

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0335
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Responsible Officer:	Jordan Davies
Land to be developed (Address):	Lot 31 DP 33000, 84 Hilma Street COLLAROY PLATEAU NSW 2097
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Diana Juliette Arena Richard Eugene Arena Lauren Alyce Arena Jesse Louise Arena Thomas William Diego Arena
Applicant:	H & C Design Pty Ltd

Application lodged:	08/04/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	18/04/2019 to 02/05/2019
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 473,000.00
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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 Development Control Plan - B1 Wall Heights

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

Warringah Development Control Plan - D7 Views

SITE DESCRIPTION

Property Description:	Lot 31 DP 33000 , 84 Hilma Street COLLAROY PLATEAU NSW 2097
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Hilma Street.</p> <p>The site is regular in shape with a frontage of 10.67m along Hilma Street and a depth of 39.6m. The site has a surveyed area of 422.7m².</p> <p>The site is located within the R2 Low Density zone and accommodates a dwelling house which consists of a garage level under the main floor level. The dwelling is two storeys at the front and single storey at the rear due to the slope of the land towards Hilma Street.</p> <p>The site has a moderate fall from the rear (west) to the front (east) with a total level change of 3.8m across the length of the site.</p> <p>The site contains one large Lilly Pilly approximatey 9m in height in the rear yard, adjacent to the southern boundary. Three palm trees exist along the rear boundary. The remaining rear yard consists of maintained lawns and low height trees which are not considered significant.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by detached dwelling houses which are generally one, two and three storeys in height. The dwellings upon the western side</p>

of Hilma Street generally have a garage level under the main ground level due to the slope of the land and present as two or three storeys from the street.

Adjoining the site to the south is a dwelling house with a main upper level and garage under. Adjoining the site to the north is dwelling house currently under construction which presents as three storeys from the street. To the rear of the site are one and two storey dwellings. Across the road to the east are single storey attached multi-unit dwellings.

A site inspection of the subject property was undertaken by Council on 31 May 2019.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time and a review of Council's record indicate no recent applications have been lodged or determined on the site.

The subject development application was lodged on 8 April 2019.

The application was notified to surrounding properties for a period of 14 days between 18 April 2019 to 2 May 2019. Two (2) submissions were received against the proposed development.

On 31 May 2019, the assessing officer undertook a site inspection of the subject site. On the same day, the assessing officer undertook a site inspection from the property 45 Idaline Street in the presence of the property owner.

On 14 June, Council staff wrote to the applicant identifying that Council does not support the non-compliance with the 8.5m height limit and that height poles be erected and certified by a registered surveyor.

On 27 June Council received an amended set of plans amending the roof to comply with the height limit and provided confirmation of the erection of the height poles along with surveyors certification of the height poles.

On 5 July the assessing officer undertook a site inspection from the property 45 Idaline Street to view the height poles in the presence of the property owner.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development is for alterations and additions to an existing dwelling house. Specifically, the development involves:

Garage Level/Lower Ground Floor

- Alterations and additions to existing lower ground floor level to provide for extension of existing garage, replacement of garage door, store, internal access stairs to upper level

Ground Floor Level

- Alterations and additions to existing ground floor level to provide for new external stairs, replacement of existing deck, reconfiguration of internal walls to provide lounge, study, walk-in robe and ensuite to guest room, powder, laundry, internal access stairs, family, kitchen, pantry, undercover patio with BBQ and privacy screening.

First Floor Level

- New first floor to provide for sitting, office/bed, three bedrooms including master with terrace access, walk-in robe and ensuite, bathroom and linen

External Works

- New concrete driveway and cross-over, Reinstate kerb and gutter, Stepping stones and timber stairs in front yard and new front fence and gate.
- New in-ground swimming pool.

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 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations.</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 clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This 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 the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p>

Section 4.15 Matters for Consideration'	Comments
	<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 not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Ms Edvige Sowter	65 Kingshill Road MULGOA NSW 2745
Luigi Pasquale Marasco Anna Maria Marasco	45 Idaline Street COLLAROY PLATEAU NSW 2097

Two (2) submissions were received against the proposal during the notification period. The issues of each submission are outlined and addressed below:

Objection from 82 Hilma Street (Sowter)

- The proposal is outside of the height restrictions.
- The proposal will result in additional overshadowing along the northern side of Number 82 Hilma Street and backyard.
- There are plans to install solar panels on the roof of 82 Hilma Street and the proposal will diminish their effectiveness during the winter months.

- The development will have an impact upon privacy to the back yard of 82 Hilma Street.
- If approved, the development will set a precedent for all developments on the plateau.

The matters raised within the submissions are addressed as follows:

- *The proposal is outside of the height restrictions.*

Comment:

The proposed development as initially submitted was non-compliant with the maximum 8.5m height limit for a portion of the roof upon the most eastern extent of the dwelling. The proposal has been amended to comply with the maximum 8.5m height limit by providing a gable roof form, in lieu of a pitched roof at the front of the dwelling. The owner of 82 Hilma Street has been provided with a copy of the amended plan reducing the height of the roof.

- *The proposal will result in additional overshadowing along the northern side of Number 82 Hilma Street and backyard.*

Comment:

The proposal has been assessed against the solar access requirements of the Warringah DCP 2011, which requires the area of private open space upon the adjoining property to receive a minimum of 50% sunlight to the area for 3 hours of 21 June. Solar access diagrams have been submitted with the application demonstrating the rear yard of the adjoining property will retain a minimum 50% solar access between 9am and 3pm on 21 June. The proposal has demonstrated compliance with the requirements with regards to solar access.

- *There are plans to install solar panels on the roof of 82 Hilma Street and the proposal will diminish their effectiveness during the winter months.*

Comment:

The submitted shadow diagrams demonstrate the overshadowing impact to the northern elevation of 82 Hilma Street. As shown in the shadow diagrams, a suitable area of roof space during mid-winter will be retain solar access should solar panels be erected in the future. It is noted there are no controls within the Warringah DCP which require consideration to overshadowing of solar panels, however the submission has been given merit consideration.

- *The development will have an impact upon privacy to the back yard of 82 Hilma Street.*

Comment:

Windows 18 and 19 adjacent to the rear yard of 82 Hilma Street are proposed with 1.6m sill heights to limit potential overlooking of the adjoining property. These two windows comprise of a bedroom and a bathroom window which are considered to present low opportunity for overlooking (as opposed to living rooms/dining rooms or kitchens).

- *If approved, the development will set a precedent for all developments on the plateau.*

Comment:

The development is considered to be reasonable in the context of the site and consistent with the existing streetscape character of Hilma Street, comprising of two storey dwellings and two storey dwellings with a garage under (total three storeys). The development will not set a precedence as there are no major variations to the planning controls.

Objection from 43-47 Idaline Street (one objection on behalf of three properties)

- Impact to views towards Long Reef Headland
- The proposal is not alterations and additions and is for a new building
- The clause 4.6 justification is inadequate
- The statement of environmental effects makes incorrect, unfounded and misleading comments
- The height plane has been incorrectly documented in the applicants submission. The 8.5m height plane appears to be generated from the extrapolated natural ground line at the boundary prior to development of the site, not the existing ground plane.

The matters raised within the submissions are addressed as follows:

- *Impact to views towards Long Reef Headland.*
Comment:
The impact the proposed development has upon views towards Long Reef Headland is discussed in detail later within this assessment report under control D7 Views. In summary, the proposed development is found to be reasonable in the context and retains the vast majority of ocean views currently enjoyed from 45 Idaline Street.
- *The proposal is not alterations and additions and is for a new building.*
Comment:
Having regard to the planning principle established by the Court in the matter of *Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187*, and having undertaken a qualitative and quantitative analysis of the extent of works proposed, Council are satisfied that the application is appropriately assessed and determined as alterations and additions to the existing dwelling house rather than an application proposing the construction of a new dwelling house incorporating retained building fabric. In forming this opinion, the following is considered:
 - The external appearance of the proposed works are consistent in style and character with the existing built form consisting of pitched and gable roof forms, external cladding and a front balcony feature.
 - All external walls upon the ground floor remain in place and the addition consists of a first floor above and an extended alfresco area to the rear;
 - The present amount of landscaping on the site is changed by only a minor amount;
 - The front boundary setback is unchanged and side boundary setbacks are unchanged, except for a minor alteration to the southern wall to facilitate an internal staircase;
 - The parking and access arrangements are maintained;
 - The use of the building remains the same (dwelling house).
- *The Clause 4.6 justification is inadequate.*
Comment:
The proposed development as initially submitted was non-compliant with the maximum 8.5m height limit and therefore the application was accompanied by a Clause 4.6 Variation request. Council staff did not accept there was sufficient environmental planning grounds to support a variation to the height control, therefore, it was requested the application be amended to comply with the maximum 8.5m height limit. The proposal has been amended to comply with height limit by providing a gable roof form, in lieu of a pitched roof at the front of the dwelling. Therefore, the application is not reliant upon the submitted Clause 4.6 Variation request now being proposal is compliant.
- *The statement of environmental effects makes incorrect, unfounded and misleading comments.*
Comment:
Council staff have conducted their own assessment of the development including the assessment of any impacts arising as a result of the proposal. The statement of environmental

effects has not been relied upon to form the basis of the assessment by Council.

- *The height plane has been incorrectly documented in the applicants submission. The 8.5m height plane appears to be generated from the extrapolated natural ground line at the boundary prior to development of the site, not the existing ground plane.*

Comment:

The submission suggests that the height measurements shown on the plans have been taken from the incorrect reference point. The submission states that the building height should be measured from the excavated lower garage level, as opposed to the ground levels along the outer face of the building. Measuring the height of buildings from the base of an excavated hole would be inconsistent with the objectives of the height of buildings development standard which relate to the natural topography of the land, and as addressed in the matter of *Bettar v Council of the City of Sydney [2014J NSWLEC 1070*, would lead to an absurdity in the height plane, unreasonably restricting sites that are subject to prior excavation. The height plane demonstrated on the plans are considered to accurately reflect the 8.5m height plane bearing a relationship to the context and the overall topography of the site, and the proposal is maintained below this maximum building height plane.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The Arborists report submitted with the application is noted. The report indicates that a mature <i>Syzygium australe</i> is required to be removed to accommodate the proposed works.</p> <p>Based on the plans provided the rear extension and new pool will significantly impact upon the tree protection zone of this tree, requiring removal of a significant amount of roots and canopy of the tree. As such the tree is unable to be retained.</p> <p>Conditions for replanting have been included if the works are to be approved.</p>
NECC (Development Engineering)	Development Engineer has no objection to the application subject to the following condition of consent.

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and

operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A339822 dated 10 February 2019).

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Warringah Local Environmental Plan 2011

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

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.35m	N/A	Yes

Compliance Assessment

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

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	7.3m	1.4%	No
B3 Side Boundary Envelope	5m (North)	Front balcony encroachment - 180mm	3.6%	No
	5m (South)	Stairwell encroachment - 720mm	14.4%	No
B5 Side Boundary Setbacks	0.9m (North)	1.6m	N/A	Yes
	0.9m (South)	1m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	Ground floor retains existing setback Proposed upper floor 7.43m	N/A	Yes
B9 Rear Boundary Setbacks	6m	10.636m *Pool does not take up more than 50% of setback area.	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%/169sqm	31%/130sqm	22.5%	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	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
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	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
D13 Front Fences and Front Walls	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The DCP requires wall heights to be a maximum of 7.2m. The proposed dwelling has a maximum wall height of 7.3m on the northern and southern side at the front of the dwelling. This represents a variation

of 1.4% from the control.

Merit consideration:

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

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

Comment:

The development will not present an adverse visual impact when viewed from the street and adjoining properties as the built form is consistent with the character of Hilma Street consisting of two/three storey dwellings. The non-compliance with wall height is present over the lowest point of the site, with a compliant built form proposed as the land slopes upwards towards the rear. Further, the visual impact is minimised by stepping the proposed upper floor in from the boundary to articulate the higher section of wall at the front of the dwelling.

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

Comment:

There are no canopy trees within the front setback of the proposed or adjoining sites, with some canopy trees in the rear. The development complies with the maximum 8.5m height limit under the LEP and is considered an appropriate scale for the locality.

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

Comment:

A detailed assessment of views is undertaken later within this report (see discussion under control D7 Views). The minor non-compliance with the wall height (100mm) will attribute to a limited additional impact with regards to views, as any impact upon views is as a result of the ridge of the roof. Internal floor to ceiling heights have been minimised (2450mm) to assist in limiting the overall wall height and roof height to limit any impact to views.

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

Comment:

The proposed development has been assessed in regards to solar access, privacy, views and visual impact from the adjoining and nearby properties. The minor non-compliance is not considered to amount to an unreasonable impact to the amenity of adjoining properties and overall the development is considered reasonable in the context and consistent with the desired character of the area.

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

Comment:

A minor amount of excavation is proposed in the form of an extension to the existing garage which will not be visible or apparent from the street. The development has responded to the site topography by providing an increased upper floor setback over the lowest point of the site and maintaining the existing ground levels to facilitate the development.

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

Comment:

The roof is proposed with a pitch of 10 degrees to assist in limiting the overall height of the building and impact upon the surrounding properties view corridor.

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

B3 Side Boundary Envelope

Description of non-compliance

The DCP requires compliance with a 5m building envelope projected from the side boundary at a 45 degree angle. The proposed dwelling has two (2) areas in which the building envelope is encroached. Firstly, the front balcony on the northern side encroaching the envelope up to 180mm. Secondly, the wall on the southern side encroaching the envelope up 720mm consisting of a proposed stairwell between the ground and upper floor.

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 proposed upper floor addition is visibly stepped in from both side boundaries over the lowest point of the site to assist in reducing the apparent bulk of the building as viewed from the street and adjoining property. The area of non-compliance on the northern side consists of a balcony, which does not attribute to the excessive building bulk by virtue of the 'open' sides.

The non-compliance on the southern side is central to the dwelling wall and 2.5m in length. The remainder of the dwelling on the southern side is stepped back from the boundary and compliant with the envelope. This minor stepping of the facade to accommodate the stairwell not considered to render the building excessive in terms of its bulk and scale.

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

Comment:

The front half of the proposed upper floor has visibly been stepped back from the boundary to

provide additional building separation where the highest point of the building. It is considered adequate building separation is provided between the adjoining dwellings in this regard.

Due to the east-west orientation of the site, it is inevitable that a two storey dwelling will present overshadowing to the southern property. Shadow diagrams have been submitted with the application demonstrating the adjoining property to the south will receive solar access in accordance with the requirements of the Warringah DCP (50% solar access to the private open space for 3 hours on 21 June). In this regard, the non-compliance with the building envelope will not result in an unacceptable overshadowing impact.

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

Comment:

As referenced above, the proposed upper floor as has been stepped in off the boundary over the lowest point of the site in response to the topography. The open balcony at the front of the dwelling reduces the appearance of bulk and scale at the highest point of the building which is considered an appropriate response to the topography

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

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The DCP requires 40% of the site area (169sqm) to consist of soft landscaping. The site currently consists of 29.3%/129.3sqm soft landscaping. The proposal consists of 31%/130sqm of soft landscaping. In accordance with the DCP, those areas with an dimension less than 2m are excluded from the calculation.

It is noted the existing dwelling has side setbacks of 1.47m and and 1.6m and therefore, all areas of landscaping either side of the dwelling are excluded from the above calculation. Given the proposal retains the existing dwelling walls, full compliance strictly in accordance with the control is difficult to achieve. Should the areas between the dwelling and side boundary be included in the landscaping calculation, the site would consist of 208sqm/49% landscaped area.

Merit consideration

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

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

Comment:

The front setback area consists of soft landscaping which provides a distinct separation between the road reserve and the built form. The front setback area consisting of soft landscaping (apart from the driveway) which is consistent with the existing street character. This area has sufficient soil depth the provide landscape planting within the front setback.

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

Comment:

The site does not contain any significant landscape features or vegetation that is not able to be replaced by replacement planting. One Lilly Pilly is required to be removed to facilitate the development within the rear yard. Council can support the removal of this tree subject to conditions requiring a suitable replacement species.

- *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:

Sufficient soil depth and area will exist within the rear yard to accommodate the required replacement planting. The landscaped areas within the front yard are of a suitable dimension and soil depth to accommodate low lying shrubs, medium high shrubs and canopy trees.

- *To enhance privacy between buildings.*

Comment:

The areas of soft landscaping throughout the site will allow opportunity for the planting of landscape screening as required by the owner. No landscape screening is proposed as part of this application and is not necessarily required due to the building design and orientation.

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

Comment:

The rear yard will allow for outdoor recreation opportunities in a private landscape setting.

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

Comment:

Room is available for clothes drying within the rear yard.

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

Comment:

Council's development engineer has reviewed the proposal with regard to stormwater drainage and has found the proposal to be satisfactory subject to conditions of development consent. Overall, the amount of hard surfaces throughout the site is reduced as a result of the proposal.

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

particular circumstance.

D7 Views

Merit consideration

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

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

Comment:

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:

A site inspection was undertaken from the affected property (45 Idaline Street) on 31 May and 5 July 2019 to understand the impact of the proposed development upon the views currently obtained from the property. Height poles were erected upon the subject site which represented the ridge line of the proposed development which enabled Council to understand the extent of the impact.

The affected view is of Long Reef Headland towards the south-east which includes the land-water interface between the ocean and the headland. The view is considered to be a partial view of the headland, as part of the headland is currently obscured by the existing dwelling upon 84 Hilma Street. Although considered to be a partial view of the headland, the view is highly valued with good visibility of the headland over the existing dwelling roofline.



Figure 1 - View from 45 Idaline Street to the south-east from the upper level dining room. Red lines represent the erected string line between height poles, yellow line represents remaining roof line based on proposed plans. Photo taken by assessing officer.



Figure 2 - Extent of views looking towards the north-east, photo taken by assessing officer on 31 May 2019.

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 views are obtained from the upper floor dining room, living room and kitchen of 45 Idaline Street. The ocean views to the east are obtained across the rear boundary of 45 Idaline Street, whilst the views to the headland are obtained across the side boundary. The view is obtained from both a standing and seated position (however is more obscured by the existing roofline in a seated position).

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:

Currently obtained from the living room, dining room and kitchen of 45 Idaline Street are vast views of the ocean horizon above the existing roof lines towards the north-east through to the south-east. Ocean views are available from the upper floor living room, kitchen and dining room and can be viewed from various points within these rooms. Long Reef Headland forms part of the view towards the south-east and contributes to the quality of the view currently obtained given it comprises of land-water interface. The proposed development will result in the vast majority of the headland being obscured from the view of 45 Idaline Street. A minor portion of the most eastern extent of the headland, comprising of land-water interface, will be retained. The remainder of the ocean views will be retained, which can be quantified as the vast majority of views currently enjoyed from the property. The view impact is considered to be moderate in

the context of the views lost (v view of long reef headland) and the views retained (vast ocean views from the north-east through to the south-east).

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.”

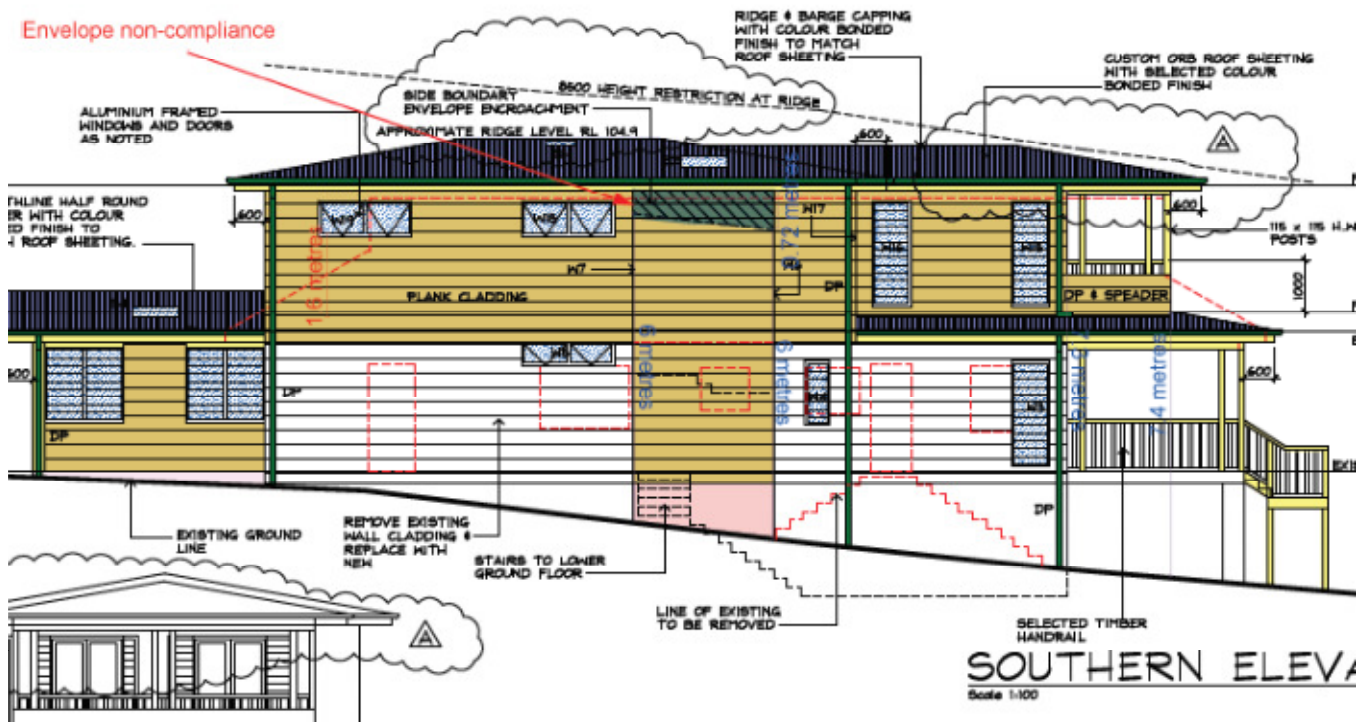
Comment to Principle 4:

The view impact is a result of the first floor additional and subsequent new ridge height of the proposed development upon 84 Hilma Street. The proposed development is compliant with the maximum 8.5m building height under the Warringah LEP 2011. A minor non-compliance of 100mm is proposed with the wall height control (DCP control) at the most eastern extent of the side elevations. A minor non-compliance (180mm) with the building envelope control (DCP control) upon the most eastern extent of the northern elevation is proposed. The two DCP non-compliances are considered minor and would make a negligible difference to the overall

outcome given these sections of wall would be either mostly be obscured by the new dwelling upon 86 Hilma Street (north elevation) or beyond the centre ridge line of the proposed roof (south elevation). The main impact is caused by the centre ridge line of the dwelling additions which is situated within the permissible height limit.

Given the proposed dwelling is compliant in height and has demonstrated consistency with the objectives of the DCP controls, consideration is given to if a more skillfull design would assist in limiting the impact. The new upper floor addition has minimised floor to ceiling heights to 2450mm and presents a modest 10 degree roof pitch to limit the overall height of the building, in particular to the rear of the building where the design comfortably sits beneath the 8.5m maximum height limit. The existing floor levels dictate (within reason) the height of the new first floor additions given the proposal consists of alterations and additions to an existing dwelling. In this case, the ground floor level is retained and the height of the new first floor above is not considered excessive or unnecessary having proposed a modest 10 degree pitched roof and a conservative floor to ceiling height. Whilst it is acknowledged possible alternate outcomes could be achieved should the building be completely demolished and the site redeveloped, it would be unreasonable in this circumstance to require this given the ground floor level and garage level are substantially retained and the development is genuinely for alterations and additions having consideration to the planning principle established by the Court in the matter *Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187*.

As a result of the development, the property 45 Idaline Street will retain the vast majority of ocean views, with the view to Long Reef Headland being the only impacted portion of the entire view currently enjoyed. This view impact is considered acceptable as the proposed development is considered to be reasonable in the context of the site, has demonstrated compliance with the 8.5m height limit and consistency with the objectives of the relevant planning controls.



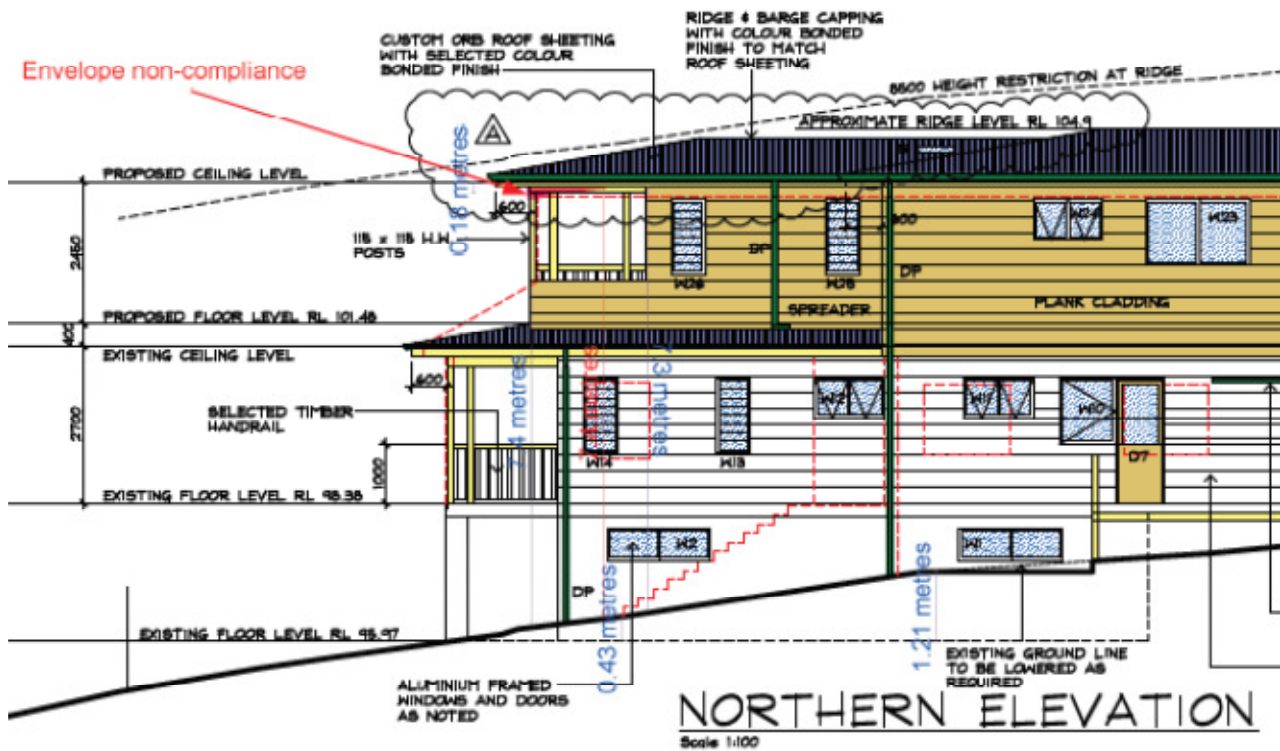


Figure 3 - Extract of south and north elevation showing areas of non-compliance with wall height and envelope.

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

Comment:

The proposed development has demonstrated a design comprising of alterations and additions which fits within the height limit by providing a low level pitched roof (10 degrees) and conservative floor to ceiling heights.

- To ensure existing canopy trees have priority over views.

Comment:

One medium height Lilly Pilly is proposed to be removed to facilitate the development. The removal of this tree is supported subject to replacement planting. It is noted that removal of this tree will likely open up additional ocean views for the property 45 Idaline Street.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches 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 \$4,730 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$473,000.

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 DA2019/0335 for Alterations and additions to a dwelling house on land at Lot 31 DP 33000, 84 Hilma Street, COLLAROY PLATEAU, subject to the conditions printed below:

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
181201-1A - Revision A - Site Plan	19 June 2019	H & C Design
181201-2 - Lower Ground Floor Plan	January 2019	H & C Design
181201-3 - Ground Floor Plan	January 2019	H & C Design
181201-4A - Revision A - First Floor Plan	19 June 2019	H & C Design
181201-5A - Revision A - North, East and West Elevation	19 June 2019	H & C Design
181201-6A - Revision A - South Elevation and Front Boundary Fence Elevation	19 June 2019	H & C Design
181201-7A - Revision A - Sections	19 June 2019	H & C Design
181201-8 - Driveway Plan	January 2019	H & C Design
181201-9 - Window and Door Schedule	January 2019	H & C Design
181201-10A - Revision A - Erosion and Sedimentation Control Plan	19 June 2019	H & C Design
Colour Schedule	Undated	Unsigned

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A339822	10 February 2019	Ewen Finnane

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:

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

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

2. **Prescribed Conditions**

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

- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

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

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

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

Reason: Legislative Requirement

3. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,

- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

The person responsible for the development site is to erect or install on or around the

development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$4,730.00 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 \$473,000.00.

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.

5. **Security Bond**

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

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

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

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

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

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

6. **Stormwater Disposal**

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

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

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

7. **Amendments to the approved plans**

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

- Pool coping is to be setback a minimum 0.5m from the adjoining property boundary.
- Decking shall be setback a minimum 0.5m from the northern property boundary.

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

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

8. **Vehicle Crossings Application**

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

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

Reason: To facilitate suitable vehicular access to private property.

9. **Soil and Water Management Program**

A Soil and Water Management Plan prepared in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and implemented on site until the works are completed.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACHPC02)

10. **Compliance with Standards**

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

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

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

11. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

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

12. **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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

13. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

14. **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 30mm 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 30mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. **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.

16. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act
- Work Health and Safety Regulation
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

17. **Vehicle Crossings**

The provision of one vehicle crossing 3 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/4 EH and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

18. **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 Principal Certifying Authority.

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

19. **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**

20. **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.

21. **Required Planting**

Trees shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Minimum Pot Size
1	Local native tree species capable of attaining a minimum height of 4 metres at maturity	1 x Rear Yard	25 Litre

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

Reason: To maintain environmental amenity.

22. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

23. **Swimming Pool Requirements**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the 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

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

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

Reason: To protect human life (DACPLF09)

24. **Swimming Pool Requirements (existing pool modified by works)**

The existing onsite Swimming Pool / Spa fencing enclosure shall be upgraded to comply with:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the 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.

(b) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(c) All signage shall be located in a prominent position within the pool area.

Swimming pools and spas must be registered with the *Division of Local Government*.

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

Reason: To protect human life. (DACPLF10)

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

Signed



Jordan Davies, Planner

The application is determined on 26/07/2019, under the delegated authority of:



A handwritten signature in black ink, appearing to read "Matthew Edmonds".

Matthew Edmonds, Manager Development Assessments