

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/0891
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<b>Responsible Officer:</b>	Georgia Quinn
<b>Land to be developed (Address):</b>	Lot 41 DP 33000, 20 Idaline Street COLLAROY PLATEAU NSW 2097
<b>Proposed Development:</b>	Alterations and additions to a dwelling house including a swimming pool
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Kristy Louise Ivanoff Timothy Charles Young
<b>Applicant:</b>	Timothy Charles Young

<b>Application Lodged:</b>	19/08/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	05/09/2019 to 19/09/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 450,000.00
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### PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for alterations and additions to an existing dwelling house.

In particular, the application includes:

- a first floor addition;
- internal re-configuration of the ground floor;
- a double garage;
- a new driveway;
- a 1.5m high front fence;

- a swimming pool and associated coping; and
- associated landscaping.

## 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 - B3 Side Boundary Envelope  
 Warringah Development Control Plan - B5 Side Boundary Setbacks  
 Warringah Development Control Plan - B7 Front Boundary Setbacks  
 Warringah Development Control Plan - B9 Rear Boundary Setbacks  
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting  
 Warringah Development Control Plan - D7 Views  
 Warringah Development Control Plan - D8 Privacy

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 41 DP 33000 , 20 Idaline Street COLLAROY PLATEAU NSW 2097
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the western side of Idaline Street.</p> <p>The site is regular in shape with a frontage of 10.7m along Idaline Street and a depth of 39.6m. The site has a surveyed area of 422.8m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a single storey dwelling house.</p> <p>The site has a cross fall from west to east (ie. rear to front)</p>

of approximately 1.5m.

The site is not known to contain any threatened species.

**Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is characterised by predominantly one and two storey dwelling houses within landscaped settings.

Map:



**SITE HISTORY**

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

Development Application DA2019/0738

This application for alterations and additions to the existing dwelling was rejected by Council on 18 July 2019 on the basis that the applicant failed to provide adequate swimming pool plans. Subsequently, the application was withdrawn.

Complying Development Certificate CDC2014/0451

This CDC for internal and external alterations and additions was granted consent on 10 September 2014. A Final Occupation Certificate (FOC2017/0855) was issued on 28 November 2017.

**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 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;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&amp;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&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to updated plans.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;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&amp;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&amp;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&amp;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	(i) <b>Environmental Impact</b> The environmental impacts of the proposed development

Section 4.15 Matters for Consideration'	Comments
impacts on the natural and built environment and social and economic impacts in the locality	<p>on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p><b>(ii) Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) Economic Impact</b> 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 1 submission/s from:

Name:	Address:
Mr Robert Bruce Wilson	22 Idaline Street COLLAROY PLATEAU NSW 2097

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

- **Inaccurate Survey and Site Plans**
- **Landscaped Area Non-Compliance**
- **Front Setback Non-Compliance**
- **View Loss**

- **On-site Parking Provisions**

The matters raised within the submissions are addressed as follows:

### **Inaccurate Survey and Site Plans**

Concern is raised that as the provided Survey and Site plan do not depict the recently re-built dwelling at No. 22 Idaline that accurate amenity impacts cannot be assessed. It is also noted that the proposed second storey windows are not indicated in relation to the newly constructed dwelling therefore privacy impacts are unknown.

#### Comment:

Council wrote to the applicant and requested an updated Survey Plan and Site Plan, so as to accurately denote the adjoining properties and features including windows and the footprints of such buildings. Subsequently, the applicant provided the requested amendments.

This matter does not warrant the refusal of the application.

### **Landscaped Area Non-Compliance**

Concern is raised that the proposed development does not comply with the minimum 40% LOS requirement, which is said to ensure the neighborhood amenity is livable and pleasant.

#### Comment:

This matter has been addressed in detail elsewhere within this report (refer to Part D1 Landscaped Open Space and Bushland of this report).

In summary, the subject allotment is relatively small in area and the proposed additions largely do not alter the existing building footprint, aside from the provision of the double garage. However, in the context of the site, no on-site parking is currently provided which is in-consistent with the parking requirements that stipulate two (2) off-street car spaces are to be provided per dwelling house. Further, street parking is limited along Idaline Street therefore the numeric breach to the LOS Control is supported in this circumstance. The assessment of this application has found the proposed LOS to satisfy the underlying objectives of Clause D1 and the variation is supported in this instance.

This matter does not warrant the refusal of the application.

### **Front Setback Non-Compliance**

Concern is raised that the proposed front setback is non-compliant with the minimum requirement and as such will have an overbearing, detrimental impact upon the streetscape of both Idaline Street and Telopea Street and will cause view loss.

#### Comment:

This matter has been addressed in detail elsewhere within this report (refer to Part B7 Front Boundary Setbacks of this report).

In summary, the site does not currently contain any on-site parking provisions therefore the proposed double garage will rectify this matter to comply with the minimum parking requirements in accordance

with Part C3 Parking Facilities of WDCP. The garage is setback 6.1m from the front boundary with two feature pillars located on either side that are setback 5.6m from the boundary. An open-style balcony is cantilevered above the pillars. The assessment of this application has found the proposed setback to Idaline Street to satisfy the underlying objectives of Clause B7 and the variation is supported in this instance.

This matter does not warrant the refusal of the application.

**View Loss**

Concern is raised that the proposal will result in a loss of views from No. 22 Idaline Street.

Comment:

This matter has been addressed in detail elsewhere within this report (refer to Part D7 Views of this report).

In summary, the assessment of this application has found that the development achieves consistency with the planning principles outlined within the Land and Environment Court Case of *'Tenacity Consulting Pty Ltd v Warringah Council (2004) NSWLEC 140'* and that the extent of qualitative impact upon view sharing is considered to be negligible and the proposal is reasonable in this instance.

Therefore, this matter does not warrant the refusal of the application.

**On-Site Parking Provisions**

Concern is raised that the proposed double garage is extensive in size and in order to maintain consistency with the streetscape, a single garage or carport should be constructed instead that is capable of complying with the front setback requirement.

Comment:

This matter has been addressed in detail elsewhere within this report (refer to Part B7 Front Boundary Setbacks of this report).

In summary, the subject site currently does not contain any on-site car parking spaces, which contravenes Part C3 Parking Facilities of WDCP. The proposed double garage will facilitate this on-site parking requirement and the assessment of the application as found the proposed parking arrangement to satisfy the underlying objectives of Part B7 so as to ensure the streetscape character and amenity is maintained.

This matter does not warrant the refusal of the application.

**REFERRALS**

Internal Referral Body	Comments
NECC (Development Engineering)	No objections are raised to the proposed development, subject to conditions.

External Referral Body	Comments

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. A348541\_02, dated 14 June 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	Complies
Height of Buildings:	8.5m	8.3m	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	6.8m	N/A	Yes
B3 Side Boundary Envelope	5m <i>North</i>	Encroachment of between nil and 0.17m in height over a length of 7.6m	Up to 2.7%	No
	5m <i>South</i>	Encroachment of between nil and 0.05m in height over a length of 2.0m	Up to 0.8%	No

B5 Side Boundary Setbacks	0.9m <i>North</i>	0.7m <i>Swimming Pool</i> Coping 0.8m <i>Rainwater tank</i> 1.0m <i>Swimming Pool</i> 1.3m <i>Dwelling</i>	22.2%	No
	0.9m <i>South</i>	1.6-3.1m <i>Dwelling</i>	11.1%	No
B7 Front Boundary Setbacks	6.5m	5.6m <i>Upper storey</i> <i>balcony</i>	7.7%	No
		6.0m <i>Garage</i>	N/A	Yes
B9 Rear Boundary Setbacks	6m	1.0m <i>Swimming Pool</i>	N/A	Yes
		11.9m <i>Dwelling</i>	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (169.2m <sup>2</sup> )	26.1% (110.4m <sup>2</sup> ) <i>Proposed</i> 39.5% (167m <sup>2</sup> ) <i>Existing</i>	34.8% (58.8m <sup>2</sup> )  N/A	No  N/A

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes

#### Detailed Assessment

### **B3 Side Boundary Envelope**

#### Description of non-compliance

The proposed development slightly protrudes outside of the projected 5m side envelope on both the northern and southern elevations.

The northern elevation protrudes outside of the envelope by between nil and 0.17m in height for a length of 7.6m. This represents a variation of 2.7%.

The southern elevation extends outside of the envelope by between nil and 0.05m in height for a length of 2.0m. This represents a variation of 0.75%.

It is noted the exceptions provision of the Control allows for consent to be granted for the addition of a second storey to an existing dwelling house that to a minor extent does not comply with the requirement of the Control. This prescription is applicable to the subject application.

#### 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 alterations and additions are well articulated as a result of varied setbacks, materials and finishes. Further, the first floor addition achieves compliance with side and rear

setback requirements and remains comfortably within the maximum allowable height control of 8.5m. The built form is modulated such that as presented to the streetscape and as viewed from adjoining properties the facades are softened and the visual dominance broken up. In turn, the development is not considered to be viewed as visually dominant by virtue of its height and bulk.

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

Comment:

No unreasonable amenity impacts are considered likely to arise as a result of the proposed development, given the appropriate building separation between dwellings in conjunction with the existing landscape treatments and the proposed privacy mechanisms including fixed screening and the off-setting of windows. The provided shadow diagrams (drawing number SC-01, Rev. B, dated 23 September 2019) denote compliance with the solar access requirements of WDCP.

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

Comment:

Significant excavation is not required in order to facilitate the proposed development. Further, no vegetation is required to be removed therefore it is considered the development appropriately responds to the topography of the site.

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.

## **B5 Side Boundary Setbacks**

### Description of non-compliance

The swimming pool coping, rainwater tank and swimming pool filter box encroach the prescribed 900mm side setback requirement.

The swimming pool coping is laid at ground level and therefore does not constitute a structure. This element of the proposal is not considered a breach to the Control.

The rainwater tank and pool filter box are covered under the exceptions provision of the Control, as such states services infrastructure and structures not more than 1m above ground level may encroach beyond the minimum side setback.

### Merit consideration

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

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

Comment:

The siting of the water tank, filter box and coping does not hinder the availability of seep soil landscape areas. The site is afforded with a leveled rear lawn that is capable of providing for deep soil landscape areas, as is the sides of the site and a portion of the front yard.

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

Comment:

The rainwater tank and filter box are located at ground level and will be located adjacent to the dwellings northern facade, thereby will not be discernible as viewed from the streetscape. Further, the dwelling house is well modulated and articulated, so as to ensure the development does not appear visually dominant.

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

Comment:

The addition to the dwelling house remains compliant with the side setback requirements, and is to be finished in various materials and textures which will minimise the visual dominance of the built form.

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

Comment:

The second storey addition maintains the setbacks of the existing dwelling house. The addition exceeds the side setback requirements on both the northern and southern elevations, therefore it is considered adequate separation between buildings is provided so to ensure a reasonable level of amenity and solar access is maintained. Further, the second storey consists of an open-style balcony to the front elevation, which allows a front setback to the enclosed dwelling of 8.5m. The balcony is to incorporate a fixed privacy screen along the northern elevation, which will enhance visual and acoustic privacy to adjoining and surrounding properties. Such screen is to have a height of 1.65m above the finished floor level of the balcony.

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

Comment:

This matter is discussed in detail under Part D7 Views. In summary, the proposal provides reasonable sharing of views to and from public and private properties.

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

## **B7 Front Boundary Setbacks**

### Description of non-compliance

The Control requires development to be setback a minimum of 6.5m from the primary street frontage.

The proposed development is setback between 5.6 and 6.0m from the front boundary.

This represents a variation of up to 13.8% (0.9m).

### Merit consideration:

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

- *To create a sense of openness.*

#### Comment:

The subject site does not currently contain any formal on-site parking provisions therefore a double garage directly forward of the dwelling house is proposed to rectify this matter. In this regard, the garage is setback 6.0m from the front boundary, being the most feasible and practical location. The architectural design features including stone pillars on either side of the garage and the open-style balcony that is cantilevered above is setback 5.6m from the front boundary. These features are considered to enhance the sense of openness as they articulate and modulate the built form. The proposed development provides a sufficient level of openness and thus satisfies this objective.

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

#### Comment:

Development along Idaline Street predominantly maintains the minimum front setback of 6.5m with the exception of certain properties that contain parking facilities within the front setback area. Similarly, the subject application has proposed a double garage that slightly encroaches the front setback area due to the limited ability for off-street car parking to be provided elsewhere on site. In this regard, the visual continuity and pattern of buildings along Idaline Street is of buildings that are setback approximately 6.5m with front setback areas that are landscaped. As above, the garage and open-style balcony above are not considered to alter the streetscape identity nor impose unreasonable amenity impacts for adjoining and surrounding properties given the nature of the structures and the minor numeric variation. The minor numeric breach is not considered to be discernible as viewed from the streetscape or adjoining and surrounding properties. It is noted the bulk of the second storey ie. the extent behind the balcony, is setback 8.5m from the frontage.

The proposed development is considered to sufficiently maintain the visual continuity and pattern of buildings and landscape elements.

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

#### Comment:

The proposal as presented to the streetscape is well articulated and modulated as a result of the cantilevered open-style balcony, the variation of colours and material finishes and the proposed landscape treatments. Such design elements will break down the bulk and scale of the building and will protect and enhance the visual quality of the streetscape as well as public spaces.

- *To achieve reasonable view sharing.*

Comment:

This matter is addressed in detail within Part D7 Views. In summary, the proposed development achieves reasonable view sharing as a result of the modest building height, reasonable bulk and scale and appropriate siting.

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.

## **B9 Rear Boundary Setbacks**

### Description of non-compliance

The proposed swimming pool and coping is located between 0.7 and 1.0m from the rear boundary. However, in accordance with the exceptions provision of the Control, swimming pools that do not exceed 50% of the rear setback area are permitted within the rear setback area provided the Control objectives are met. The proposed swimming pool extends for approximately a third of the length of the rear setback, thereby meeting the exceptions provision.

### 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 opportunities for deep soil landscape areas are maintained.*

Comment:

The rear yard provides sufficient deep soil landscape area as does a portion of the front and side setback areas. The swimming pool extends for approximately a third of the length of the rear setback therefore the site will maintain satisfactory landscaped areas.

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

Comment:

The swimming pool is to be in-grounded, therefore the rear yard will appear free of structures as viewed from adjoining and surrounding properties. The current sense of openness will be maintained.

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

Comment:

The swimming pool, being in-grounded will preserve reasonable amenity for adjoining and surrounding properties. The site contains solid 1.8m boundary fencing which in conjunction with established and proposed hedge planting will enhance both acoustic and visual privacy between buildings.

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

Comment:

The swimming pool will not be discernible as viewed from adjoining properties, given it is in-grounded and bordered by solid 1.8m boundary fencing and established and proposed landscape treatments. The existing visual continuity and pattern of buildings, rear gardens and landscape elements will be maintained as a result.

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

Comment:

The proposed development comprises privacy mechanisms including screening, considered building separation and landscape treatments so as to ensure acoustic and visual privacy be maintained for the dwelling occupants and those of adjoining and surrounding properties.

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 section 5(a) 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 Control requires a minimum of 40% (169.2m<sup>2</sup>) of the total site area to be landscaped open space.

The proposed development provides 26.1% (110.4m<sup>2</sup>) of the total site area as landscaped open space which represents a variation of 34.8% (58.8m<sup>2</sup>). Whilst it is acknowledged the proposed development results in a significant reduction in the landscaped open space from the current provision, the site will benefit from two compliant on-site car parking spaces. The turfed area forward of the dwelling is currently being utilised as an informal parking arrangement. A review of Council's records has failed to reveal any previous consent for on-site parking provisions therefore the proposed landscape area can be supported in this instance, given the underlying objectives of the Control can remain satisfied.

### 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 Landscape Plan submitted with the application (plan number 1819LAN1, dated 24 September 2019) indicates portions of the front and side setback areas will be adorned with additional landscaping which will act to maintain and enhance the local character of the streetscape and improve and soften the visual appearance of the development.

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

Comment:

The site has been altered over the residential history of the allotment. There are no known threatened species, significant topographical features or vegetation identified on site. Further, the Landscape Plan denotes substantial landscape planting to be introduced to the site, particularly within the side setback areas and portions of the front yard. The planting is considered to be a significant improvement and an overall increase to the existing on-site provision.

- *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 site is afforded with landscape areas to the front, sides and rear. These areas are of a sufficient size to allow the establishment of low lying shrubs, medium high shrubs and canopy trees that, at a mature age, would be of a size and density to mitigate the height, bulk and scale of the building.

- *To enhance privacy between buildings.*

Comment:

The proposed development includes areas of significant landscaping within the front, side and rear setback areas which in-conjunction with the spatial separation provided between buildings and the off-setting of windows and privacy screening, will provide adequate privacy between buildings within this established residential area.

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

Comment:

The proposed development will enhance the opportunity for outdoor recreation for the dwelling occupants via the implementation of the swimming pool. The rear yard aside from the pool area is turfed and level providing a landscaped private open space area for the use of the dwelling occupants.

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

Comment:

As indicated on the provided Site Plan (drawing number 1687, dated 2 October 2019) adequate space for service functions including an outdoor clothes line is provided within the rear yard of the site.

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

Comment:

The proposal has been reviewed by Council's Development Engineer, having regard to provisions for stormwater management and has raised no objections to the proposed stormwater system subject to conditions included in the recommendation of this report.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCCP 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**

As a result of the public exhibition period of the development application, Council received one (1) submission raising view loss as a concern.

One (1) submission was received from No. 22 Idaline Street.

The assessment provided below takes into account the impact on views from the property that has raised view loss as a concern in their submission.

### 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:

#### **No. 22 Idaline Street**

The nature of the views thought to be affected from this property are distant ocean views in an east and south easterly direction filtered through existing development and established vegetation as shown below.



## 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:

### **No. 22 Idaline Street**

The views from this property are obtained over the front and southern side boundary from the first floor balcony and living room in a standing and sitting position. It should be noted that the views obtained from a sitting position are of a lesser quality than those from a standing 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:

**No. 22 Idaline Street**

No. 22 Idaline Street currently enjoys views to the east and south-east of filtered ocean views.

The dwelling occupants will continue to enjoy, both in a standing and sitting position, views from the first floor balcony and living room to the east and south-east of filtered ocean views. The views obtained from the first floor balcony area will remain, largely unaffected by the proposed development as the eastern most projection of the proposed addition sits 980mm forward of the eastern building walls of this property.

Therefore the extent of the impact is considered to be negligible.

**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 proposed development maintains compliance with Clause 4.3 Height of Buildings Development Standard under WLEP 2011 which permits a maximum height of 8.5m. The proposed dwelling additions also satisfies the underlying objectives and maintains compliance with the minimum requirements of Clause B1 Wall Height, Clause B5 Side Boundary Setbacks, Clause B9 Rear Boundary Setbacks under WDCP.

The development proposes a variation to the minimum requirements of B3 Side Boundary Envelope and Clause B7 Front Boundary Setbacks.

As detailed under Clause B3 Side Boundary Envelope section of this report, the minor protrusion does not hinder the availability of views and is permitted in accordance with the exceptions provision of the Control. As detailed under Clause B7 Front Boundary Setbacks section of this report, the encroachment of the garage and the open-style balcony does not disrupt views and is not considered to be unreasonable or unnecessary in this circumstance.

The proposal responds appropriately to the available views through the provision of appropriate view corridors, setbacks and building articulation to ensure views are retained and the impact on properties in terms of view loss is negligible.

Overall the proposal is considered appropriate for the site and acceptable in this instance.

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

Comment:

The proposal represents an innovative and contemporary design consistent with that of recent nearby residential development.

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

Comment:

There are no existing canopy trees proposed to be removed as part of the proposal.

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.

## **D8 Privacy**

### Merit consideration

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

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

The proposal incorporates various privacy mechanisms so as to ensure reasonable acoustic and visual amenity for the dwelling occupants and those of adjoining properties. The windows along the northern elevation are either high sill, obscured or offset from the adjoining property with the exception of the bathroom window which will be conditioned to be opaque or obscured glass. Such features will protect privacy for the subject and the northern adjoining site. The windows along the southern elevation are either off-set or vary in sill height to that of the windows of the adjoining dwelling. Reasonable privacy will be protected for both occupants as a result.

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

Comment:

The proposed development represents an innovative and contemporary design consistent with that of recent nearby residential development. The additions are well articulated and modulated so as to break up the visual appearance of the building. Further, a condition of consent has been imposed requiring the privacy screen along the northern elevation of the balcony be a maximum height of 1.65m from the finished floor level, so as to reduce the visual bulk of the northern elevation and enhance the sense of openness of the balcony.

- *To provide personal and property security for occupants and visitors.*

Comment:

Personal and property security for occupants and visitors will be maintained.

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 \$4,500 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$450,000.

## **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 DA2019/0891 for Alterations and additions to a dwelling house including a swimming pool on land at Lot 41 DP 33000, 20 Idaline Street, COLLAROY PLATEAU, subject to the conditions printed below:

**DEVELOPMENT CONSENT OPERATIONAL CONDITIONS**

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
1687, Page 1 of 3, amendment 1 - development application	2 October 2019	Distinct Innovations Pty Ltd
1687, Page 2 of 3 - development application	July 2019	Distinct Innovations Pty Ltd
1687, Page 3 of 3 - development application	July 2019	Distinct Innovations Pty Ltd

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate (Cert. No. A348541_02)	14 June 2019	Distinct Innovations Pty Ltd

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
1819LAN1, amendment C - Landscape Concept Plan	24 September 2019	Bio Engineered Solutions Pty Ltd

<b>Waste Management Plan</b>		

Drawing No/Title.	Dated	Prepared By
Waste Management Plan	N/A	Distinct Innovations Pty Ltd

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 \$4,500.00 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 \$450,000.00.

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](http://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](http://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**

The Applicant is to demonstrate 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.

### 7. **Amendments to the approved plans**

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

- The privacy screen along the northern elevation of the first floor balcony is to be reduced in height to 1.65m from the finished floor level.

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

Reason: To minimise the bulk of the development as viewed from adjoining and surrounding properties.

### 8. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

### 9. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with

Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

10. **Compliance with Standards**

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

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

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

11. **External Finishes to Roof**

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

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

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

12. **Sydney Water "Tap In"**

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

Please refer to the website [www.sydneywater.com.au](http://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.

13. **Bathroom Window Glazing**

The windows of the ensuite and the bathroom located on the first floor are to be finished in an opaque or frosted glass.

Reason: To enhance visual for the subject site and adjoining properties.

## 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. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 3.0 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/2 NH and the driveway levels application approval. 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.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

16. **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.

17. **Survey**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans. (DACPLE01)

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

18. **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.

19. **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.

20. **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)

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

21. **Swimming Pool Filter**

The swimming pool filter shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure acoustic amenity is maintained for adjoining properties.

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

**Signed**



**Georgia Quinn, Planner**

The application is determined on 15/10/2019, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**