000?	No
Within an area identified under the report entitled Review of Coastline Hazard Lines for Collaroy-Narrabeen Beach and Fishermans Beach prepared by WorleyParsons Issue 8, July 2009 as being subject to coastal impact?	No
Note: Prior to any consideration of the proposed	

development it should be noted that Coastal Processes are constantly changing. Statutory Planning processes however, cannot be varied at the same rate. Notwithstanding, Council has recently received a report entitled Review of Coastline Hazard Lines for Collaroy-Narrabeen Beach and Fishermans Beach prepared by WorleyParson Issue 8, July 2009 to review the Coastal Hazard Zones and potential impacts of coastal processes, such as erosion, rising sea levels and large storm events.

Whilst Warringah Local Environment Plan 2011 stipulates legislative provisions for consideration, this report provides additional information which has been brought to Council's attention.

Accordingly, pursuant to s79C (b), (c) & (e) under the Environmental Planning Assessment Act 1979 consideration of this report will be given to aid in the interpretation of the current controls and any recommendations provided there after to help determine the likely impacts upon the natural and built environments, the suitability of the site for development and the public interest.

(Note: the report will not be given determining weight as it is not legislated unlike the existing provisions under WLEP 2011.)

Requirements under SEPP 71 – Coastal Protection

The proposal has been identified as being located within a Sensitive Coastal Location as identified on the Coastal Zone map gazetted on the 18 November 2005. Accordingly, pursuant to Section 79C (a)(i) of the Environmental Planning and Assessment Act 1979, the provisions of State Environmental Planning Policy No.71 – Coastal Protection are to be considered.

Only the relevant sections of State Environmental Planning Policy No.71 – Coastal Protection to be considered by the Natural Environment Unit are identified below. It must be noted that all other provisions may apply to the subject site and should be considered prior to the determination of the Development Application.

Assessment Consideration	Assessment Acceptability	Further Assessment Comment
<p>Is the development acceptable with regard to the SEPP 71 Policy aims to be considered by Natural Environment Unit detailed as follows:</p> <p><i>(a) to protect and manage the natural, cultural, recreational and economic attributes of the New</i></p>	<p>Yes</p>	

Assessment Consideration	Assessment Acceptability	Further Assessment Comment
<p><i>South Wales coast, and...</i> <i>(f) to protect and preserve beach environments and beach amenity, and</i> <i>(g) to protect and preserve native coastal vegetation, and</i> <i>(h) to protect and preserve the marine environment of New South Wales, and</i> <i>(i) to protect and preserve rock platforms, and</i> <i>(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and...</i> <i>(l) to encourage a strategic approach to coastal management.</i></p>		
<p>Does the development implement measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act), and their habitats?</p>	No	The proposed works are located on an existing dwelling, in an already developed part of the site. Hence, no special conditions are required in this respect.
<p>Does the development implement measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i>) and marine vegetation (within the meaning of that Part), and their habitats?</p>	No	The proposed works will have no impact on the marine environment. Hence, no special conditions are required in this respect.
<p>Does the development take into consideration existing wildlife corridors and the impact of development on these corridors?</p>	Yes	The proposed works are not located on the portion of the site that is subject to wildlife corridors.
<p>Are the likely impact of coastal processes and coastal hazards on the development and any likely impacts of the development on coastal processes and coastal hazards acceptable?</p>	Yes	

Assessment Consideration	Assessment Acceptability	Further Assessment Comment
Are the likely impacts of development on the water quality of coastal waterbodies acceptable?	Yes	
<p>Is the development acceptable with regard to:</p> <p><i>(i) the cumulative impacts of the proposed development on the environment, and</i></p> <p>(ii) measures to ensure that water and energy usage by the proposed development is efficient</p>	Yes	
<p>Does the development, include a non-reticulated system? Yes/No</p> <p>If Yes:</p> <p>Will the system, or is likely to, result in a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform?</p>	No	
<p>Does the development seek consent, or result in, untreated stormwater being discharged into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform?</p>	No	

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.A262916_02 dated 16 March 2018).

The BASIX Certificate indicates that the development will achieve the sustainability requirements of State Environmental Planning Policy - BASIX.

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

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

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	9.2m	8	No

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	No
5.5 Development within the coastal zone	Yes
5.10 Heritage conservation	Yes
6.4 Development on sloping land	Yes
Schedule 5 Environmental heritage	Yes

Detailed Assessment

4.6 Exceptions to development standards

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard has taken into consideration the questions established in Winten Property Group Limited v North Sydney Council (2001) NSW LEC 46.

Requirement:	8.5m
Proposed:	9.2
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	8%

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the WLEP 2011. The assessment is detailed as follows:

Is the planning control in question a development standard?

The prescribed Height of buildings limitation pursuant to Clause 4.3 of the WLEP 2011 is a development standard.

What are the underlying objectives of the development standard?

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the WLEP 2011 are:

(1) The objectives of this clause are as follows:

a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment: The survey plan provided with the application demonstrates that the adjoining dwelling at No.9 has a total height of RL 43.98m AHD. The proposed works will have an RL varying between 42m and 43.1m, at least 0.8m below the level of this existing building. The adjoining building at No.5 Pavilion is a six storey residential flat building, currently undergoing construction under existing use rights. This building is significantly higher than the subject dwelling house. Based on these circumstances, the proposed development is compatible with the height and scale of surrounding and nearby development and hence consistent with this objective.

b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

Comment: The proposed additions employ sufficient variation in roof pitch and massing to ensure there is no adverse visual impact. A consideration of view loss (undertaken elsewhere in this report) has concluded that there will be no adverse disruption of existing views to adjoining properties. No adverse loss of visual/acoustic privacy or solar access is likely as a result of the non-compliance. Therefore, the proposal can demonstrate compliance with this objective.

c) to minimise adverse impact of development on the scenic quality of Warringah’s coastal and bush environments,

Comment: The subject site sits atop a tall cliff on Queenscliff Headland, which rises in excess of

20m above the water's edge. The extent of the variation (0.7m) is likely to be imperceptible when viewed from the surrounding coastal areas. In this regard, the application can demonstrate consistency with this objective.

d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities,

Comment: As described above, the context of the subject site is such that the visual impact is unlikely to be adverse from any adjoining area of the public domain. The development is hence consistent with this objective.

What are the underlying objectives of the zone?

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the R2 Low Density Residential zone.

The underlying objectives of the R2 Low Density Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment: Given that the proposal relates to a dwelling house, the development satisfies this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: This objective is not applicable to the proposed development.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment: As the works relate only to extensions to the upper level of the dwelling house, no landscaped open space on the site will be lost. The development hence satisfies this objective.

Is the variation to the development standard consistent with the objectives of Clause 4.6 of the WLEP 2011?

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

Comment: The extent of the variation proposed is not significant (approximately 8%) and relates to a minor part of the roof, with the majority of the proposed works consistent with the numerical standard. In this respect, it is considered appropriate to apply a degree of flexibility and not expect full compliance with the development standard.

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment: The design of the proposal has taken into account previous impacts to adjoining properties with regards to view loss. The downward slope of the topography on the site exaggerates part of the building height and the considerable height of adjoining buildings

provides an adequate context for the non-compliance. In this regard, a better outcome is achieved by permitting the additions to occur on the upper level without having to strictly comply with the development standard.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment: The applicant has provided a written request as required by Clause 4.6. There are sufficient planning grounds to permit the variation to the standard, which essentially relate to; the bulk and scale of the proposed works being appropriate in the context of adjacent development on the eastern side of Pavilion Street and other surrounding development in the area; and the design minimising the extent of the view loss to adjoining properties.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment: The applicant's written request has adequately addressed the matters relevant to subclause (3).

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment: A thorough assessment of the proposal against the objectives of the R2 Low Density Residential zone and the other relevant policies of Council has determined that the development will not be adverse to the public interest.

(b) the concurrence of the Director-General has been obtained

Comment:

Planning Circular PS 18-003 dated 21 February 2018, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to

the Height of Buildings Development Standard is assumed.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	5.5 - 7.8m	8	No
B3 Side Boundary Envelope	5m (north)	No change	N/A	N/A
	5m (south)	Breach of 1.2m (height) x 8m (length)	N/A	No
B5 Side Boundary Setbacks	0.9m (north)	No change	N/A	N/A
	0.9m (south)	1.1 - 1.5m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	9.7 - 16m	N/A	Yes
B9 Rear Boundary Setbacks	6m	21m from north boundary, which is the Mean High Water mark	N/A	Yes
B13 Coastal Cliffs	Development must not extend beyond the coastal cliffs building line specified on DCP Map	5.2m from specified line	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	399m ² or 44%	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
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
B13 Coastal Cliffs setback	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
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
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The maximum wall height on the south and east elevations of the proposed works is estimated at 7.8m. This represents a 8% variation with the maximum wall height of 7.2m.

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 south elevation of the proposed works are not readily visible from the street, given the topography of the site, which falls to the east towards the sea cliffs. Adjoining the site to the south is a six-level residential flat building, with many of the dwellings in this building well above the level of the existing dwelling and the proposed works. To the east of the dwelling is a cliff, in

excess of 20m in height, adjoining the foreshore which serves as the eastern boundary of the site. Under these circumstances the visual impact of the breach will be minimal. Hence, the proposal is consistent with this objective.

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

Comment:

No significant tree canopy exists on the site, or on adjoining land, given the foreshore location. Hence, this objective is not applicable to the proposed development.

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

Comment:

A view loss assessment of the proposal is provided elsewhere in this report. In summary, there will be no adverse loss of views as a result of the proposed non-compliance with the Wall Height control.

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

Comment:

It has already been established that there will be not be an adverse visual impact from the non-compliance with the wall height. No other adverse impact in regard to overshadowing, privacy or view loss is considered likely. The development is therefore consistent with this objective.

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

Comment:

No excavation is proposed as part of the works and the existing land form will remain unchanged.

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

Comment:

The proposed upper level addition development provides sufficient pitch and variation in form to comply with this objective.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WDCP 2011 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 south elevation of the proposed works is outside of the envelope, estimated at a height of 1.2m and a length of 8m.

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 south elevation of the proposed works are not readily visible from the street, given the topography of the site, which falls to the east towards the sea cliffs. Adjoining the site to the south is a six-level residential flat building, with many of the dwellings in this building well above the level of the existing dwelling and the proposed works. To the east of the dwelling is a cliff, in excess of 20m in height, adjoining the foreshore which serves as the eastern boundary of the site. Under these circumstances the visual impact of the breach will be minimal. Hence, the proposal is consistent with this objective.

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

Comment:

No adverse impact in regard to overshadowing or privacy is considered likely. The development is therefore consistent with this objective.

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

Comment:

No excavation is proposed as part of the works and the existing land form will remain unchanged. The application is hence consistent with this objective.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 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.

D7 Views

During the notification period, 2 of the 4 submissions raised issue with the potential loss of views from the following properties:

- No.6 Pavilion Street; and
- No.9 Pavilion Street.

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

- *To allow for the reasonable sharing of views.*

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

1. Nature of the views affected

"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

Comment to Principle 1:

The views that have been identified as being subject to impact relate to the following:

No.6 Pavilion: ocean view; and
No.9 Pavilion: ocean view.

In the case of No.9 Pavilion, the room subject to the impact also enjoys views to the south of Manly and its foreshore.

2. What part of the affected property are the views obtained

"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".

Comment to Principle 2:

The parts of the properties affected are as follows:

No.6 Pavilion Street: 2 1st floor bedrooms and adjoining decks. The views are enjoyed from a standing position, across a side boundary.

No.9 Pavilion Street: 1st floor study. The view is from a seated and standing position, across a side boundary.

3. Extent of impact

"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued

because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.

Comment to Principle 3:

In regard to the property at No.9 Pavilion Street, the entire ocean view to the south-east will be lost. However, this window still retains views of the Manly foreshore to the south. The property at No.6 will suffer a moderate loss of ocean view, however will retain a view to this feature.

4. Reasonableness of the proposal that is causing the impact

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Comment to Principle 4:

The reasonableness of the impact is discussed individually below:

No.6 Pavilion Street: It is estimated that approximately half of the area of the current sea view will be lost as a result of the proposed development. The majority of the length of the ocean horizon will however be retained. The west elevation of the proposal, with the exception of the south-west corner of the works, are consistent with the building height standard. The area of the works that are over the building height standard are forward of the residential flat building at No.5 and obscured by existing street trees in front of No.7, which results in no effective view loss. The views are not enjoyed from a communal room, but two bedrooms and across a side boundary. The view loss under these circumstances is considered to be moderate and not considered of a magnitude to warrant the refusal of the application.

No.9 Pavilion Street: The loss of the ocean views from the study to the south-east relate to the flat-roofed portion of the dwelling that is compliant with the building height control. The area of the roof that is not consistent with the building height and side boundary envelope is located forward of the study's view to the adjoining residential flat building. The study is not a communal area and the window is located on the side (south) boundary with the subject site. Existing views from this window to Manly and its foreshore are retained. The view loss under these circumstances is considered to be moderate and not considered of a magnitude to warrant the refusal of the application.

- *To encourage innovative design solutions to improve the urban environment.*

Comment: The design of the proposal provides sufficient innovation to comply with this objective.

- *To ensure existing canopy trees have priority over views.*

Comment: This objective is not relevant to the proposed development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the objectives of Part D7 Views of WDCP 2011 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.

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 \$ 400,000		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 3,800
Section 7.12 Planning and Administration	0.05%	\$ 200
Total	1%	\$ 4,000

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 DA2018/0612 for Alterations and additions to a dwelling house on land at Lot 1 DP 900658, 7 Pavilion Street, QUEENSCLIFF, 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
DA4	16 March 2018	sketchArc
DA5	16 March 2018	sketchArc
DA6	16 March 2018	sketchArc
DA7	16 March 2018	sketchArc
DA8	16 March 2018	sketchArc
DA9	16 March 2018	sketchArc
DA10	16 March 2018	sketchArc
DA11	16 March 2018	sketchArc
DA12	16 March 2018	sketchArc
DA13	16 March 2018	sketchArc

Reports / Documentation – All recommendations and requirements contained within:		
Report Title / No.	Dated	Prepared By
BASIX Certificate A262916_02	16 March 2018	Phil Brown Drafting
Geotechnical Assessment Ref: 30038SYrpt	26 March 2018	JK Geotechnics

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. (DACPLB01)

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 (DACPLB09)

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 sewerred areas or managed on-site in unsewerred 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. (DACPLB10)

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 \$ 400,000.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 3,800.00
Section 7.12 Planning and Administration	0.05%	\$ 200.00
Total	1%	\$ 4,000.00

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

Stormwater shall be disposed of to an existing approved system or in accordance with Northern

Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the Council's specification are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

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

7. **Compliance with Standards**

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

8. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

9. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. **Maintenance of 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.

11. **Maintenance of Sediment**

Sedimentation and erosion controls are to be effectively maintained at all times during the

course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

12. **Aboriginal Heritage**

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

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

Reason: Aboriginal Heritage Protection. (DACAHE01)

13. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

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

14. **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

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

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

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

Reason: To ensure bushland management. (DACPLF01)

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

Signed



Nick England, Planner

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




Steven Findlay, Manager Development Assessments

ATTACHMENT A

No notification plan recorded.




ATTACHMENT B

	Notification Document	Title	Date
	2018/252809	Notification Map	23/04/2018

ATTACHMENT C

Reference Number	Document	Date
 2018/246084	Report - BASIX Certificate	21/03/2018
 2018/246094	Plans - External Finishes	21/03/2018
 2018/246085	Report - Geotechnical	05/04/2018
 2018/246081	Report - Statement of Environmental Effects	05/04/2018
 2018/246078	Plans - Survey	11/04/2018
 DA2018/0612	7 Pavilion Street QUEENSCLIFF NSW 2096 - Development Application - Alterations and Additions	17/04/2018
 2018/241562	DA Acknowledgement Letter - James David O'Leary	17/04/2018
 2018/246043	Development Application Form	19/04/2018
 2018/246047	Applicant Details	19/04/2018
 2018/246068	Cost Summary Report	19/04/2018
 2018/246093	Plans - Certification of Shadow Diagrams with Plans	19/04/2018
 2018/246134	Plans - Master Set	19/04/2018
 2018/246154	Plans - External	19/04/2018
 2018/246212	Plans - Internal	19/04/2018
 2018/252764	ARP Notification Map	23/04/2018
 2018/252798	DA Acknowledgement Letter (not integrated) - James David O'Leary	23/04/2018
 2018/252809	Notification Map	23/04/2018
 2018/252888	Notification Letter - 34	23/04/2018
 2018/273927	Natural Environment Referral Response - Coastal	03/05/2018
 2018/275570	Submission - Hinton	04/05/2018
 2018/278994	Submission Acknowledgement Letter - Barbara Roberta Hinton - SA2018/275570	07/05/2018
 2018/281614	Online Submission - Zappia	08/05/2018
 2018/281627	Referral - Aboriginal Heritage Office - 7 Pavilion Street Queenscliff	08/05/2018
 2018/286694	Submission - Watermark Planning	10/05/2018
 2018/288400	Submission - Messara	10/05/2018
 2018/288062	Online Submission - O'Neill	10/05/2018
 2018/289830	Submission Acknowledgement Letter - Watermark Planning - SA2018/286694	11/05/2018
 2018/289831	Submission Acknowledgement Letter - Elyane Joy Messara - SA2018/288400	11/05/2018
 2018/290634	Engineering Referral Response	12/05/2018
 2018/305582	Site Photos	21/05/2018
 2018/345232	Heritage Referral Response - DA2018/0612 - 7	06/06/2018

Pavilion Street, Queenscliff

	2018/501620	E-mail - Response to Site Visit Request - Chris O'Neill	12/07/2018
	2018/448441	Working Plans	13/07/2018
	2018/450249	Site Photos for No.9	16/07/2018