

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0108
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 6 DP 10649, 837 Pittwater Road COLLAROY NSW 2097
Proposed Development:	Construction of a secondary dwelling
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:	Matthew Paul Monk
Applicant:	Granny Flat Solutions

Application Lodged:	10/02/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	05/03/2020 to 19/03/2020
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 120,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for demolition works and the construction of a detached secondary dwelling within the rear yard. The proposed secondary dwelling comprises:

- A living room;
- A kitchen;
- A laundry;
- Two (2) bedrooms;
- A bathroom; and
- A porch on the northern elevation.

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 - 5.10 Heritage conservation
 Warringah Local Environmental Plan 2011 - 6.1 Acid sulfate soils
 Warringah Development Control Plan - B9 Rear Boundary Setbacks
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - C4 Stormwater
 Warringah Development Control Plan - C5 Erosion and Sedimentation
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
 Warringah Development Control Plan - E1 Preservation of Trees or Bushland Vegetation
 Warringah Development Control Plan - E8 Waterways and Riparian Lands
 Warringah Development Control Plan - E10 Landslip Risk

SITE DESCRIPTION

Property Description:	Lot 6 DP 10649 , 837 Pittwater Road COLLAROY NSW 2097
Detailed Site Description:	<p>The subject site comprises one (1) allotment located on the northern side of Pittwater Road, Collaroy.</p> <p>The site is rectangular in shape with a frontage of 15.24m along Pittwater Road and a depth of 45.72m. The site has a surveyed area of 696.77sqm.</p> <p>The site is located within the R2 Low Density Residential zone pursuant to the Warringah Local Environmental Plan 2011 (WLEP 2011) and accommodates a single storey detached dwelling house and a single car garage located within the front setback area.</p>

The front yard contains a large lawn area and numerous palm trees between 5m and 8m in height. A large canopy tree approximately 13m in height is located to the rear of the dwelling house along the western side boundary.

The rear yard contains a large concrete slab with an awning and metal fencing around its perimeter (These features will be removed as part of the development).

The site experiences a gradual fall of approximately 2.7m that slopes from the northern rear boundary towards the southern front boundary, representing an approximate slope of 5.91%.

The site benefits from a right of carriageway 3m in width that enables vehicular access to the rear of the site via Cumberland Avenue. A large brick wall approximately 4m in height is located along the northern rear boundary, with a metal roller door for vehicular access.

The front portion of the site is identified within the 'Proximity Area for Coastal Wetlands', whilst the entirety of the site is located within the 'Coastal Environment Area' pursuant to the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP).

The site is located within the 'Landslip Risk Area A' precinct and contains 'Acid Sulfate Soils Class 5' pursuant to the WLEP 2011.

The site is identified on the 'Waterways & Riparian Lands' map under the Warringah Development Control Plan 2011 (WDCP 2011).

The site is bushfire prone.

Detailed Description of Adjoining and Surrounding Development

Adjoining and surrounding development primarily consists of one (1) and two (2) storey detached dwelling houses. 843 Pittwater Road (located approximately 30 to the east) comprises a detached dwelling house and a detached secondary dwelling. Located approximately 30m to the west is a car wash premises, whilst numerous other commercial premises are located within this vicinity along South Creek Road and Pittwater Road. Located approximately 30m south of the subject site (opposite side of Pittwater Road) is Heritage Conservation Area No. C5 'Dee Why Lagoon and Reserve', as identified within Schedule 5 of the WLEP 2011.

Map:



SITE HISTORY

The site has been used for residential purposes for an extended period of time. A search of Council's records has revealed no recent applications relevant to this Development Application.

Site Visits

A site visit was undertaken at the subject site on 18 March 2020.

Application History

The applicant submitted amended plans to Council on 09 April 2020. The amended plans depicted that the existing masonry wall and garage door located along the northern rear boundary would be retained as part of this application. Such amendments did not require the application to be re-notified.

The applicant submitted an amended Waste Management Plan on 14 April 2020. The amended Waste Management Plan corrected typographical errors on the superseded version. Such amendments did not require the application to be re-notified.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April

Section 4.15 Matters for Consideration'	Comments
instrument	2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
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><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 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>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 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.

BUSHFIRE PRONE LAND

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

A Bushfire Report (prepared by Sydney Bushfire Consultants dated 07 February 2020) was submitted with this application. The report states that the development conforms to relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bushfire Report have been included as conditions of this consent.

The application was not referred to NSW Rural Fire Service for comment.

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:
Withheld	COLLARROY NSW 2097

Two (2) pieces of correspondence amounting to one (1) submission were received from a nearby property. The following issues were raised in the submissions have been addressed below:

Right of Carriageway

The following issues were raised with respect to the right of carriageway (DP1010026):

- The owner of 837 Pittwater Road has not nominated the existence of the right of carriageway and noted whether it was intended to be used for access to the property.

Comment:

The site benefits from a right of carriageway 3m wide and variable (DP1010026) that enables access to the rear of the site via Cumberland Avenue. A Certificate of Title has been submitted to Council confirming the legitimacy of the right of carriageway. No additional parking is proposed to facilitate the secondary dwelling, however this would not preclude the occupants of the secondary dwelling from walking to the rear of the site via the right of carriageway from Cumberland Avenue. The revised plans indicate that the existing masonry wall with garage roller door located along the northern rear boundary will be retained as part of the proposal. Access to the rear of the site is provided through the existing garage roller door.

- Concern that the right of carriageway would be blocked off by vehicles during construction works.

Comment:

A suitable condition has been included as part of this consent that will prevent vehicles from being parked on the right of carriageway and preventing building materials or builders waste from being stored on the right of carriageway.

The concerns pertaining to the right of carriageway (DP1010026) have been addressed above and appropriately resolved by conditions. Therefore, no further comment in this regard is necessary for the purposes of this assessment.

Site Management Plan

The following issues were raised with respect to the Site Management Plan:

- The Site Management Plan indicates a solid line across the northern rear boundary and does not depict the right of carriageway. The nearby occupant queried whether the right of carriageway would still be in use and if so, it should have been indicated on the plans.

Comment:

As noted above, a Certificate of Title was submitted to Council confirming that the site benefits from a right of carriageway 3m wide and variable (DP1010026) that enables access to the rear of the site via Cumberland Avenue. Revised plans were submitted to Council, which confirmed that the existing masonry wall with garage roller door located along the northern rear boundary will be retained as part of the proposal. Access to the rear of the site is provided through the existing garage roller door.

- The Site Management Plan depicts a skip bin at the rear of the property. The occupant of the nearby property queried how the skip bin will reach this location.

Comment:

The right of carriageway (DP1010026) will enable vehicular access to the rear of the site via Cumberland Avenue. This will enable the skip bin to reach the rear of the yard.

The concerns pertaining to the Site Management Plan have been addressed above. No further comment in this regard is necessary for the purposes of this assessment.

Waste Management Plan

The following issues were raised with respect to the Waste Management Plan:

- The occupant of the nearby property noted that the Waste Management Plan submitted with the application contains errors, citing 843 Pittwater Road instead of 837 Pittwater Road.

Comment:

The applicant has amended the Waste Management Plan to correct this error.

- The occupant of the nearby property raised concern that the Waste Management Plan did not accurately reflect the quantities of builders' waste generated from the proposed development.

Comment:

The applicant has confirmed that the Waste Management Plan generally reflects the quantities of builder's waste generated from the proposal.

The concerns pertaining to the Waste Management Plan have been addressed above. No further comment in this regard is necessary for the purposes of this assessment.

Statement of Environmental Effects

The following issues were raised with respect to the Statement of Environmental Effects:

- The occupant of the nearby property has noted as follows: ***"B9 Rear Boundary Setbacks second paragraph states "There is currently a small retaining grassed area to the rear where the secondary dwelling will be positioned. In order to avoid building above this the granny flat has been moved back creating clear access and good separation between both dwellings". Whether the granny flat has a 3m or 6m rear setback, it would be completely contained in what is currently a concrete area which was the old shed with plenty of space around it to meet its requirement for free space once the concrete is removed so I doubt if this statement is relevant or perhaps it tries to give an argument for placing the granny flat only 3m from the rear boundary. It is of no consequence to us where the granny flat is built but we query why such a statement was made if it is not true and/or did not need to be there"***.

Comment:

This statement is not a matter of concern for this assessment. It is understood that the concrete area within the rear yard will be removed as part of this application. The non-compliant 3m rear boundary setback was assessed in detail under the section of this report relating to Clause B9 Rear Boundary Setbacks of the WDCP 2011. In summary, the 3m variation to the prescribed control is supported, noting that the proposal satisfies the applicable objectives specified within Clause B9 Rear Boundary Setbacks of the WDCP 2011.

- The occupant of the nearby property noted as follows: ***"C2 Traffic and Access States "Good access will be provided to the granny flat from the site of the house and the street". This statement does not include any reference to access from #11 Cumberland and if access from #11 is to be retained, it should be showed on the plans"***.

Comment:

As noted above, the revised plans indicate that the existing masonry wall with garage roller door located along the northern rear boundary will be retained as part of the proposal. Access to the rear of the site is provided through the existing garage roller door, via the the right of carriageway (DP1010026) from Cumberland Avenue.

- The Statement of Environmental Effects stipulates that there is ample off-street parking. The occupant of the nearby property raised concern that there was not sufficient off-street parking on the site.

Comment:

The proposal retains the existing single car garage along the southern front boundary (Pittwater Road). It is noted that no additional off-street parking is proposed to facilitate the secondary dwelling. The existing one (1) off-street parking space fails to satisfy the minimum of two (2) spaces, as required by the WDCP 2011. Despite the shortfall in off-street parking, the non-compliance is supported, noting that the site benefits from a right of carriageway that provides access to Cumberland Avenue and that Cumberland Avenue has sufficient capacity to accommodate an additional car along the street. This matter is discussed in detail in the section of this report relating to Clause C3 of the WDCP 2011.

- The occupant of the nearby property noted as follows: "**D18 Accessibility states "the existing driveway and access path will remain untouched to site. Access will be provided to granny flat along the eastern side of existing dwelling of the existing house".** There is no driveway on #837 only a single garage on the front boundary so this statement is incorrect. It does not make much sense to use the eastern side when there appears to be no path across the front of the house where the entrance to the granny flat is on the western side where the path is which would be more direct".

Comment:

This statement is correct, given the plans indicate that the existing concrete pathway that runs contiguous to the eastern side boundary will be retained as part of this application. This concrete pathway enables pedestrian access from Pittwater Road.

The concerns pertaining to the Statement of Environmental Effects have been addressed above. No further comment in this regard is necessary for the purposes of this assessment.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Contaminated Lands)	<p>General Comments</p> <p>Environmental Health has been asked to review the application due to concern regarding an auto mechanic workshop (including work pit) in the shed that is to be demolished. Given the evidence of</p>

Internal Referral Body	Comments
	<p>contamination that was presented to Council, and further, an inspection of the site revealed what seemed to have been a residential/recreational workshop, there is no cause to request a contamination report. We do however advise the applicant to consider the personal health benefits of bringing in clean fill vs. the risk of re-using soil with regard to any minor petro-chemical contamination that may be on-site -waste management plan states 'spread excavated materials over the site'.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>
Landscape Officer	The DA is considered acceptable with regard to the relevant controls relating to landscape issues, subject to conditions. No significant landscape features are indicated to be affected by the works.
NECC (Bushland and Biodiversity)	<p>This application was assessed against relevant Warringah biodiversity controls including E2 and E6.</p> <p>The proposal is for the construction of a secondary dwelling within an area of existing concrete. No native trees or vegetation are proposed to be removed. The proposal therefore complies with controls.</p>
NECC (Development Engineering)	<p><u>Note to Planner:</u></p> <p>Please ensure a referral is made to TfNSW for comments/conditions.</p> <p>No objections are raised to the proposed development, subject to conditions.</p>
NECC (Riparian Lands and Creeks)	No objection to the proposed development, subject to the condition.
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>This application has been referred as it is within the vicinity of a heritage conservation area, being <i>Item C5 Dee Why Lagoon and Reserve</i>, listed in Schedule 5 of Warringah Local Environmental Plan 2011.</p>
	Details of heritage items affected
<p>Details of the heritage item in the vicinity are:</p> <p><i>Item C5 Dee Why Lagoon and Reserve</i></p> <p><u>Statement of Significance</u></p> <p>The Australian Heritage Commission states in its official statement of significance that: 'Dee Why Lagoon is one of the best examples, in the Sydney Region, of an estuarine lagoon. It is one of the few large estuarine barrier lagoons, remaining in good condition, in the</p>	

Internal Referral Body	Comments		
	<p>Sydney Region. The saltmarsh of the lagoon area is a regionally uncommon remnant of saline marshlands, which were formerly more widespread in the Sydney Region. The diversity of saltmarsh plants found at Dee Why Lagoon is high in comparison to other saltmarsh communities in the region. Dee Why Lagoon is also an important site for teaching and research associated with biological zonation, estuarine barrier lagoons and estuarine wetlands. The Lagoon is also an important feeding and sheltering place for migratory birds, including some from the Northern Hemisphere. Its south-western sector also contains one of the best remaining stands of Swamp Mahogany (<i>Eucalyptus robusta</i>), now a threatened species.</p>		
	<p>Other relevant heritage listings</p>		
	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	Yes	Lagoon is on the National Trust Register
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	<p>Consideration of Application</p>		
	<p>This application is for a secondary dwelling at the rear of the existing house at 837 Pittwater Road, Collaroy, which is located on the opposite side of the road from the Dee Why Lagoon and Reserve Conservation Area.</p> <p>As the proposed development is physically and visually separate from the Conservation Area, there will be no impact upon its heritage significance.</p> <p>Therefore, no objections are raised on heritage grounds and no conditions required.</p> <p><u>Consider against the provisions of CL5.10 of WLEP 2011</u> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? N/A</p>		
	<p>Further Comments</p>		
	<p>COMPLETED BY: Janine Formica, Heritage Planner</p>		

Internal Referral Body	Comments
	DATE: 19 March 2020

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.
NSW Roads and Maritime Services (Traffic Generating Development)	The proposal was referred to NSW Roads and Maritime Services and a response was provided on 11 March 2020, granting consent to the application subject to conditions. The recommended conditions have been included as part of the recommended conditions of consent.

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 19 - Bushland in Urban Areas

The SEPP is not applicable as the bushland is not zoned or reserved for public open space.

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. Council's Environmental Health Officer has reviewed the application with respect to land contamination, in response to a concern raised of an auto mechanic workshop (including work pit) in the shed and large hardstand area that is to be demolished to facilitate the proposed development. The Environmental Health Officer raised no concerns of the proposal, with no conditions being recommended to form part of this consent. In this regard it, is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Affordable Rental Housing) 2009

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

Division 2: Secondary dwellings

Clause 19: Definition

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

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

Note: The standard instrument defines secondary dwelling as follows:

"secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling."

Comment:

The proposed use is defined under WLEP 2011 as a secondary dwelling. The definition is the same as the Standard Instrument LEP definition.

Clause 20: Land to which this Division applies:

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

Clause 21: Development to which this Division applies

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

Clause 22: Development may be carried out with consent

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

Requirement	Comment
(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	The proposal will result in one (1) principal dwelling and one (1) secondary dwelling on the site. The proposed secondary dwelling will be detached from the existing principal dwelling.
(3) A consent authority must not consent to development to which this Division applies unless: (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and (b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.	The site is not subject to a floor space ratio control. Clause 5.4 (9) of the WLEP 2011 stipulates that the gross floor area of secondary dwellings must not exceed 60sqm, which correlates with this SEPP. The proposed secondary dwelling has a gross floor area of 55.6sqm, which satisfies the requirements of this SEPP and the WLEP 2011.
(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds: (a) site area if: (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or (ii) the site area is at least 450 square metres. (b) parking if no additional parking is to be provided on the site.	The proposed secondary dwelling is detached from the existing principal dwelling. The site has a surveyed area of 696.77sqm. The existing single car garage along the southern front boundary (Pittwater Road) is retained as part of this application. No additional off-street parking is proposed to facilitate the secondary dwelling. The WDCP 2011 does not require additional off-street parking for secondary dwellings. The existing off-street parking does not satisfy the minimum of two (2) off-street parking spaces, as required by the WDCP 2011. Despite this, the site benefits from a right of carriageway 3m in width than enables access to the rear of the site via Cumberland Avenue. It is noted that Cumberland Avenue has sufficient capacity to accommodate an additional car along the street. In this regard, the shortfall in off-street parking is acceptable. The application is not being refused on either of the grounds specified within subclause (4).

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

Clause 24: No subdivision

Requirement	Comment
A consent authority must not consent to a development application that would result in any	Consistent. This application does not propose any subdivision

subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	of the existing allotment.
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Conclusion

The proposed secondary dwelling demonstrates compliance with the requirements of the SEPP ARH and is worthy of Council support.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been submitted with the application (see Certificate No. 1064603S dated 05 December 2019).

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

Commitment	Required Target	Proposed
Water	40	41
Thermal Comfort	Pass	Pass
Energy	50	50

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 - Development with frontage to classified road states:

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

(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

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

(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 existing vehicle crossing and single car garage along Pittwater Road will be retained as part of this application. Access to the site will also be provided via the right of carriageway 3m in width that enables access to the rear of the property via Cumberland Avenue. As such, it is not anticipated that the proposal will adversely impact safe vehicular and pedestrian access to and from the site along Pittwater Road.

Clause 102 - Impact of road noise or vibration on non-road development states:

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,

(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Comment:

The proposed secondary dwelling is sited at the rear of the property and setback 33.9m from the southern front boundary (Pittwater Road frontage). In this regard, it is not anticipated that the secondary dwelling will be subject to unreasonable noise impacts generated from vehicular movement along Pittwater Road.

Having regard to the above assessment, it is concluded that the relevant provisions within the SEPP (Infrastructure) 2007 have been satisfied.

SEPP (Coastal Management) 2018

The site is identified within the 'Proximity Area for Coastal Wetlands' and the 'Coastal Environment Area' pursuant to the SEPP (Coastal Management) 2018. Accordingly, an assessment under the SEPP has been carried out as follows:

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

The secondary dwelling is located outside of the 'Proximity Area for Coastal Wetlands', with only the front portion of the property being identified within this area. As such, it is not anticipated that the proposed development will adversely impact upon the matters specified within subclause (1).

13 Development on land within the coastal environment area

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

Comment:

The proposal is located at the rear of the property, with the site being separated by Pittwater Road from the adjoining Dee Why Lagoon Reserve. In this regard, it is unlikely that the proposal will adversely impact upon the matters specified within subclause (1).

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

impact.

Comment:

The proposed development has been appropriately designed, sited and will be managed to avoid an adverse impact on the matters referred to in subclause (1).

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

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

Comment:

Having regard to the location of the development and the nature of the works proposed, it is not anticipated that the proposal will exacerbate coastal hazards within the locality.

Having regard to the above assessment, it is concluded that the proposal satisfies the relevant matters specified within the SEPP (Coastal Management) 2018.

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	3.8m	-	Yes
Gross Floor Area:	60sqm	55.6sqm	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

5.10 Heritage conservation

The site is located within the vicinity of the Heritage Conservation Area No. C5 'Dee Why Lagoon and Reserve', as identified within Schedule 5 of the WLEP 2011. Accordingly, the application was referred to Council's Heritage Officer for comment. Council's Heritage Officer noted that the development is physically and visually separated from the Conservation Area and therefore, the proposal will not impact upon its heritage significance. Having regard to the heritage assessment, it is concluded that the proposal satisfies the provisions within this Clause.

6.1 Acid sulfate soils

The site is identified as containing 'Acid Sulfate Soils Class 5' pursuant to the WLEP 2011. Accordingly, the proposal is assessed against Clause 6.1 of the WLEP 2011. The excavation works required to facilitate the secondary dwelling are minor and will not significantly alter the natural topography of the site. Therefore, it is not anticipated that the proposal will disturb, expose or drain acid sulfate soils. No further comment in this regard is required.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m (east)	2.55m	-	Yes
	7.2m (west)	2.52m	-	Yes
B3 Side Boundary Envelope	4m (east)	Within envelope	-	Yes
	4m (west)	Within envelope	-	Yes
B5 Side Boundary Setbacks	0.9m (east)	2.35m	-	Yes
	0.9m (west)	3.66m	-	Yes
B7 Front Boundary Setbacks	6.5m (south)	33.9m	-	Yes
B9 Rear Boundary Setbacks	6m (north)	3m	50%	No
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (278.81sqm)	37.83% (263.6sqm)	5.43%	No

***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	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C3 Parking Facilities	No	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	No	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
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B9 Rear Boundary Setbacks

Description of non-compliance

Clause B9 of the WDCP 2011 requires development to be setback at least 6m from the rear boundary. The proposed secondary dwelling is setback 3m from the northern rear boundary, which contravenes this requirement.

Merit Assessment

With regard to the consideration for a variation, the proposed development is considered against the underlying objectives of the control as follows:

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

Comment:

Despite the shortfall in landscaped open space (LOS), the application proposes an additional 61.6sqm (8.84%) of LOS throughout the site. In this regard, it is considered that the proposal enhances opportunities for deep soil landscape areas within the site. Furthermore, the palm and canopy trees present on site will be retained as part of this application.

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

Comment:

Despite the reduced rear building line, the proposed development allows for a considerable amount of landscaped and impervious open space to be present between the existing dwelling and proposed secondary dwelling. In this regard, the proposal does not unreasonably detract from a sense of openness within the rear yard.

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

Comment:

The existing fencing and masonry wall located along the rear and side boundaries will ensure privacy is maintained between the subject site and adjoining properties. Furthermore, the modest height of the structure will ensure no unreasonable overshadowing impacts are inflicted upon adjoining properties.

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

Comment:

It is noted that Development Consent DA2018/0909 approved a secondary dwelling at 843 Pittwater Road (30m to the east) setback 3m from the northern rear boundary. Given the proposal is setback 3m from the northern rear boundary, it is considered that the development conforms to the established pattern of buildings within the locality.

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

Comment:

As noted above, the proposed secondary dwelling will not give rise to unreasonable privacy impacts.

Having regard to the above assessment, it is concluded that the applicable objectives of the control have been achieved. Therefore, the application is supported on merit.

C3 Parking Facilities

Description of non-compliance:

Clause C3 of the WDCP 2011 stipulates that dwelling houses are to provide two (2) off-street parking spaces. The proposed development comprises a secondary dwelling. This control does not require any additional off-street parking spaces for secondary dwellings. Only one (1) off-street parking space is

provided (along Pittwater Road frontage), with no additional off-street parking spaces proposed to facilitate the proposed secondary dwelling. Consequently, the proposal fails to comply with this control.

Merit Assessment

With regard to the consideration for a variation, the proposed development is considered against the underlying objectives of the control as follows:

- *To provide adequate off street parking.*

Comment:

Despite the shortfall in off-street parking, it is noted that the site benefits from a right of carriageway 3m in width that enables access to the rear of the site via Cumberland Avenue. The site inspection revealed that Cumberland Avenue has sufficient capacity to accommodate an additional car along the street. In this regard, the shortfall in off-street parking is acceptable and supported in this circumstance.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

The proposal retains the single car garage along the front boundary, with no additional parking structures proposed.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

As noted above, no additional parking structures are proposed.

Having regard to the above assessment, it is concluded that the applicable objective of the control have been achieved. Therefore, the application is supported on merit.

C4 Stormwater

Council's Development Engineer has assessed the application with respect to stormwater management and raised no objections, subject to conditions. Subject to compliance with the conditions of consent, the proposed development will satisfy the requirements of this control.

C5 Erosion and Sedimentation

Council's Riparian Officer has imposed suitable conditions pertaining to sediment and erosion control.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance:

Clause D1 of the WDCP 2011 stipulates that development is to ensure at least 40% (278.81sqm) of the

site area is LOS. In calculating LOS, the water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation, whereas landscaped areas with dimensions less than 2m are excluded from the calculation. The proposed LOS equates to 37.83% (263.6sqm) of the site area, which fails to satisfy the 40% requirement.

Merit Assessment

With regard to the consideration of a variation, the proposed development is considered against the underlying objectives of the control has follows:

- *To enable planting to maintain and enhance the streetscape.*

Comment:

The proposed secondary dwelling is sited at the rear of the property behind the existing dwelling, thus not visible from Pittwater Road. Therefore, the proposed development will not detract from the streetscape.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

As noted earlier within this report, the palm and canopy trees present on site will be retained as part of this application. Furthermore, the application proposes an additional 61.6sqm (8.84%) of LOS throughout the site. The existing and proposed landscaping treatments on site will serve as potential habitat for wildlife.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

The proposed dimensions for LOS are sufficient to enable for the establishment of further vegetation. The existing trees present on site will soften the visual impacts of development within the site.

- *To enhance privacy between buildings.*

Comment:

As noted earlier within this report, the existing fencing and masonry wall located along the rear and side boundaries will ensure privacy is maintained between the subject site and adjoining properties. No additional planting for the purposes of enhancing privacy is required.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The application proposes compliant dimensions for private open space. In this regard, it is considered that the proposal provides appropriate outdoor recreational opportunities to sufficiently meet the needs of the occupants within the principal dwelling and secondary dwelling.

- *To provide space for service functions, including clothes drying.*

Comment:

The site contains a sufficient amount of outdoor open space to service functions, including clothes drying.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

Council's Development Engineer has assessed the application with respect to stormwater management and raised no objections, subject to conditions. The proposed dimensions for landscaped open space are sufficient and will assist with stormwater infiltration on site.

Having regard to the above assessment, it is concluded that the applicable objectives of the control have been achieved. Therefore, the application is supported on merit.

E1 Preservation of Trees or Bushland Vegetation

Council's Landscape Officer has assessed the application against the requirements of this control and raised no objections, subject to conditions pertaining to tree protection. Subject to compliance with the conditions of consent, the proposal will satisfy the requirements of this control.

E8 Waterways and Riparian Lands

Council's Riparian Officer has assessed the application against the requirements of this control and raised no objections, subject to conditions pertaining to sediment and erosion control. Subject to compliance with the conditions of consent, the proposal will satisfy the requirements of this control.

E10 Landslip Risk

The site is identified within the 'Landslip Risk Area A' precinct pursuant to the WLEP 2011. In most cases, a detailed geotechnical assessment is not required for developments within this area. Despite this, the application was accompanied by a Geotechnical Investigation and Site Lot Classification

Report (prepared by Geotechnical Consultants Australia, dated 06 February 2020). The Investigation concludes that the geotechnical risks associated with the proposal are minor and acceptable. Compliance with the recommendations indicated in the Investigation have been included as part of the conditions of consent.

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 Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$ 600 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 120,000.

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 DA2020/0108 for Construction of a secondary dwelling on land at Lot 6 DP 10649, 837 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
CDC 02 Issue D - Site Plan	09 April 2020	Granny Flat Solutions
CDC 03 Issue D - Floor Plan	09 April 2020	Granny Flat Solutions
CDC 04 Issue D - Elevations & Section	09 April 2020	Granny Flat Solutions
CDC 08 Issue D - Site Management Plan	09 April 2020	Granny Flat Solutions

Engineering Plans		
Drawing No.	Dated	Prepared By
C001 Issue A - Concept Stormwater Drainage Plan/Details	31 January 2020	SDS Engineering

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation and Site Lot Classification Report No G2050-1	06 February 2020	Geotechnical Consultants Australia
BASIX Certificate No. 1064603S	05 December 2020	AWG Design

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	not dated	Granny Flat Solutions

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. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
NSW Roads and Maritime Services	RMS Referral Response	11 March 2020

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. Prescribed Conditions

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which

the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) 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.
- (d) 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.



- (e) 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.
- (f) 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) 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.
- (k) 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.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:
 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety

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

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$600.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$120,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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 the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

6. Security Bond

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

7. **Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Warringah Water Management Policy PL850. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

8. **Construction in Bush Fire Prone Areas**

The recommendations made in the Bush Fire Assessment Report prepared by Sydney Bushfire Consultants, dated 7 February 2020, Report Ref No. BPD-PA-18593 are to be carried out in full to the building.

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

Reason: To ensure adequate provision is made for the design and construction of the building to reduce the risk of ignition from a bushfire and provide building occupant safety.

9. **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.

10. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

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

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

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

11. **Certification of Geotechnical Requirements**

A suitably qualified geotechnical consultant is to provide written certification that the recommendations of the approved Geotechnical Investigation and Site Lot Classification Report referenced in Condition 1 of this consent have been incorporated into the Construction Certificate plans.

Documented evidence is to be provided to the Certifying Authority prior to the issuance of the Construction Certificate.

Reason: To mitigate geotechnical risks.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. **Tree protection**

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

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

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

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

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

14. Road Reserve

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

Reason: Public safety.

15. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

16. Vehicles or builders' materials/waste not to obstruct Right of Carriageway

Vehicles or builders' materials/waste are not permitted to obstruct the Right of Carriageway 3 metre(s) wide and variable (DP1010026) during construction works.

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

17. 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.

18. Certification of Bushfire Requirements

A suitably qualified bushfire consultant is to provide written certification that the recommendations of the approved Bushfire Risk Assessment referenced in Condition 1 of this consent have been incorporated into the as-built development.

Documented evidence is to be provided to the Certifying Authority prior to the issuance of the Occupation Certificate.

Reason: To ensure compliance with Planning for Bushfire Protection 2006.

19. 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 Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management.

20. **Certification of Geotechnical Requirements**

A suitably qualified geotechnical consultant is to provide written certification that the recommendations of the approved Geotechnical Investigation and Site Lot Classification Report referenced in Condition 1 of this consent have been incorporated into the as-built development.

Documented evidence is to be provided to the Certifying Authority prior to the issuance of the Occupation Certificate.

Reason: To mitigate geotechnical risks.

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

Signed



Thomas Burns, Planner

The application is determined on 16/04/2020, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments