

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2016/0248
----------------------------	-------------

Responsible Officer:	Julie Edwards
Land to be developed (Address):	Lot 2 DP 11899, 19 Lancaster Crescent COLLAROY NSW 2097
Proposed Development:	Construction of a swimming pool
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Padraig Joseph Crumlin Gail Rebecca Crumlin Rory Seamus Crumlin
Applicant:	Padraig Joseph Crumlin

Application lodged:	17/03/2016
Application Type:	Local
State Reporting Category:	Residential - Other
Notified:	08/04/2016 to 26/04/2016
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	1
Recommendation:	Approval

Estimated Cost of Works:	\$ 36,430.00
---------------------------------	--------------

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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

NORTHERN BEACHES COUNCIL

Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - C6 Building over or adjacent to Constructed Council Drainage Easements

Warringah Development Control Plan - C8 Demolition and Construction

Warringah Development Control Plan - D8 Privacy

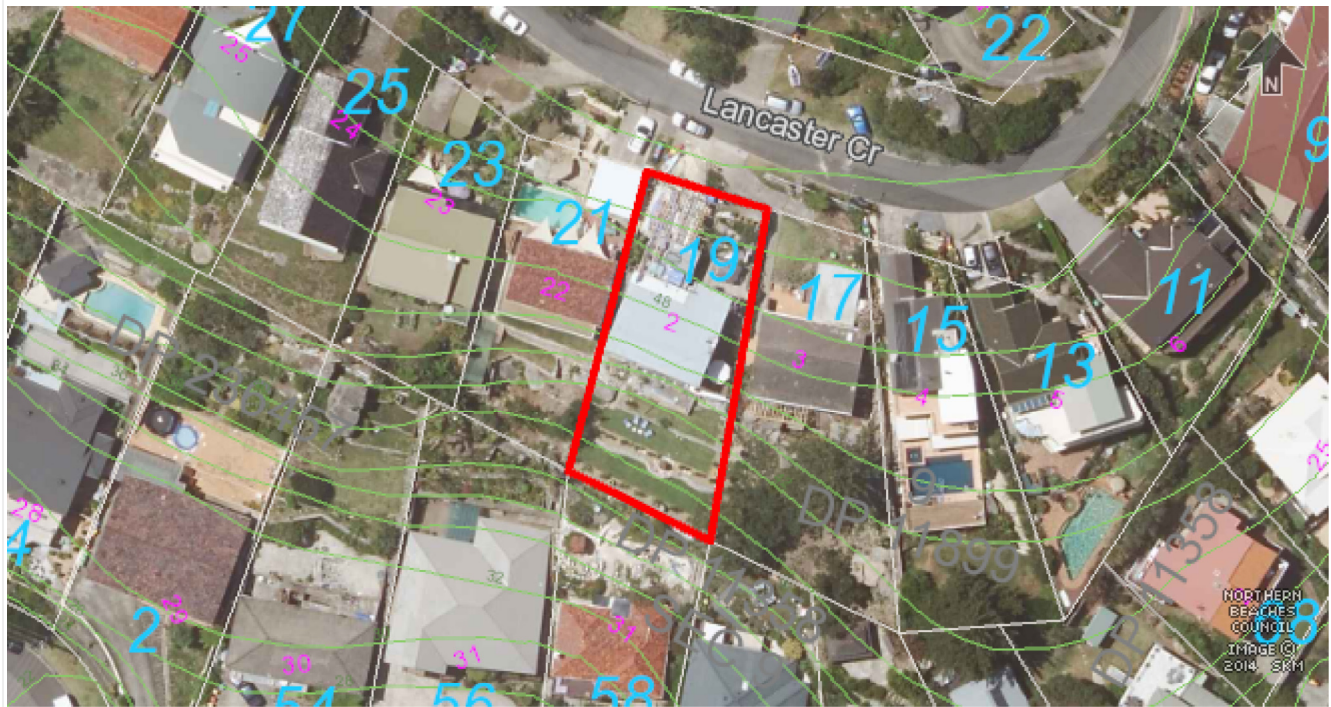
Warringah Development Control Plan - D16 Swimming Pools and Spa Pools

Warringah Development Control Plan - E10 Landslip Risk

SITE DESCRIPTION

Property Description:	Lot 2 DP 11899 , 19 Lancaster Crescent COLLAROY NSW 2097
Detailed Site Description:	The subject site consists of one allotment located on the southern side of Lancaster Crescent COLLAROY. The site is irregular in shape with a frontage of 15.24m along Lancaster Crescent and a depth of 40.64m. The site has a surveyed area of 658m². The site is located within the R2 Low Density Residential zone and accommodates two storey split level dwelling with an attached garage. Surrounding development consists of one to two storey residential dwellings of varying architectural styles. The site slopes steeply from the front northern boundary to the rear southern boundary. The site includes retained garden areas within the front and rear setback of the site.

Map:



SITE HISTORY

A search of Council's records has revealed the following:

Development Application for alterations and additions to an existing dwelling to create a dual occupancy was refused on 15/02/1983.

Development Application for alterations and additions to establish a dual occupancy was refused on 19/05/1983.

Development Application for alterations and additions to an existing dwelling to provide a dual occupancy was approved on 05/10/1983.

DA2013/0593 for demolition and alterations and additions to an existing dwelling was approved 19/08/2013. Modification of this Development Application - MOD2014/0021 was approved 06/05/2014 and MOD2015/0077 was approved 29/05/2015.

DA2015/1014 for a swimming pool was withdrawn on 18/12/2015. Council requested the applicant to be withdrawn as it was deficient in a number of areas.

The land has been used for residential purposes for an extended period of time.

PROPOSED DEVELOPMENT IN DETAIL

The proposal is seeking approval for the construction of an above ground swimming pool at the front of the site and landscaping works.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

NORTHERN BEACHES COUNCIL

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the

NORTHERN BEACHES COUNCIL

Section 79C 'Matters for Consideration'	Comments
	existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Gregory Niven	17 Lancaster Crescent COLLAROY NSW 2097

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

- Non-compliance with Warringah Development Control Plan 2011
- Swimming Pool Fence
- A survey was not submitted
- Stormwater Drainage Pipe at no. 17 Lancaster Crescent
- Waste Management Plan
- Statement of Environmental Effects
- Water and Power
- Privacy
- Boundary Issues
- Political Disclosure Form
- Geotechnical Report
- Damage to neighbouring properties
- Landscape Referral Response
- Previous Development Application

The matters raised within the submissions are addressed as follows:

• **Non-compliance with Warringah Development Control Plan 2011 (WDCP)**

The submission raised concern that the proposed location of the swimming pool at the front of the site did not comply with the requirements of the WDCP, including B7 Front Boundary Setbacks and D16 Swimming Pools and Spas and that the applicant had 'substantially failed to address a very significant issue of the "surrounding neighbourhood". The submission also had concerns that the proposal had not

adequately justified the location of the swimming pool at the front of the site and that arguments put forward such as the difficulty in construction a swimming pool at the rear of the site due to access and site conditions is not sufficient.

Comment:

The issues are addressed in more detail under part B7 Front Boundary Setback and part D16 Swimming Pools and Spas of the WDCP. In summary, while the proposed development does not meet the requirements of the control, the proposal does meet the objectives. Lancaster Avenue has varying visual continuity, patterns of buildings and landscaped elements within the front boundary area with carport/garages, car parking areas, buildings and swimming pools. The site already has a garage within the front setback area and the addition of the swimming pool will not unreasonably impact on the visual continuity of the street. The swimming pool will be located behind a 1.8m high fence and screen planting along the boundary which will maintain the visual quality of streetscapes and residential amenities. The swimming is also above ground and does not require the excavation of any of the rock within the front setback area. The location of the swimming pool at the front of the site will also provide connectivity between the dwelling and swimming pool. The rear of the site sits well below the dwelling and is not easily accessible and can be directly overlooked by the adjoining properties.

In relation to the development responding to the character of the site and the qualities of the surrounding neighbourhood, the assessment of the development application has concluded as detailed throughout the report the proposed development responds appropriately to the sites character and the qualities of the surrounding neighbourhood. While not specifically addressed in the Statement of Environmental Effects, an assessment of the application by a Council Officer has found that the proposed development meets the appropriate objectives of the WDCP.

- **Swimming Pool Fence**

The submission raised concern that proposal does not comply with swimming pool fence requirements and that its location at the front of the site was dangerous for passing pedestrians.

Comment:

The proposed swimming pool is separated from Lancaster Crescent by two fences being the front and side boundary fence and the proposed swimming pool fence shown on the plans submitted with the Development Application. The swimming pool fence is to be installed in accordance with the requirements of the *Swimming Pool Act 1992* and Australian Standards. The swimming pool can also not be filled or retain water until safety fencing has been erected in accordance with the relevant legislative requirements. Compliance with relevant legislation is considered satisfactory for maintaining swimming pool safety for the occupants of the site, passing pedestrians and adjoining properties.

- **A survey was not submitted**

The submission raised concern that a survey was not submitted with the application.

Comment:

The applicant was requested to provide a Survey and this was provided to Council by email on 5 June 2016 and sequentially uploaded to Councils website. The survey adequately shows the proposed location of the swimming pool at the front of the site and the site boundaries.

This matter does not warrant refusal of the application.

- **Stormwater Drainage Pipe at no. 17 Lancaster Crescent**

The submission raised concern that the proposed development was within close proximity of a stormwater pipe located at no. 17 Lancaster Crescent and that the applicant had not provided information addressing the issues previously raised by Councils Development Engineers for DA2015/1014.

Comment:

DA2015/1014 was withdrawn on 18 December 2015 by the applicant after Council raised a number of concerns with the proposal, including the proximity to the stormwater drainage pipe along the boundary with no. 17 Lancaster Crescent. The current development application moved the location of the swimming pool from the front boundary and no longer requires excavation on the site. Changes made to the design and location of the swimming pool as well as conversations between the applicant and Councils Stormwater Engineers addressed the issues raised by the Development Engineers with DA2015/1014 and the first referral response dated 7 April 2016 for the current development application. Councils Stormwater Engineers inspected the pipeline using a quickview camera to assess the alignment of the pipeline. Based on the inspection of the pipe, no excavation to the site and horizontal clearance, Councils Stormwater Engineers and Development Engineers are satisfied the proposal, subject to conditions, is satisfactory and does not need to provide additional information to satisfy part C6 Building over or adjacent to Constructed Council Drainage Easements of the WDCP. While Council is satisfied the proposal will not impact on the adjoining stormwater drainage pipe at no. 17 Lancaster Crescent, a pre and post construction dilapidation survey has been recommended to assess the stormwater drainage pipe before and after the works.

- **Waste Management Plan**

The submission raised concern that a Waste Management Plan was not submitted with the Development Application.

Comment:

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring waste management details prior to the issue of a construction certificate. In regards, to existing domestic waste management on the site it is expected that the subject site has a designated bin area and that domestic waste is stored correctly in that area. Issues relating to waste disposal on Council Road Reserve is outside of the scope of this development application and should be raised with Councils Compliance team for further investigation.

- **Statement of Environmental Effects**

The submissions raise concern that the Statement of Environmental Effects (SEE) submitted with the application was incorrect and did not provide sufficient detail. The submission raised concern that the SEE relies on the precedent set by surrounding properties with swimming pools within the front yard and that this argument should not be supported.

Comment:

It is acknowledged that there are errors in the SEE, whereby it refers to the location of the site being on the northern side of Lancaster Avenue. However, comments made in the SEE are still relevant to the

merits of the assessment of the application.

In regards to the lack of information in the SEE, Council Officers undertake their own assessment of the application to determine if the impacts on the neighbouring properties are reasonable. In this instance, the plans, SEE provided with the application along with a site inspection conducted by the assessing officer provided a satisfactory level of information for the assessment of the application and to understand the full impacts on the neighbouring properties.

In regards to precedent, each development application is assessed on its merits including compliance with the requirements and objectives of the relevant controls of the WDCP, and site constraints. As has been demonstrated throughout the report the proposal where it does not meet the requirements of the WDCP it has been demonstrated that it meets the objectives. It has also been demonstrated that the existing site constraints being the slope of the site, which slopes steeply from the front boundary to the rear of the site, as well as the location of the dwelling which sits much higher than the rear yard and is not easily accessible from the dwelling making it difficult for the proposal to be located at the rear of the site.

This matter does not warrant the refusal of the application.

- **Water and Power**

The submission raised concern that there are submerged electrical and water services along the existing boundary with no. 17 Lancaster Crescent and that could be damaged as a result of the proposal.

Comment:

The proposal was referred to Ausgrid. No response was received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended. As a condition of consent, the approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing. This is to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met.

This matter does not warrant refusal of the application.

- **Privacy**

The submission raised concerns about the impact on privacy as a result of the proposal.

Comment:

This issue has been addressed in detail under part D2 - Privacy of the WDCP in this report. In summary, the location of the swimming pool at the front of the site will not unreasonably impact on the privacy of the adjoining properties and swimming pool users. The site will utilise the existing boundary fencing and privacy screening as well as proposed screen planting along the boundaries to maintain privacy between properties

- **Boundary Issues**

The submission raised concern that development may encroach into the neighbouring property at no. 17 Lancaster Crescent. The submission quotes a survey report from Stephen Thorne and Associates Pty

Ltd dated 13 June 2014 for no. 17 Lancaster Crescent that "An accurate boundary definition requires further investigation" and "The boundary definition must be resolved before any construction near the boundaries is commenced".

Comment:

A condition will be included in the report requiring all new works to be located entirely within the subject site. Details demonstrating compliance will be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate. Any existing disputes regarding works along the boundary are not the subject of this proposal and are a civil matter between the affected parties.

- **Political Disclosure Form**

The submission raised concern the political disclosure form was not completed.

Comment:

Section 2.16 Disclosure of Political Donations and Gifts was not completed on the Development Application form. The applicant was advised of this and this section of the Development Application form was completed by the owners of the site. The revised section of the the application form has been made available on Councils website. The supplementary Political Donation Declaration form was not completed as the owners of the site have declared by ticking 'no' on section 2.16 Disclosure of Political Donations and Gifts of the development application form that they have not donated a re-portable political donation or gift to a Warringah Council (Northern Beaches Council as of 12 May 2016) Mayor/Councillor or employee within a two year period commencing from the two years before the date of this application.

- **Geotechnical Report**

The submission raised concerns that the Geotechnical Report provided with the application was fundamentally flawed and should not be relied upon by Council to support the development application. A concern with the report is that it has inaccurate information such as it identifies a stormwater drain at the rear of no. 17 Lancaster Crescent as a concrete pier supporting a sandstone outcrop.

Comment:

The issues of the stormwater drain at the rear of no. 17 Lancaster Crescent are not the subject of the geotechnical investigation and therefore not relevant to the outcomes detailed in the recommendations made in the Geotechnical report provided with the application. Councils Development Engineers and Stormwater Engineers are satisfied that the proposed development will not impact on the stormwater drainage pipe located along the western boundary of no. 17 Lancaster Crescent. Further information regarding the Geotechnical Assessment report is addressed under part E10 Landslip risk of the WDCP of this report.

- **Damage to neighbouring properties**

The submission raised concern about damage to the stormwater drainage pipe at no. 17 Lancaster Crescent as a result of the development.

Comment:

Councils Development Engineers and Stormwater Engineers have raised no objections to the proposal and its proximity to a Council stormwater asset subject to conditions. Conditions will be included in the consent requiring a pre-construction and post construction dilapidation survey for the stormwater asset. In addition, a condition requiring compliance with all recommendations and requirements within the Geotechnical Assessment prepared by White Geotechnical Group has been included in the consent.

This matter is not considered to be a reason for refusal.

- **Landscape Referral Response**

The submission raised concern that the Landscape referral comments had changed significantly from the comments made under DA2015/1014, while the current development application had not changed significantly.

Comment:

Councils Landscape Officer raised a number of issues with DA2015/1014, including the lack of a Landscape Plan, landscaping at the front of the site and the location of the swimming pool extending into the front boundary setback area and could not be support proposal due to landscape issues.

The current proposal has relocated the swimming pool back from the front boundary, provided landscaping in the form of screen planting and no longer requires excavation which will maintain the current environmental features at the front of the site. Landscaping details have also been demonstrated on the site plan in lieu of a Landscape Plan and this is considered sufficient. The current proposal as well as a site inspection conducted by Councils Landscape Officer has provided adequate information for Councils Landscape Officer to support the proposal.

- **Previous Development Application**

The submission raised concern that the proposed development application was substantially the same as the previous application DA2015/1014 which was withdrawn due to concerns raised by Council and that the information provided had not changed and had not addressed Councils previous concerns.

Comment:

As demonstrated throughout the report, the revised development and information provided has adequately addressed Councils concerns that were raised with the previously lodged development application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Development Engineers	Referral Response 1 - 02/06/2016 Council's records indicate that the proposed swimming pool is located adjacent to Council's stormwater pipeline. As outlined in the Development Application

NORTHERN BEACHES COUNCIL

Internal Referral Body	Comments
	Checklist, the applicant is required to demonstrate compliance with Council's Policy PAS-PL 130 Building Over or Adjacent to Constructed Drainage Systems and Easements. This consists of accurately locating, confirming dimensions and plotting Council's stormwater pipelines and associated infrastructure to scale on the DA plans which show the proposed works. This should be carried out by a service locating contractor and registered surveyor. (The applicant will need to provide evidence of methodology used for locating). A plan outlining the indicative locations of Council's stormwater infrastructure is available from Warringah Council's website – Planning and Development – Applications (e services) – Planning - Planning maps – stormwater maps or follow the link below: http://www.warringah.nsw.gov.au/ePlanning/pages/xc.plan/PlanningMapsEsri.aspx?cid=&a=&l=-1) • All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with the above-mentioned policy. Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance with Council's policy are to be submitted. • Should the applicant be proposing to relocate, upgrade or remove this infrastructure, details should be provided. Not supported for approval due to lack of information to address: • Council's Stormwater pipeline clearance for the development in accordance with clause C6 Building over or adjacent to Constructed Council Drainage Easements Further consideration dated 9/6/16 Based on the advice from Council's Stormwater Assets Engineer (see TRIM no. 2016/180672 and 2016/180304), Development Engineers no longer raise any objections to the proposal subject to conditions.
Landscape Officer	Following site visit, it is apparent that minimal rock excavation is required. No objections subject to conditions as recommended.

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 (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 Environment 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	Top of swimming pool fence - 4.2m	Yes

Compliance Assessment

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

6.4 Development on sloping land

The Geotechnical Report provided with the development application related to DA2015/1014 which was withdrawn. A revised Geotechnical covering letter was provided dated 5 August 2016 and acknowledged that the plans had changed since the original report dated 6 October 2015 and that excavation was no longer required as part of the current proposal. The report also stated that any conditions relating to excavation are to be disregarded. The proposed changes to the location of the swimming pool reduces the risks from a geotechnical perspective, however, the relevant recommendations and risk assessment in the original report have not changed and will be conditioned as a part of the Notice of Determination.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	4.2m	N/A	Yes
B3 Side Boundary Envelope	West - 4m	No encroachment	N/A	Yes
	East - 4m	No encroachment	N/A	Yes
B5 Side Boundary Setbacks	West - 0.9m	8.5m	N/A	Yes
	East - 0.9m	1m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	2.2m	66.16%	No
B9 Rear Boundary Setbacks	6m	32.4m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	40.71%	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes

NORTHERN BEACHES COUNCIL

Clause	Compliance with Requirements	Consistency Aims/Objectives
R2 Side Boundary Envelope Exceptions	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
Side Setback Exceptions - R2	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
R2 - All other land in R2 Zone	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
All other land under R2	Yes	Yes
Rear Boundary Exceptions - R2	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	No	Yes
C9 Waste Management	Yes	Yes
Residential accommodation - one or two dwellings	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D16 Swimming Pools and Spa Pools	No	Yes
D22 Conservation of Energy and Water	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B7 Front Boundary Setbacks

Description of non-compliance

The proposed swimming pool and coping is setback 2.2 - 2.3m from the front boundary.

The control requires a 6.5m front boundary 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 create a sense of openness.*

Comment:

The front yard steps down with the slope of the site. The proposed swimming pool will be level with the existing top of the yard. The proposed swimming pool is level with the front of the site, an open structure that will not reduce the sense of openness at the front of the site.

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

Comment:

Lancaster Crescent has varying front boundary setbacks with examples of swimming pools, car parking, garages and dwellings within the front boundary setback area. No. 21 Lancaster Crescent immediately adjoining the site to the west has a swimming pool at the front of the site and has similar site constraints as the subject site. The proposed swimming pool will be located behind a 1.8m high boundary fence and proposed landscaping along the front boundary. The proposal will not unreasonably impact on the existing visual continuity and pattern of buildings and landscape elements.

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

Comment:

The proposed swimming pool will be located behind an existing 1.8m high boundary fence and screen planting along the front boundary. The proposed swimming pool is a low level open structure that will not detract from the visual quality of the streetscape and public spaces.

- *To achieve reasonable view sharing.*

Comment:

The proposed works will not unreasonably affect the sharing of views from adjoining and surrounding properties.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C6 Building over or adjacent to Constructed Council Drainage Easements

The application was referred to Councils Development Engineers and Stormwater Asset Engineers. Councils Stormwater Asset Engineers inspected the pipe line on 17 Lancaster Crescent using a Quickview Camera to assess the alignment of the pipeline. Based on Councils inspection, minimal excavation proposed as part of the development and the horizontal clearance, Councils Stormwater Asset Engineers and Development Engineers were satisfied that the proposal, subject to conditions, was satisfactory. A condition requiring a post construction dilapidation survey is recommended to identify if any damage has been caused during the construction of the swimming pool.

C8 Demolition and Construction

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

D8 Privacy

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

Comment:

The proposed swimming pool at the front of the site is located behind a 1.8m high boundary fence and proposed landscaping along the front boundary. The garage to the west of the pool and the existing side boundary fence and privacy screening along the eastern boundary with 17 Lancaster will maintain privacy between dwellings. The location of the swimming pool, existing fence, privacy screening and proposed screen planting will maintain visual and acoustic privacy between dwellings.

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

Comment:

The design and location of the proposed swimming does not require excavation of the site and will maintain the existing rock outcrops and terraced garden located at the front of the site. The location of the swimming pool also provides direct access from the dwelling and utilises existing fencing and privacy screening along the boundaries to maintain privacy for the occupants of the site and the adjoining properties. The proposal uses innovative design solution to improve the urban environment.

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

Comment:

A reasonable level of personal and property security for occupants and visitors will be provided.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D16 Swimming Pools and Spa Pools

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 swimming pools and spas are located to preserve the natural environment, streetscape and*

residential amenity.

Comment:

The design and location of the swimming pool at the front of the site does will maintain the existing rock outcrop and terraced garden at the front of the site. The proposal will also utilise existing fencing and privacy screening to maintain privacy for the occupants of the site and the adjoining properties as well as well maintaining the streetscape. The location of the proposed swimming pool will preserve the natural environment, streetscape and residential amenity.

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

Comment:

The location of the swimming pool at the front of the site will provide direct access from the dwelling as opposed to at the rear of the site that has limited connectivity with the dwelling. The rear of the sits much lower than the dwelling and is difficult to access from the dwelling. The location and design of the swimming pool at the front of the site will utilise existing fencing and privacy screening to maintain privacy for the occupants of the site and the adjoining properties. The proposal provides an innovative design solution which will maintain the urban environment.

Whilst the DCP requirements discourage pools in front yards the proposed pool has demonstrated that it will not unreasonably impact on adjoining privacy, is consistent with the streetscape and the site is constrained by its topography to locate the pool elsewhere on site so it is deemed to be consistent with the objectives the the WDCP.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

E10 Landslip Risk

The Geotechnical Report provided with the development application related to DA2015/1014 which was withdrawn. A revised Geotechnical covering letter was provided dated 5 August 2016 and acknowledged that the plans had changed since the original report dated 6 October 2015 and that excavation was no longer required as part of the current proposal. The report also stated that any conditions relating to excavation are to be disregarded. The proposed changes to the location of the swimming pool reduces the risks form a geotechnical perspective, however, the relevant recommendations and risk assessment in the original report have not changed and will conditioned as a part of the Notice of Determination.

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

Warringah Section 94A Development Contribution Plan

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

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 DA2016/0248 for Construction of a swimming pool on land at Lot 2 DP 11899, 19 Lancaster Crescent, COLLAROY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A02 - Revision C - SITE PLAN	10.03.16	ICR Design

NORTHERN BEACHES COUNCIL

A03 - Revision C - POOL LAYOUT PLAN	23.02.16	ICR Design
A04 - Revision B - POOL ELEVATIONS	23.02.16	ICR Design
A05 - Revision B - POOL ELEVATIONS	10.03.16	ICR Design
A06 - Revision B - POOL Sections	10.03.16	ICR Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
19 Lancaster Crescent, Collaroy Plans Changed Since Completion of Report. J0602A	5th August, 2016	White Geotechnical Group

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

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

Sediment and Erosion Control Plan		
Drawing No.	Dated	Prepared By
A07 - Revision B - SEDIMENTATION AND EROSION CONTROL PLAN	10.03.16	ICR Design

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **Prescribed Conditions**

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

(ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(iii) stating that unauthorised entry to the work site is prohibited.

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

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative Requirement (DACPLB09)

3. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or

alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

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

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

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) 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.

(l) 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.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in 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.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

4. **Security Bond**

A bond (determined from cost of works) of \$1,000 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.warringah.nsw.gov.au/your-council/forms).

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

5. **Works Bonds**

(a) Construction, Excavation and Associated Works Bond (Road)

A Bond of \$5,000 as security against any damage to Council's stormwater pipeline in the vicinity of the works as approved in this consent.

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.warringah.nsw.gov.au/your-council/forms).

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

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

6. **Structures Located Adjacent to Council Pipeline or Council Easement**

All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. Landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted).

Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACENC21)

7. Waste Management Plan

A waste management plan that addresses Clauses C8 and C9 in the Warringah DCP must be prepared for this development.

Details of the method of transportation and location of the waste/recycling centres are to be included in the plan

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

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.(DACHPC03)

8. Tree protection and roots

(a) Existing trees which must be retained

All trees not indicated for removal on the approved plans, unless exempt or noxious in Warringah

(b) Tree protection

i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.

ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.

iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.

iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause

E1 Private Property Tree Management and AS 4373 Pruning of amenity trees

v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

9. Required Planting – Screening

i) Screen planting is to be installed as indicated on Pool Layout Plan Dwg. No. A03 C dated 03/2016 and is to comprise species capable of attaining a minimum height of 2 metres at maturity.

ii) Plants are to be planted at minimum 1 metre centres and be of a minimum pot size of 25 litres at planting.

Reason: Local amenity (DACLAC01)

10. Pre-Construction Dilapidation Survey

A pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing

a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterasset>

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACNEC20)

11. **Compliance with Standards**

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

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

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

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website

http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

12. **Sewer / Water Quickcheck**

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

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

NORTHERN BEACHES COUNCIL

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. **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. (DACENE09)

14. **Trees Condition**

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLAE03)

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

15. **Certification of Structures Located Adjacent to Council Pipeline or Council Easement**

All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. Landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted).

A statement of compliance is to be prepared by a suitably qualified Civil Engineer and submitted to the Certifying Authority for approval prior to release of the security bond..

Reason: Protection of Council's Infrastructure (DACENF11)

16. **Post-Construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets>

The post construction dilapidation report must be submitted to the Council for review and the Certifying Authority prior to the issue of the Occupation Certificate. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure (DACNEF11)

17. **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)

18. **Locations of Works**

All works relating to this Development Application are to be located entirely within the subject site.

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

Reason: To ensure structures do not encroach into adjoining properties. (DACPLFPOC1)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

Signed

Julie Edwards, Planner

The application is determined under the delegated authority of:

Rodney Piggott, Development Assessment Manager

NORTHERN BEACHES COUNCIL

ATTACHMENT A

Notification Plan	Title	Date
 2016/089003	Plans - Notification	15/03/2016

ATTACHMENT B

Notification Document	Title	Date
 2016/111114	Notification Map	08/04/2016

NORTHERN BEACHES COUNCIL

ATTACHMENT C

Reference Number	Document	Date
 2016/089013	Political Donations and Gifts Declaration Form without Declaration	08/10/2015
 2016/089009	Superseded - Report - Geotechnical Investigation	14/10/2015
 2016/089011	Report - Waste Management Plan	15/10/2015
 2016/089003	Plans - Notification	15/03/2016
 2016/089005	Report Statement of Environmental Effects	16/03/2016
 DA2016/0248	19 Lancaster Crescent COLLAROY NSW 2097 - Development Application - Alterations and Additions	17/03/2016
 2016/084543	DA Acknowledgement Letter - Padraig Joseph Crumlin	17/03/2016
 2016/089008	Plans - Architectural	22/03/2016
 2016/088993	Development Application Form	22/03/2016
 2016/088998	Applicant Details	22/03/2016
 2016/098194	Referral to AUSGRID - SEPP - Infrastructure 2007	29/03/2016
 2016/109446	Development Engineering Referral Response - superseded	07/04/2016
 2016/111090	Notification Letters - 10	08/04/2016
 2016/111114	Notification Map	08/04/2016
 2016/129468	Online Submission - Niven	25/04/2016
 2016/129471	Online Submission - Niven	26/04/2016
 2016/130196	FAX - Submission - Niven	26/04/2016
 2016/131601	Online Submission - Niven	26/04/2016
 2016/131599	GM response required - Brad Hazzard - representations - Melouney and Niven - DA20160248 - 19 Lancaster Crescent Collaroy	27/04/2016
 2016/132954	Further representations from Brad Hazzard - re DA2016/0248 - 19 Lancaster Crescent, Collaroy	28/04/2016
 2016/196387	Email - ICR Design - Survey	05/05/2016
 2016/141363	Working plans	05/05/2016
 2016/196389	Email - ICR Design - Progress Update	11/05/2016
 2016/149173	Melouney - concerns over meeting request	13/05/2016
 2016/149571	GM Response - 19 Lancaster Crescent COLLAROY	13/05/2016
 2016/165252	Response - Melouney - Concern over meeting Request	26/05/2016
 2016/172020	Development Engineering Referral Response	02/06/2016
 2016/196395	Email - ICR Design - Discussions with Council	02/06/2016
 2016/172282	Landscape Referral Response	02/06/2016
 2016/196397	Email - ICR Design - Progress Update	03/06/2016

NORTHERN BEACHES COUNCIL

	2016/180180	SURVEY	09/06/2016
	2016/180304	Storm water assets comments	09/06/2016
	2016/180672	Stormwater Assets advice - bond	09/06/2016
	2016/180739	Development Engineering Referral Response	09/06/2016
	2016/198401	GM response required - Regarding previous submissions and response - DA2016/0248 - DA2015/1014 - Niven	23/06/2016
	2016/212385	GM response required - Copy requested - Response from Northern Beaches Council	27/06/2016
	2016/234566	GM response - Regarding previous submissions and response - DA2016/0248 - DA2015/1014 - Niven	14/07/2016
	2016/240175	GM response - Copy requested - Response from Northern Beaches Council	18/07/2016
	2016/279513	Report - Geotechnical Investigation	24/08/2016
	2016/281643	Development Application Form - update to 2.16 Disclosure of Political Donations and Gifts	26/08/2016