Warringah Council

3.3 1/22A Queenscliff Road, Queenscliff – Garden Shed, Shade Structure, Spa and Landscape Works

RESIDENTIAL DEVELOPMENT – DEVELOPMENT APPLICATION ASSESSMENT REPORT

Assessment Officer:	Michael Edwards
Address / Property Description:	Lot 1 in SP80123, 1/22A Queenscliff Road, Queenscliff
Proposal:	Garden Shed, shade structure, spa and landscape works
Development Application No:	**DA2008/1073**
Plans Reference:	DA.04a, DA.05, E1602-57209, DA2008-1073 No.1 to No.3
Applicant:	Alexander John Haskey ||| Owner: Mellissa Louise O'Brien
Owner:	Mellissa Louise O'Brien
Locality:	G8 Queenscliff
Category:	Category One - Housing
Clause 20 Variations:	Yes

SUMMARY

Submissions:	4
Recommendation:	Approval – subject to conditions
Attachments:	Site and Elevation Plans

Report Section	Applicable	Complete & Attached
Section 1 – Code Assessment	☑ Yes ☐ No	☑ Yes ☐ No
Section 2 – Issues Assessment	☑ Yes ☐ No	☑ Yes ☐ No
Section 3 – Site Inspection Analysis	☑ Yes ☐ No	☑ Yes ☐ No
Section 4 – Application Determination	☑ Yes ☐ No	☑ Yes ☐ No

Estimated Cost of Works: $90,800

Are S94A Contributions Applicable?

☐ Yes ☑ No

Notification Required?

☑ Yes ☐ No

Period of Public Exhibition?

☑ 14 days ☐ 21 days ☐ 30 days ☐ N/A

Are any trees impacted upon by the proposed development? ☐ Yes ☑ No

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: G8 Queenscliff

Development Definition: ☐ Housing ☑ Ancillary Development to Housing ☐ Other .....

Category of Development: ☑ Category 1 ☐ Category 2 ☐ Category 3

Desired Future Character:

☐ Category 1 Development with no variations to BFC's (Section 2 Assessment not required)

Is the development considered to be consistent with the Locality's Desired Future Character Statement? ☑ Yes ☐ No

☑ Category 1 Development with variations to BFC's (Section 2 Assessment Required)

☐ Category 2 Development Consistency Test (Section 2 Assessment Required)

☐ Category 3 Development Consistency Test (Section 2 Assessment Required)

Built Form Controls:	
Building Height (overall): **Applicable:** ☑ Yes ☐ No Requirement: ☑ 8.5m ☐ 11.0m ☐	☐ Existing and unchanged **Proposed:** 2.3m to garden shed 4.1m to top of shade structure poles No alteration to existing dwelling **Complies:** ☑ Yes ☐ No
Building Height (underside of upper most ceiling): **Applicable:** ☑ Yes ☐ No Requirement: ☑ 7.2m ☐ ☐ Other	☑ Existing and unchanged **Proposed:** …….m **Complies:** ☐ Yes ☐ No
Building Height (overall): **Applicable:** ☑ Yes ☐ No Requirement: ☑ 8.5m ☐ 11.0m ☐ ☐ Other	☐ Existing and unchanged **Proposed:** 2.3m to garden shed 4.1m to top of shade structure poles No alteration to existing dwelling **Complies:** ☑ Yes ☐ No

Built Form Controls:	
Building Height (underside of upper most ceiling): **Applicable:** ☑ Yes ☐ No Requirement: ☑ 7.2m ☐ Other	☑ Existing and unchanged **Proposed:** …….m **Complies:** ☐ Yes ☐ No
Front Setback: **Applicable:** ☑ Yes ☐ No Requirement: ☑ 6.5m ☐ Other ..... Is the Corner Allotment / Secondary Street Frontage control applicable?: ☐ Yes ☑ No Requirement: ☐ 3.5m ☐ Other	☑ Existing and unchanged **Proposed:** …….m **Complies:** ☑ Yes ☐ No **Corner Allotment:** ☐ Existing and unchanged **Proposed:** …….m **Complies:** ☐ Yes ☐ No
Housing Density: **Applicable:** ☑ Yes ☐ No Requirement: ☑ 1 dwelling per 450sqm ☐ 1 dwelling per 600sqm ☐ Other	☑ Existing and unchanged **Proposed:** …….dwelling / per …….sqm **Complies:** ☑ Yes ☐ No
Landscape Open Space: **Applicable:** ☑ Yes ☐ No ☑ 40% ☐ 50% ☐ Other	☐ Existing and unchanged **Proposed:** 15% (83sqm) (calculated in accordance with the provisions of the Landscaped Open Space Built Form Control) 27% (149sqm) (including areas below 2m in width by 2m in length) **Complies:** ☐ Yes ☑ No

Built Form Controls:	
Rear Setback: **Applicable:** ☑ Yes ☐ No Requirement: ☑ 6.0m ☐ Other ..... **Outbuildings:** Requirement: ☐ 50% of rear setback ☐ Other	☐ Existing and unchanged **Proposed:** 1.8m to spa. 1.8m to shade structure over existing deck. 0.8m to new portion of deck and stairs **Complies:** ☐ Yes ☑ No **Outbuildings:** ☐ Existing and unchanged **Proposed:** …….% **Complies:** ☐ Yes ☐ No
Side Boundary Envelope: **Applicable:** ☑ Yes ☐ No Requirement: ☐ 4m / 45 degrees ☑ 5m / 45 degrees ☐ Other	**Boundary:** ☐ Nth ☐ Sth ☑ Est ☐ Wst ☐ Existing and unchanged or **Fully within Envelope:** ☑ Yes ☐ No **Minor Breach:** ☐ Yes ☑ No **Complies:** ☑ Yes ☐ No **Boundary:** ☐ Nth ☐ Sth ☐ Est ☐ Wst ☐ Existing and unchanged or **Fully within Envelope:** ☑ Yes ☐ No **Minor Breach:** ☐ Yes ☑ No **Complies:** ☑ Yes ☐ No
Side Setbacks: **Applicable:** ☑ Yes ☐ No ☑ 900mm ☐ 4.5m ☐ Other	**Boundary** ☐ Nth ☐ Sth ☑ Est ☐ Wst ☐ Existing and unchanged **or** **Proposed:** 0m to planter box **Complies:** ☑ Yes ☐ No **Boundary** ☐ Nth ☐ Sth ☐ Est ☑ Wst ☐ Existing and unchanged **or** **Proposed:** 0m to shed **Complies:** ☐ Yes ☑ No

General Principles of Development Control:	
CL38 Glare & reflections **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No
CL39 Local retail centres **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL40 Housing for Older People and People with Disabilities **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL41 Brothels **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL42 Construction Sites **Applicable:** ☑ Yes ☐ No	**Complies:** ☐ Yes ☑ Yes , subject to condition ☐ No
CL43 Noise **Applicable:** ☑ Yes ☐ No	**Complies:** ☐ Yes ☑ Yes , subject to condition ☐ No
CL44 Pollutants **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No
CL45 Hazardous Uses **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL46 Radiation Emission Levels **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL47 Flood Affected Land **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL48 Potentially Contaminated Land **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL49 Remediation of Contaminated Land **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No

General Principles of Development Control:	
CL49a Acid Sulfate Soils **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL50 Safety & Security **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No
CL51 Front Fences and Walls **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No
CL53 Signs **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL54 Provision and Location of Utility Services **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No
CL55 Site Consolidation in 'Medium Density **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL56 Retaining Unique Environmental Features on Site **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No The landscaping works retain the existing rock outcrops located towards the rear of the site, incorporating them into the design of the landscaping works, providing a natural terraced area.
CL57 Development on Sloping Land **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No The landscaping works are considered to integrate with the topography of the site, following the natural contours with decking, steps and garden beds.
CL58 Protection of Existing Flora **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No
CL59 Koala Habitat Protection **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No

General Principles of Development Control:	
CL60 Watercourses & Aquatic Habitats **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL61 Views **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No While submissions were received raising the issue of view sharing, the shade structure and garden shed demonstrate numerical compliance with the Built Form Control of 8.5m, with a maximum finished height of 4.1m to the shade structure. The following is a view assessment of the views obtained from the unit block at 8 Queenscliff Road and the ground floor unit at 22 Queenscliff Road, undertaken in accordance with the four (4) step process adopted by Commissioner Roseth in the NSW Land and Environment Court in *Tenacity Consulting v Warringah Council [2004] NSW LEC 140.* • *The first step is the assessment of views to be affected. Water views are valued more than land views. Iconic views (eg of the Opera House, the Sydney Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg: a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.* The views obtained from 22 Queenscliff Avenue comprise of oceanic and district views and comprise the land and water interface of Manly Beach. The views from 8 Queenscliff Road, specifically, units 1 and 3 comprise oceanic views and contain the land and water interface at Manly Beach. It is noted however that the view corridor from this location is restricted to a narrow view corridor between the building on the subject site and the building at No.22 Queenscliff Avenue. • *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 or 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.* The primary views from the ground floor unit at 22 Queenscliff Road are from the windows towards the southern end of the building, where in this location, enjoy a view corridor both over the subject site and directly southwest. Towards the location of the garden storage shed, the windows are screened with a mesh grille and as such, do not allow for any significant view corridor over the subject site, as demonstrated in the illustration below: Photograph 1: Windows to ground floor unit in approximate alignment with proposed garden storage shed.

General Principles of Development Control:	
	The views from No.8 Queenscliff Road are primarily from the living areas. • *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 quantitatively as negligible, minor, moderate, severe or devastating.* The view corridor obtained from No.8 Queenscliff Avenue is considered to be insignificant given the narrow width between buildings, together with the location of an existing private and public services pole and front fence which severs the view. In addition, the finished height of the built structures will not significantly extend above the finished height of the existing garage. In this regard, the impact to the view corridor is considered minor. The primary view corridor obtained from No.22 Queenscliff Avenue will not be impacted by the proposed works and the secondary view corridor, obtained over the subject site will not be unreasonably impacted. The shade structure is open and of lightweight construction, and has an area coverage of approximately 15sqm. Bearing a maximum finished height of 4.1m, it is considered that this structure will not unreasonably reduce the view corridor and in this regard, the impact to the view corridor is considered minor. • *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 by considered acceptable and the view sharing reasonable.* The proposal results in non-compliance with the landscaped open space, rear setback and side setback development standards. The extent of the non-compliances are considered minimal and do not directly contribute to any unreasonable impact to the view corridor. It is considered that the proposed works will not unreasonably impact the view corridor.
CL62 Access to sunlight **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No
CL63 Landscaped Open Space **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No • The areas identified as landscaped open space are adequate in dimension for the further establishment of landscape plantings that are of a scale and density commensurate with the building height, bulk and scale of the proposed dwelling and will contribute to the landscaped setting of the established streetscape. • Further, the provision of landscaped open space allows for the accommodation of appropriate outdoor recreational needs of the occupants and service functions, including the provision for clothes drying. • The provision of landscaped open space is considered to adequately provide sufficient soft landscaped areas so as to allow for the natural infiltration of stormwater, and will not result in a greater strain on the On-Site Stormwater Detention system as proposed. Accordingly, the proposal is considered to satisfy this General Principle.

General Principles of Development Control:	
CL63A Rear Building Setback **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No • The works satisfactorily maintain a sense of openness within the rear yard and provides adequate opportunities to maintain visual privacy between dwellings. • The low height of the spa and associated decking, together with the shade structure, when viewed from the adjoining properties, will not present a sense of bulk, and will not reduce the visual amenity of the adjoining properties and maintain an appropriate sense of openness within the rear of the site. • When viewed from Manly Beach, it is considered that the proposed landscaping works and spa provide a positive contribution to the headland, as the majority of the adjoining sites, do not provide for a landscaped rear building setback due to the topography, location of existing buildings and provision of car parking. The non-complying elements will not be visually dominant when viewed from afar or the base of the headland. • The proposed development will not alter the existing pattern of development within the rear portion of surrounding properties. Accordingly, the proposal is considered to satisfy this General Principle.
CL64 Private open space **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No
CL65 Privacy **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No
CL66 Building bulk **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No
CL67 Roofs **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL68 Conservation of Energy and Water **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL69 Accessibility – Public and Semi-Public Buildings **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL70 Site facilities **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No

General Principles of Development Control:	
CL71 Parking facilities (visual impact) **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL72 Traffic access & safety **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No
CL73 On-site Loading and Unloading **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL74 Provision of Car parking **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No
CL75 Design of Car parking Areas **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL76 Management of Stormwater **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No
CL77 Landfill **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL78 Erosion & Sedimentation **Applicable:** ☑ Yes ☐ No	**Complies:** ☐ Yes ☑ Yes , subject to condition ☐ No Conditions of consent will ensure the appropriate management of the site to ensure erosion and sedimentation is minimised.
CL79 Heritage Control **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL81 Notice to Heritage Council **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
CL82 Development in the Vicinity of Heritage Items **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No

General Principles of Development Control:	
CL83 Development of Known or Potential Archaeological Sites **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No

Schedules:	
Schedule 5 State policies **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 6 Preservation of bushland **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 7 Matters for consideration in a subdivision of land **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 8 Site analysis **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No
Schedule 9 Notification requirements for remediation work **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 10 Traffic generating development **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 11 Koala feed tree species and plans of management **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 12 Requirements for complying development **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 13 Development guidelines for Collaroy/Narrabeen Beach **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No

Schedules:	
Schedule 14 Guiding principles for development near Middle Harbour **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 15 Statement of environmental effects **Applicable:** ☐ Yes ☑ No	**Complies:** ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 17 Carparking provision **Applicable:** ☑ Yes ☐ No	**Complies:** ☑ Yes ☐ Yes , subject to condition ☐ No There is no alteration to the existing provision of car parking on the site.

Other Relevant Environmental Planning Instruments:

SEPPs: Applicable? ☑ Yes ☐ No

SEPP Basix: Applicable?

☐ Yes ☑ No

If yes: Has the applicant provided Basix Certification?

☐ Yes ☐ No ☑ N/A

SEPP 55 Applicable?

☑ Yes ☐ No

Based on the previous land uses if the site likely to be contaminated?

☐ Yes ☑ No

Is the site suitable for the proposed land use?

☑ Yes ☐ No

SEPP Infrastructure

Applicable?

☑ Yes ☐ No

Is the proposal for a swimming pool: NO

Within 30m of an overhead line support structure?

☐ Yes ☑ No

Within 5m of an overhead power line ?

☐ Yes ☑ No

Does the proposal comply with the SEPP?

☑ Yes ☐ No

SEPP 71 – Coastal Protection

Comment:

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

Matters for Consideration	Comment	Complies
This Policy aims: (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and (e) to ensure that the visual amenity of the coast is protected, and (f) to protect and preserve beach environments and beach amenity, and (g) to protect and preserve native coastal vegetation, and (h) to protect and preserve the marine environment of New South Wales, and (i) to protect and preserve rock platforms, and (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the *Protection of the Environment Administration Act 1991*), and (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and (l) to encourage a strategic approach to coastal management.	The proposal is considered consistent with the aims of the policy for the following reasons: (a) The proposed works are contained wholly within the subject site boundaries and will not impact on the natural, cultural, recreational or economic attributes of the NSW Coast. (b) There is currently no existing public access through the site to the adjoining beach reserve and this will be maintained. (c) The proposal is not considered to affect access opportunities to the coastal foreshore. (d) The subject site is not located in an area with identified as having high sensitivity to Aboriginal Heritage. (e) The visual amenity is preserved given the appropriate scale of the landscaping works and shade structure and materials specified. (f) The proposal maintains and preserves the beach amenity. (g) The proposal does not alter the status quo with respect to coastal vegetation. (h) The proposal is not considered to impact upon the marine environment of NSW. (i) The proposal does not impact any rock platforms. (j) The proposal is found to be satisfactory in this regard. (k) The proposal is supported on the site and the overall size and scale is appropriate for the location (l) The proposal is located within the existing footprint of the building and behind the wave impact zone. Councils Catchment management has reviewed the proposal and deemed to be satisfactory approach to coastal management.	YES
(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved	The public access to the foreshore is not altered by the proposal.	YES

Matters for Consideration	Comment	Complies
(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	The proposal will not alter public access to and along the coastal foreshore.	YES
(d) The suitability of development given its type, location and design and its relationship with the surrounding area	The design of the landscaping works will be complementary to the surrounding environment/area and is suitable for the subject site.	YES
(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	There is no significant increase in overshadowing as a result of the proposal. There is no significant loss of view from public places as a result of the proposal.	YES
(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities	The proposal will not detract from the scenic qualities of the New South Wales coast.	YES
(g) Measures to conserve animals (within the meaning of the *Threatened Species Conservation Act 1995*) and plants (within the meaning of that Act), and their habitats	There is no remnant native vegetation or potential habitat for threatened species on the subject site, as such measures to conserve animals, plants or their habitat are not required.	YES
(h) Measures to conserve fish (within the meaning of Part 7A of the *Fisheries Management Act 1994*) and marine vegetation (within the meaning of that Part), and their habitats	Additional measures to conserve fish and marine vegetation are not required.	YES
(i) Existing wildlife corridors and the impact of development on these corridors	The proposal does not significantly impact any existing wildlife corridors.	YES
(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards	The proposal is unlikely to have an impact upon coastal processes.	YES
(k) Measures to reduce the potential for conflict between land-based and water-based coastal activities	The proposal does not require measures to reduce the potential for conflict between land-based and water based coastal activities.	YES
(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	The proposal works will be maintained to the existing footprint, additionally the site is not recognised of place of Aboriginal significance.	YES
(m) Likely impacts of development on the water quality of coastal waterbodies	The proposal will require conditions with regards to and sediment and erosion controls will minimise any impacts with regards to water quality during construction.	YES
(n) The conservation and preservation of items of heritage, archaeological or historic significance	The subject site is located within the immediate vicinity of known items of heritage significance as follows: • Queenscliff Rockpool; • Quenscliff Tunnel; • Coastal cliffs. The proposed landscaping works are located a substantial distance from the above identified heritage items and will not have any significant impact on these items.	YES
(o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	Council has not prepared a draft LEP that specifically applies to the site in regards to compact towns and cities.	YES

Matters for Consideration	Comment	Complies
(p) Only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient	The cumulative impacts of the proposal are considered acceptable.	YES
S13)A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	The proposal does not attempt to allow development within a zone to be consented to as if it were in a neighbouring zone.	YES
S14) A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	The proposal is unlikely to result in impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	YES
S15) The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	The proposal does not involve a non-reticulated effluent disposal system that will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	YES
S16) The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	The proposal is unlikely to discharge untreated stormwater into the sea or Manly Beach.	YES

REPs: Applicable?: ☐ Yes ☑ No

EPA Regulation Considerations:	
Clause 54 & 109 (Stop the Clock) Applicable: ☑ Yes ☐ No	13/10/2008 – Additional information requested with the submission of a planting schedule with details of the proposed plant species and indicating mature heights. 27/10/2008 Council received amended plans with the submission of a planting schedule.
Clause 92 (Demolition of Structures) Applicable: ☐ Yes ☑ No	Addressed via condition? ☐ Yes ☐ No

EPA Regulation Considerations:	
Clause 93 & 94 (Fire Safety) Applicable: ☐ Yes ☑ No	Addressed via condition? ☐ Yes ☐ No
Clause 98 (BCA) Applicable: ☑ Yes ☐ No	Addressed via condition? ☑ Yes ☐ No

REFERRALS

Referral Body/Officer	Required	Response
Development Engineering	☐ Yes ☑ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Landscape Assessment	☐ Yes ☑ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Bushland Management	☐ Yes ☑ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Catchment Management	☑ Yes ☐ No	☑ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Aboriginal Heritage	☐ Yes ☑ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Env. Health and Protection	☐ Yes ☑ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
NSW Rural Fire Service	☐ Yes ☑ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory

Applicable Legislation/ EPI's /Policies:

- [x] EPA Act 1979
- [x] EPA Regulations 2000
- [ ] Local Government Act 1993
- [ ] Roads Act 1993
- [ ] Rural Fires Act 1997
- [ ] RFI Act 1948
- [ ] Water Management Act 2000
- [ ] Water Act 1912
- [ ] Swimming Pools Act 1992;
- [x] SEPP No. 55 – Remediation of Land
- [x] SEPP No. 71 – Coastal Protection
- [ ] SEPP BASIX
- [x] WLEP 2000
- [x] WDCP
- [ ] S94 Development Contributions Plan
- [ ] S94A Development Contributions Plan
- [x] SEPP Infrastructure

SECTION 79C EPA ACT 1979

Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	[x] Yes [ ] No
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	[x] Yes [ ] No
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	[x] Yes [ ] No
Section 79C (1) (a)(iiia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	[ ] Yes [ ] No [x] N/A
Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?	[x] Yes [ ] No
Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable?	[x] Yes [ ] No
Section 79C (1) (c) – It the site suitable for the development?	[x] Yes [ ] No
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	[x] Yes [ ] No
Section 79C (1) (e) – Is the proposal in the public interest?	[x] Yes [ ] No

SECTION 2 – ISSUES

PUBLIC EXHIBTION

The subject application was publicly exhibited in accordance with the EPA Regulation 2000 and the applicable Development Control Plan.

As a result of the public exhibition of the application Council received submissions from:

Name	Address
Yates, Alan	6-22 Queenscliff Road, Queenscliff
McGuigan	1/6 Queenscliff Road, Queenscliff
Spedding, Stuart and Sally	3/8 Queenscliff Road, Queenscliff
Passwell, Ian, Belinda and Dianne	1/8 Queenscliff Road, Queenscliff
Kirkwood, Nick	57-B Norfolk Avenue, Collaroy On behalf of the Owners Corporation at 2 Queenscliff Road, Queenscliff

The following issues were raised in the submissions:

- **Impact to visual and acoustic amenity;**

Comment: The concern is that the deck area will increase the noise emissions to the adjoining residential flat building at No.22 Queenscliff Road. The shade structure, shower facility, barbeque and spa will diminish the amenity as currently enjoyed by the residents at Nos.22 Queenscliff Road.

The development within the rear setback area will result in an intensification of the use of the area, given the current inadequacy of a functional area to serve the requirements of the occupants. The provision of landscape plantings will soften the external appearance of the built form and will aid in screening to provide visual privacy. As such, the increased use of this area will not unreasonably impact the adjoining occupants.

- **Parking;**

Comment: The concern is that the proposed landscaping works will increase the use of the area and entertaining opportunities, resulting in a further strain on car-parking from visitors. It is considered that the landscaping works will not result in any intensification of the existing density of the site, and as such, will not significantly increase the demand on car-parking.

- **Views;**

Comment: The concern is that the proposed landscaping works will be detrimental to the view corridor obtained over the subject site. Specifically, the concern is that the landscape plantings proposed will restrict the view corridor.

The view corridor currently obtained along the western side elevation of the subject site is considered insignificant given the narrow width, the existence of a boundary fence and service poles for the provision of electricity which are considered to severe the view corridor.

While the landscape plantings proposed along the western boundary indicate a plant species with a mature height between 2m and 4m, development consent is not required for the planting of trees.

- **Appropriateness of landscape plantings;**

Comment: The concern raised is that the proposed landscape plantings are not appropriate for the locality in that they are not characteristic of a coastal headland environment. It is considered that while the landscape plantings are not specifically characteristic of a coastal headland environment, the landscape plantings will not result in visual dominance when viewed from afar and will aid in softening the external appearance of the built form atop the headland, which in most cases of the adjoining sites, the rear setback area is dominated by hard surfaced areas including car parking. For this reason, the landscape plantings as proposed are considered favourable.

- **Insufficient Information;**

Comment: The concern is that the plans submitted with the application fail to identify the height of the proposed hardwood screen and sandstone wall along the western elevation, together with the proposed spa. Amended plans were received which provide an elevation of the daybed located at the front of the dwelling, and the plans as submitted with the application demonstrate the heights of the hardwood screen, spa and sandstone wall.

MEDIATION

Has mediation been requested by the objectors? ☐ Yes / ☑ No

Has the applicant agreed to mediation? ☐ Yes / ☐ No ☑ N/A

Has mediation been conducted? ☐ Yes / ☐ No ☑ N/A

WLEP 2000

DESIRED FUTURE CHARACTER

The Queenscliff locality will remain characterised by a mix of detached style housing and apartment style housing in landscaped settings interspersed by complementary and compatible uses. The development of new apartment style housing will be restricted to the medium density areas shown on the map.

The quality of existing development in the Queenscliff locality is inconsistent and suffers as a result of poorly designed buildings which failed to respond to the prominence and natural qualities of this coastal headland and its relationship to the surrounding public spaces including nearby beaches and the parklands surrounding Manly Lagoon. Future development will be of an improved standard of design that addresses public streets and spaces, integrates with the landscape and topography, including rock outcrops and remnant bushland, and complements long distance views of the locality.

Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality. The opportunities for further development in Queenscliff will be limited. The land bound by Queenscliff Road, Pittwater Road and the public access way which links Queenscliff Road, may be developed for apartment style housing. Development on this land will be designed to minimise view loss from residences to the north and will maintain a view corridor through the site to Manly Lagoon. Development will present as two storeys when viewed from the section of Queenscliff Road shown in Diagram 8.1 available from the office of the Council, with any storey above being set back and providing the absolute height for the site. The bulk of the buildings will be reduced through stepping the building down the site and avoiding long continuous top floors. It is intended that vehicle access to Queenscliff Road will be shared with 166 Queenscliff Road and 366 Pittwater Road.

The locality will continue to be served by the existing local retail centre shown on the map. Future development in this centre will be in accordance with the general principles of development control provided in clause 39.

Clause 12(3)(a) of WLEP 2000 requires the consent authority to consider Category 1 development against the locality's DFC statement. Notwithstanding Clause 12(3)(a) only requires the consideration of the DFC statement, however as detailed under the Built Form Controls Assessment section of this report the proposed development results in non-compliances with the Rear Building Setback, Landscaped Open Space, and Side Setback Built Form Control/s, as such pursuant to Clause 20(1) a higher test is required

Accordingly, an assessment of consistency of the proposed development against the locality's DFC is provided hereunder:

The proposed development is considered to satisfy the applicable DFC statement for the reasons detailed hereunder:

- The proposed landscaping works does not alter the existing character of apartment style housing in the locality. The proposed works will aid in providing a landscaped setting to the site; and

- The landscaping works, including the spa, shade structure and shed are considered to appropriately integrate with the site topography and will provide a positive contribution to the headland when viewed from afar, given that the existing pattern of development within the rear of the existing buildings is predominantly denoted by hard-surfaced areas including car parking.

BUILT FORM CONTROLS

As detail within Section 1 (Code Assessment) the proposed development is considered to fails satisfy the Locality's Rear Building Setback and Landscaped Open Space Built Form Controls, accordingly, further assessment is provided hereunder.

Description of variations sought and reasons provided:

Rear Building Setback Built Form Control

Requirement:

Rear Setback: **Applicable:** ☑ Yes ☐ No Requirement: ☑ 6.0m ☐ Other ..... Outbuildings: Requirement: ☐ 50% of rear setback ☐ Other	☐ Existing and unchanged **Proposed:** 1.8m to spa. 1.8m to shade structure over existing deck. 0.8m to new portion of deck and stairs **Complies:** ☐ Yes ☑ No **Outbuildings:** ☐ Existing and unchanged **Proposed:** …….% **Complies:** ☐ Yes ☐ No

Area of inconsistency with control:

The proposed landscaping works provides a decreased rear building setback with the deck providing the lesser setback of 0.8m.

Merit Consideration of Non-compliance:

The extent of the development within the rear building setback is considered to be of a bulk and scale that will not result in visual dominance when viewed from both adjoining properties and afar. It is considered that the development of the rear yard provides a more functional area to serve the requirements of the occupants. This area provides a sufficient sense of openness and maintains the existing separation between dwellings.

The established pattern of development within the rear setback area of adjoining properties is predominantly denoted by hard-surfaced areas given the topography, provision of car parking and location of existing buildings. In this regard, the landscaping works are considered to positively contribute to the headland and the landscape plantings proposed will aid in softening the external appearance of the existing built form.

Landscaped Open Space Built Form Control

Requirement:

Landscape Open Space: **Applicable:** ☑ Yes ☐ No ☑ 40% ☐ 50% ☐ Other	☐ Existing and unchanged **Proposed:** 15% (83sqm) (calculated in accordance with the provisions of the Landscaped Open Space Built Form Control) 27% (149sqm) (including areas below 2m in width by 2m in length) **Complies:** ☐ Yes ☑ No

Area of inconsistency with control:

The proposed landscaping works provides an area of 83sqm which equates to 15% of the site area. This provision is deficient by 141.6sqm. While this is considered a significant deficiency, should the areas below 2.0m in width by 2.0m in length be included in the soft landscaping provision, the total landscaped open space provision would equate to 148.6sqm or 27%.

Merit Consideration of Non-compliance:

The provision of 27% of the site area provides areas sufficient in dimension to accommodate landscape plantings that are commensurate with the existing building height, bulk and scale. The landscaped areas will complement the landscaped setting of the site and will positively contribute to the headland when viewed from Manly Beach, given that the adjoining allotments are predominantly denoted by hard-surfaced areas at the rear of the existing buildings. The area at the rear of the site will provide a more functional area to serve the requirement of the occupants, providing areas for recreational use, clothes drying and serve as an extension of the living areas for entertaining and relaxation.

Side Setback Built Form Control

Requirement:	
Side Setbacks: **Applicable:** ☑ Yes ☐ No ☑ 900mm ☐ 4.5m ☐ Other	**Boundary** ☐ Nth ☐ Sth ☑ Est ☐ Wst ☐ Existing and unchanged **or** **Proposed:** 0m to planter box **Complies:** ☑ Yes ☐ No **Boundary** ☐ Nth ☐ Sth ☐ Est ☑ Wst ☐ Existing and unchanged **or** **Proposed:** 0m to shed **Complies:** ☐ Yes ☑ No

Area of inconsistency with control:

The proposed storage shed on the western elevation does not provide a setback to the side boundary.

Merit Consideration of Non-compliance:

The storage shed does not result in visual dominance, with a maximum finished height of 2.3m. This structure will not unreasonably reduce the amenity of the ground floor unit of the adjoining dwelling at No.22 Queenscliff Road, given the adequate separation between buildings, the relatively low finished height of the structure and the short length of 2.4m along the western boundary.
There will be no significant contribution to the level of overshadowing to the adjoining building and the shed will not unreasonably impact the views currently enjoyed by the occupants of the ground floor unit at No.22 Queenscliff Road.

Clause 20(1) stipulates:

"*Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy."*

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

(i) General Principles of Development Control

The proposal is generally consistent with the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on "General Principles of Development Control" in this report for a detailed assessment of consistency).

(ii) Desired Future Character of the Locality

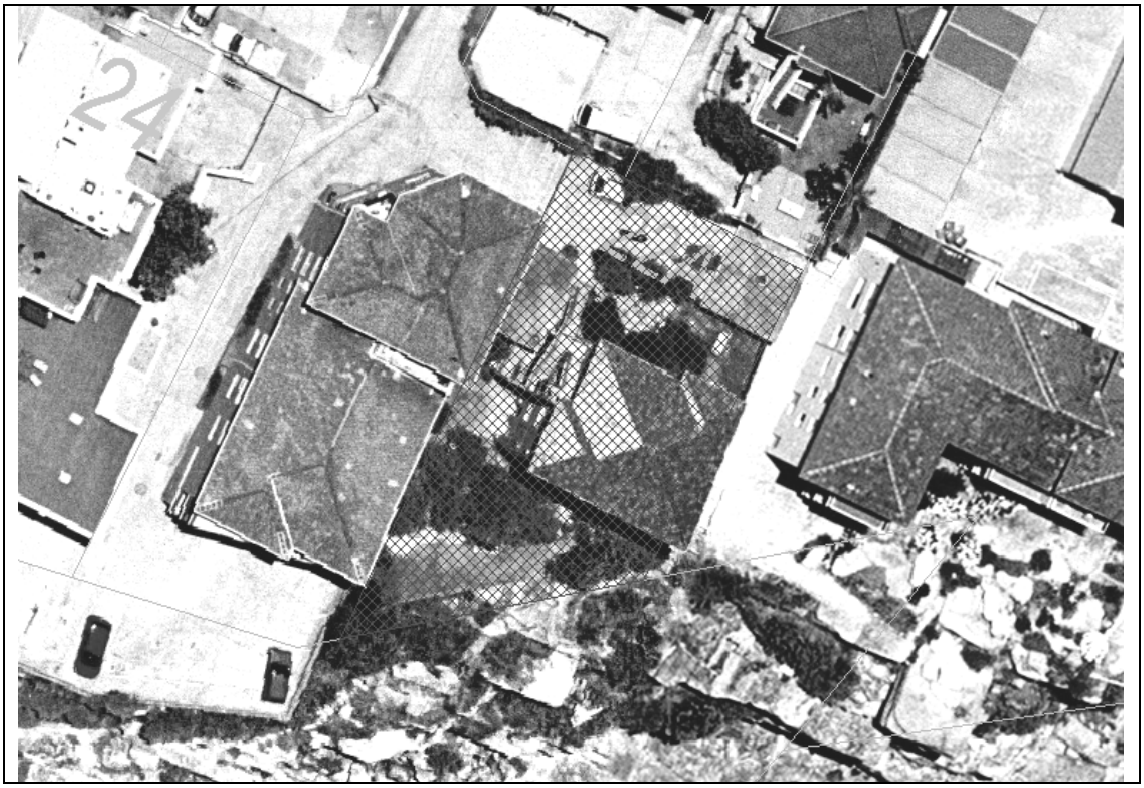
The proposal is consistent with the Locality's Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on "Desired Future Character" in this report for a detailed assessment of consistency).

(iii) Relevant State Environmental Planning Policies

The proposal has been considered consistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under 'State Environmental Planning Policies'). Accordingly the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1). It is for this reason that the variation to the Rear Building Setback, Landscaped Open Space and Side Setback Built Form Controls (Development Standards) pursuant to Clause 20(1) is supported.

SECTION 3 – SITE INSPECTION ANALYSIS



Site area 560.9sqm

Detail existing onsite structures:

- ☐ None
- ☑ Dwelling
- ☐ Detached Garage
- ☐ Detached shed
- ☐ Swimming pool
- ☐ Tennis Court
- ☐ Cabana
- ☐ Other ……

Site Features:

- ☐ None
- ☐ Trees
- ☐ Under Storey Vegetation
- ☑ Rock Outcrops
- ☐ Caves
- ☐ Overhangs
- ☐ Waterfalls
- ☐ Creeks / Watercourse
- ☐ Aboriginal Art / Carvings
- ☐ Any Item of / or any potential item of heritage significance

Potential View Loss as a result of development

☑ Yes ☐ No

If Yes where from (in relation to site):

- ☑ South
- ☐ East / West
- ☐ North East / South West
- ☐ North West / South East

View of:

Ocean / Waterways	☑ Yes	☐ No
Headland	☐ Yes	☐ No
District Views	☐ Yes	☐ No
Bushland	☐ Yes	☐ No

Bushfire Prone?

☐ Yes ☑ No
Flood Prone?

☐ Yes ☑ No
Affected by Acid Sulfate Soils

☐ Yes ☑ No
Located within 40m of any natural watercourse?

☐ Yes ☑ No
Located within 100m of the mean high watermark?

☐ Yes ☑ No
Located within an area identified as a Wave Impact Zone?

☐ Yes ☑ No
Any items of heritage significance located upon it?

☐ Yes ☑ No
Located within the vicinity of any items of heritage significance?

☑ Yes ☐ No
Located within an area identified as potential land slip?

☐ Yes ☑ No
Is the development Integrated?

☐ Yes ☑ No
Does the development require concurrence?

☐ Yes ☑ No
Is the site owned or is the DA made by the "Crown"?

☐ Yes ☑ No
Have you reviewed the DP and s88B instrument?

☑ Yes ☐ No
Does the proposal impact upon any easements / Rights of Way?

☐ Yes ☑ No

Site Inspection / Desktop Assessment Undertaken by:

Does the site inspection confirm the assessment undertaken against the relevant EPI's <S	☑ Yes ☐ No
Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken?	☐ Yes ☑ No

SECTION 4 – APPLICATION DETERMINATION

Conclusion:

The proposal has been considered against the relevant heads of consideration under S79C of the EPA Act 1979 and the proposed development is considered to be:

☑ Satisfactory

☐ Unsatisfactory

RECOMMENDATION (APPROVAL)

A. That the Development Application No: DA2008/1073 for a garden shed, shade structure, spa and landscape works at Lot 1 in SP80123, 1/22A Queenscliff Road, Queenscliff be approved subject to the following conditions.

B. That pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, the Council vary the provisions of Section 95 (1) so this consent will lapse three (3) years from the date in which it operates, and the applicant be advised accordingly.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans and Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing Number	Revision	Titled	Prepared By	Dated
DA.04a	A	Site Section A-A	Goodall Drafting	June 2008
DA2008/1073#1	-	Untitled	Green Rooms	07/05/08
DA2008/1073#2	-	Untitled	Green Rooms	16/10/08
DA2008/1073#3	-	Untitled	Green Rooms	06/5/08

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

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

2. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: *Prescribed - Statutory.*

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

3. Development/Construction Security Bond

A bond (determined from cost of works) of $1,000.00 must be deposited with Council and an inspection fee paid of $200.00 prior to the issue of any Construction Certificate. This bond is 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.

Reason: *To ensure adequate protection to Council infrastructure.*

4. Sediment Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council / Accredited Certifier accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Soils and Construction Manual Volume 1 - Managing Urban Stormwater, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

(a) All details of drainage to protect and drain the site during the construction processes;
(b) All sediment control devices, barriers and the like;
(c) Sedimentation tanks, ponds or the like;
(d) Covering materials and methods;
(e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Council / Accredited Certifier prior to issuing of the Construction Certificate.

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

5. Long Service Levy

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. 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.

Reason: *Prescribed - Statutory.*

6. Spa Access

Access to the spa shall be restricted by a child resistant barrier in accordance with the regulations prescribed in all relevant Acts, Regulations and Australian Standards. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Note: The following Acts, Regulations and Australian Standards applied at the time of determination:

- Swimming Pools Act 1992
- Swimming Pools Regulation 1998
- Australian Standard AS1926 Swimming Pool Safety
- Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

Reason: *To ensure the safety of children and make applicant aware of the need to comply with applicable pool fencing legislation.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

7. Construction Work within Public Open Space

The written consent of Council must be obtained to enter or undertake any work within adjoining public lands prior to the commencement of works.

Reason: *Protection of existing public infrastructure.*

8. 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 $10 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 Warringah 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.*

9. Excavation/Building Works

No excavation or building works shall be carried out until a Construction Certificate has been issued.

Reason: *To ensure compliance with statutory provisions.*

10. Home Building Act

(1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:

(a) in the case of work to be done by a licensee under that Act:
  (i) has been informed in writing of the licensee's name and contractor licence number, and
  (ii) is satisfied that the licensee has complied with the requirements of the Home Building Act, or

(b) in the case of work to be done by any other person:
  (i) has been informed in writing of the person's name and owner-builder permit number, or
  (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was gazetted, that amount was $3,000. As those regulations are amended from time to time, that amount may vary.

(2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

(3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is 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.

Reason: *Prescribed - Statutory.*

11. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with Section 81A of the Environmental Planning and Assessment Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

Reason: *Legislative requirement for the naming of the PCA.*

12. Site Sign

(1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

(a) stating that unauthorised entry to the work site is prohibited;

(b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and

(c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

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

(3) This condition does not apply to building works being carried out inside an existing building.

Reason: *Statutory requirement.*

13. Toilets

(1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

(2) Each toilet provided:

(a) must be a standard flushing toilet, and

(b) must be connected:

(i) to a public sewer; or
(ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
(iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

(3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

(4) In this clause:

accredited sewage management facility means a sewage management facility to which Division 4 Sub-division 5 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in of the Regulation.

approved by the Council means the subject of an approval in force under the Local Government (General) Regulation 2005.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

Reason: *To ensure adequate facilities are provided for workers on the site.*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

14. Applicant's Cost of Work on Council Property

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

Reason: *To ensure the proper management of public land.*

15. Installation and Maintenance of Sediment Control

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Soils and Construction Manual Volume 1 - Managing Urban Stormwater. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

16. Maintenance of Road Reserve

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

Reason: *Public Safety.*

17. Prohibition on Use of Pavements

No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without prior Council Approval.

Reason: *To ensure public safety and amenity on public land.*

18. Silt & Sediment Control

Provision shall be made throughout the period of demolition / Excavation & Construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

Reason: *To avoid siltation to adjoining properties and waterways.*

19. Benchmarks

All permanent survey markers shall be retained, undamaged, and not relocated.

Reason: *Protection of existing environmental infrastructure and community assets.*

20. Bush rock

No bush rock is to be removed or damaged unless necessary for approved road construction, fence construction, sewage infrastructure installation or building envelope construction.

Reason: *To ensure bushland management.*

21. Construction Hours

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 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).

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk.

Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

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

22. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements.

Reason: *To ensure the health and safety of the community and workers on the site.*

23. Plant & Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.

Reason: *To ensure public safety and amenity on public land.*

24. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Certifying Authority.

Reason: *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance.*

25. Removal of All Temporary Structures/Material and Construction Rubbish

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

Reason: *To ensure bushland management*

26. Dust emission and air quality

Materials must not be burnt on site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the Landcom's Managing Urban Stormwater: Soils and Construction (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.

Reason*: To ensure residential amenity is maintained in the immediate vicinity.*

27. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Department of Environment and Climate Change (formerly) Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

***Reason**: To ensure residential amenity is maintained in the immediate vicinity*

28. Sediment and Erosion Control Signage

A durable sign, which is available from Council, shall be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

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

29. No Removal of Trees on Public Property

No trees or native shrubs or understorey on public property (footpaths, roads, reserves, etc.), unless specifically approved in this consent, shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

***Reason**: Protection of existing environmental infrastructure and Community assets.*

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

30. Occupation Certificate Required

An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

Note: In issuing an Interim / Final Occupation Certificate the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.

***Reason:** To ensure compliance with the provisions of the Environmental Planning and Assessment Act.*

31. Spa

The filtration motor, pump and moving parts shall be enclosed in a sound-proofed structure of masonry or similar materials, with the noise level of any filtration equipment or pumps to not exceed 5dBA above the ambient background noise level measured at the nearest property boundary.

***Reason**: Noise control*

32. Spa Water to Sewer

Prior to the issue of an Interim/Final Occupation Certificate the swimming pool including overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of wastewater shall be obtained and compliance with any conditions imposed in connection therewith.

***Reason**: Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system.*

33. Spa Sign

The owner of the spa shall display a notice showing:

(i) Appropriate instructions of artificial resuscitation methods.
(ii) A warning stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL'.

Note: This notice shall be kept in a legible condition in a prominent location in the vicinity of the pool at all times.

***Reason**: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act, to prevent young children from accidental death by drowning.*

34. Spa Filtration Requirements

Filtration for the spa must comply with the relevant Australian Standard.

Note: The following Australian Standard applied at the time of determination:

- Australian Standard AS1926.3 Part 3: Water recirculation and filtration systems

***Reason**: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act 1992, to prevent young children from accidental death by drowning.*

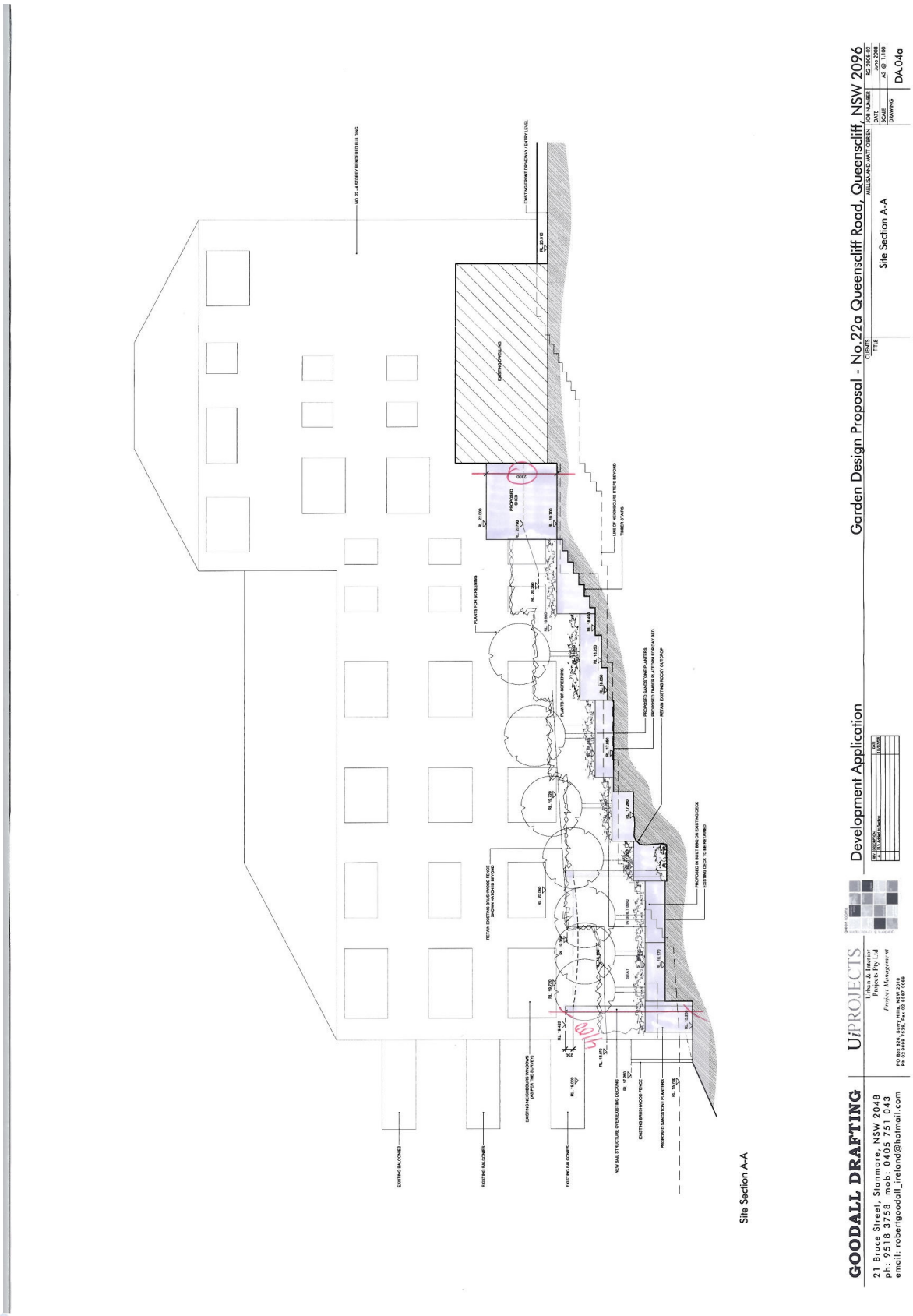
35. Spa Safety Requirements

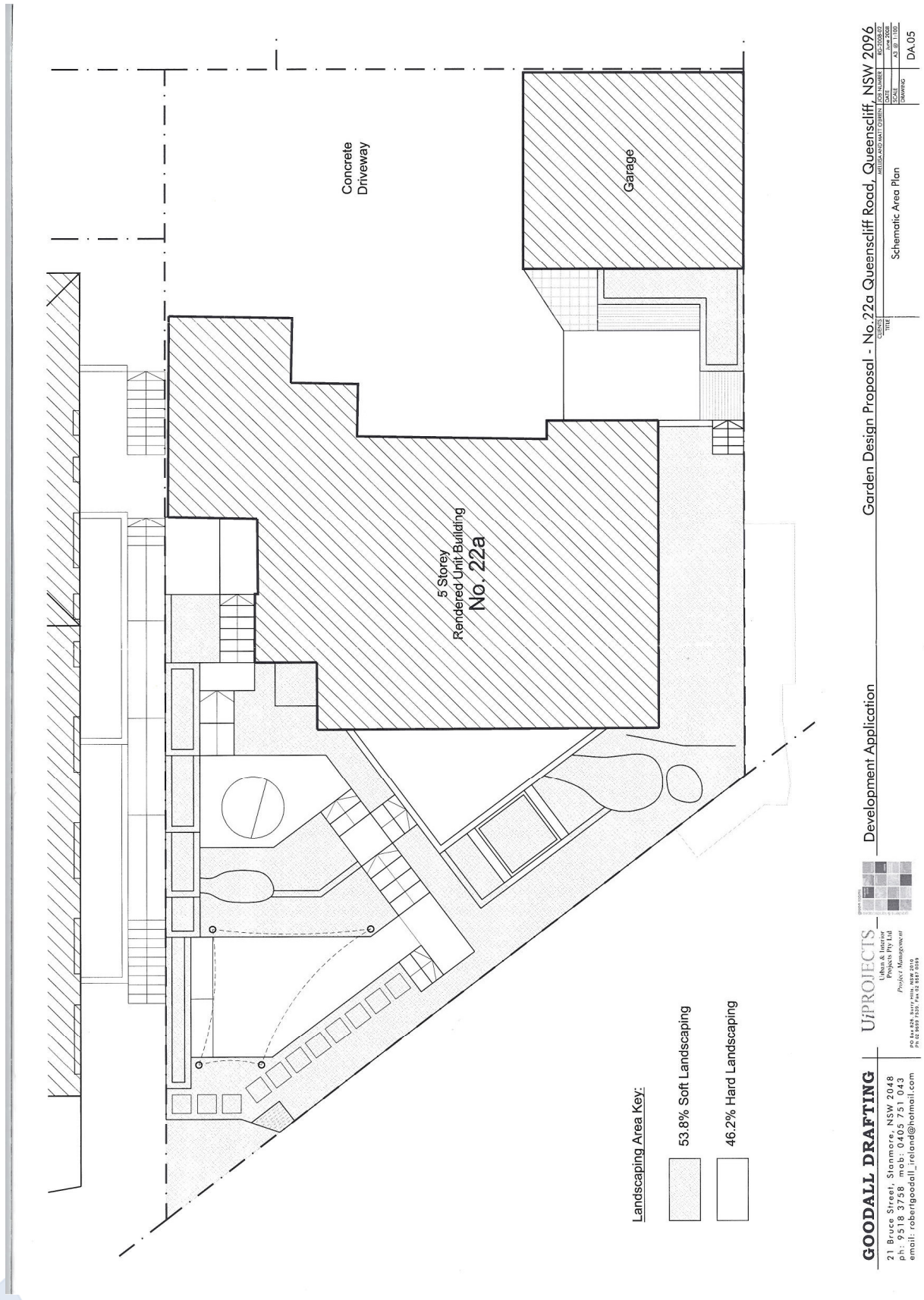
Access to the spa shall be restricted by a child resistant barrier in accordance with all relevant Acts, Regulations and Standards. The spa shall not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed.

Note: The following Standards and Codes applied at the time of determination:

- Swimming Pools Act 1992
- Swimming Pools Regulation 1998
- Australian Standard AS1926 Swimming Pool Safety
- Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

***Reason**: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Ac 1992, to prevent young children from accidental death by drowning*.


Garden Design Proposal - No.22a Queenscliff Road, Queenscliff, NSW 2096
Development Application
Site Section A-A
DA.04a
GOODALL DRAFTING
21 Bruce Street, Stanmore, NSW 2048
ph: 9518 3758 mob: 0405 751 043
email: robertgoodall_ireland@hotmail.com
UPROJECTS
Plan & Interior Projects
Project Management
PO Box 826, Berry Hills, NSW 2010
Ph 02 9999 3936, Fax 02 9887 0069
Site Section A-A


Concrete Driveway
Garage
5 Storey Rendered Unit Building
No. 22a
Landscaping Area Key:
53.8% Soft Landscaping
46.2% Hard Landscaping
Development Application
Garden Design Proposal - No.22a Queenscliff Road, Queenscliff, NSW 2096
Schematic Area Plan
DA.05
GOODALL DRAFTING
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UiPROJECTS