

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2022/1799
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<b>Responsible Officer:</b>	Megan Surtees
<b>Land to be developed (Address):</b>	Lot 47 DP 236457, 11 Coutts Crescent COLLAROY NSW 2097
<b>Proposed Development:</b>	Alterations and additions to a dwelling house
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Catherine Megan Matthews
<b>Applicant:</b>	Catherine Megan Matthews

<b>Application Lodged:</b>	01/11/2022
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	07/11/2022 to 21/11/2022
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	2
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 550,000.00
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### PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for alterations and additions to a residential dwelling pursuant to the *Warringah Local Environmental Plan 2011* (WLEP 2011), comprising the following:

#### Ground Floor

- Reconfiguration of the ground floor level to accommodate:
  - Replacement of garage with a gym
  - Alterations to the existing wetbar and rumpus room
  - New internal staircase
  - New laundry with external access to new deck along the side to gain access to the rear yard
  - New bathroom

- Alterations to Bedroom 5

## First Floor

- Reconfiguration of the first floor level to accommodate:
  - Study
  - Open plan kitchen, dining and living room
  - Walk-in robe and en-suite to Bedroom 1
  - Powder room

## External

- 1.1 metre wide timber deck for side access from internal laundry, to connect with proposed ground level deck extension
- Timber stairs from deck extension to the rear yard
- Courtyard and garden area located off the gym
- Swimming pool
- Elevated car space and driveway extension, including bin storage area, with 1.1 metre high concrete block dwarf wall to the southern elevation, and a 1.5 metre high privacy screen along the eastern elevation to screen the bin storage area
- Balcony extension to existing balcony, with access from Bedroom 1 and the living room

## ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B3 Side Boundary Envelope  
Warringah Development Control Plan - B5 Side Boundary Setbacks  
Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - B9 Rear Boundary Setbacks  
 Warringah Development Control Plan - D6 Access to Sunlight  
 Warringah Development Control Plan - D8 Privacy

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 47 DP 236457 , 11 Coutts Crescent COLLAROY NSW 2097
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the southern side of Coutts Crescent.</p> <p>The site is irregular in shape with a soft arc frontage of 16.935m along Coutts Crescent and a maximum depth of 40.775m. The site has a surveyed area of 708.2m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone within the <i>Warringah Local Environmental Plan 2011</i> and accommodates a two (2) storey residential dwelling within a landscaped setting.</p> <p>The site has a northerly orientation and is located on a slope of approximately 7.62m, falling from the centre of the front boundary toward the rear south-western corner.</p> <p>The site is not known to have any threatened species. Established gardens are located within the front and rear yards.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by two and three storey residential dwellings, some with swimming pools, within landscaped settings.</p>

Map:



## SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

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

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a) (iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the	Part 4, Division 2 of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters

Section 4.15 Matters for Consideration	Comments
Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p>have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to the provision of amended plans to remove the carport structure, and accurately locate the service infrastructure sited along the rear boundary. This information was requested via a Request for Further Information letter that was sent to the Applicant on 15 December 2022. Amended plans were provided to Council on 30 December 2022, which were superseded by an additional set of amended plans. Council's Development Engineer required further amendments to the master set plans whereby the Applicant was requested to show the stormwater service pipe. This information was requested via a 7 day letter on 9 March 2023, and the final amended set of plans (which forms the basis of this assessment) was provided to Council on 13 March 2023. As the amended plans showed a reduced or less environmental impact, formal renotification was not required in accordance with Council's Community Participation Plan (CPP).</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) –	The site is considered suitable for the proposed development.



Section 4.15 Matters for Consideration	Comments
the suitability of the site for the development	
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 07/11/2022 to 21/11/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

Name:	Address:
Mrs Mona Monique Kalt	5 Coutts Crescent COLLAROY NSW 2097
Mrs Maureen Elizabeth Forrester	9 Coutts Crescent COLLAROY NSW 2097

The following issues were raised in the submissions:

- Carport and subsequent issues with the front setback distance, solar access, vehicle noise and pollution, and loss of visual amenity.

The above issues are addressed as follows:

- **Carport and subsequent issues with the front setback, solar access, vehicle noise and pollution, and loss of visual amenity.**

*The submissions raised concerns that the proposed carport will result in an unreasonable bulk and scale of which will negatively impact upon the existing streetscape of Coutts Crescent. One submission suggests reducing the width and length of the carport and removing the roof. Another submission suggests moving the proposed carport to the western portion of the subject site, or regrade the existing driveway and allow the continued use of the existing garage. [Following the provision of amended plans whereby the carport roof was removed], a query has*

*been raised in one submission as to whether Council could approve a roof structure under a future development application. One submission notes that the proposal includes the substantial excavation of the concrete driveway, and a request has been made that Council require the Applicant undertake dilapidation investigations and provide a pre and post dilapidation report on 9 Coutts Crescent.*

*The following concerns were also raised by the resident of 9 Coutts Crescent: severe reduction to the solar access of the internal living area, front verandah, and front yard, thus requesting elevation shadow diagrams to accurately assess the extent of overshadowing; unreasonable noise and pollution impact of vehicles entering the subject site (which will impact upon the sleep pattern of the residents)*

Comment:

Amended plans were provided to Council which removed the roof structure of the proposed carport, thus resulting in the off-street parking for two (2) vehicles on an elevated car space with a bin storage area. The assessment has found that retaining a similar location for vehicles entering and exiting the subject site requires less disruption to the subject site, as such the Applicant was not requested to move the proposed off-street parking to the western portion of the front setback area.

Detailed assessments have been undertaken within this report where the proposed development does not meet the numeric requirements of relevant built form controls. Further, a detailed assessment of the proposed solar access has been undertaken and the assessment has found that the proposal provides a reasonable level of solar access to the subject site and adjoining properties. In this instance, elevational shadow diagrams are not required to be provided with this application. As such, the assessment has found that the proposed elevated car space is acceptable, in this instance.

The proposed location of the driveway and elevated car space is in a similar location to the existing driveway and garage and any vehicles entering/exiting the subject site will not cause a material increase in vehicle light spill, noise or pollution to what is existing. Further, the proposed architectural plans, as amended, do not indicate substantial excavation of the existing driveway, and the proposed works are not sited within close proximity to neighbouring properties. In this instance, a pre and post dilapidation report for adjoining properties shall not be requested.

These issue **do not warrant** reason for refusal of the application.

## REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	<p><b>Final Comments - 14 March 2023</b></p> <p>The amended plans were provided.</p> <p>The Development Engineering supports the application.</p> <p>Note: As per council's "Water Management for Development Policy", Onsite Detention (OSD) system is not required for alteration and addition of residential dwelling.</p>

Internal Referral Body	Comments
	<p><b>Second Comments - 21 February 2023</b></p> <p>It appears that proposed development is near the council infrastructure present within the site (Stormwater Pipe). To demonstrate compliance with Warringah Council's Development Control Plan 2011 and Northern Beaches Council's Water Management for Development Policy. It is recommended that following details are submitted with the application:</p> <ol style="list-style-type: none"> <li>1. Accurately locate, confirm dimensions including depth and plot to scale Council' s Public drainage system and associated infrastructure on the DA site plans that outline the proposal. This should be carried out by service locating contractor and registered surveyor. (Evidence of methodology adopted used for locating stormwater system should be provided)</li> <li>2. All structures are to be located clear of any council pipeline, pit or easement and comply with minimum vertical and horizontal clearances.</li> </ol> <p>If the applicant proposes to use a CCTV pipeline survey to confirm the location of the pipeline, it is recommended that the survey is carried out in accordance with council's guidelines</p> <p>As such Development Engineering cannot support the application.</p> <p><b>First comments - 5 November 2022</b></p> <p>Council's records indicate the subject property is burdened by a 675 mm diameter Council stormwater pipeline which traverses across the site nears to the proposed swimming pool.</p> <p>The applicant must provide the accurate location of the pipeline and plot to the Council's stormwater pipelines and associated infrastructure on the DA site plans that outline the proposal. This should be carried out by a service locating contractor and registered surveyor to confirm the information of the pipeline.</p> <p>As such, Development Engineering is unable to assess the application further.</p> <p>The proposal is therefore unsupported.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

All, Environmental Planning Instruments (SEPPs 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 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 (Building Sustainability Index: BASIX) 2004**

A BASIX certificate has been submitted with the application (see Certificate No. A469719 dated 18 October 2022).

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

### **SEPP (Resilience and Hazards) 2021**

#### **Chapter 2 – Coastal Management**

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

#### **Division 3 Coastal environment area**

##### **2.10 Development on land within the coastal environment area**

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

#### **Comment:**

The subject site is located within the Coastal Environment Area, as such, this Clause applies. As the proposed development is generally sited over the existing building footprint, and where the proposed works are not located over the existing building footprint there is minimal ground works which could unreasonably impact upon the matters prescribed in Clause 1 of this division.

In this instance Council, as the consent authority, has considered the impacts of the proposed development and Council can be satisfied that those impacts are unlikely to have an adverse or unreasonable impact upon such matters prescribed above.

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

Comment:

For the reasons detailed above, Council, as the consent authority, can be satisfied that the proposed development can achieve the matters prescribed within Clause (2) of this division.

## Division 5 General

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

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

Comment:

The proposed development is unlikely to increase the risk of coastal hazards.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

## Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

## Warringah Local Environmental Plan 2011

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

## Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
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Height of Buildings:	8.5m	Dwelling: 7.04m Elevated car space: 3.08m	N/A N/A	Yes Yes
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#### Compliance Assessment

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

### Warringah Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	<b>South-eastern Elevation</b> 5.2m - 6.2m	N/A	Yes (existing & unchanged)
		<b>North-western Elevation</b> 4.3m - 6.9m	N/A	Yes (existing & unchanged)
B3 Side Boundary Envelope	<b>South-eastern boundary</b> 4m	<b>Dwelling</b> Encroachment (compliant to a max. height of 0.38m for a length of 2.59m)	N/A	No (existing & unchanged)
		<b>Car space</b> No encroachment	N/A	Yes
	<b>North-western boundary</b> 4m	<b>Dwelling</b> Encroachment (compliant to a max. height of 1.03m for a length of 4.96m)	N/A	No (existing & unchanged)
		<b>Car space</b> No encroachment	N/A	Yes
B5 Side Boundary Setbacks	<b>South-eastern boundary</b> 0.9m	<b>Ground Floor</b> <i>Rear alfresco: 1.9m</i> <i>Front courtyard: 0.97m</i> <i>Dwelling: 1.9m</i>	N/A N/A N/A	Yes (existing) Yes Yes (existing)
		<b>First Floor</b> <i>Front privacy screen:</i>	N/A	Yes

		1.85m <i>Rear privacy screen:</i> 1.80m <i>Dwelling:</i> 1.85m	N/A N/A	Yes Yes (existing)
		<b>Car Space</b> 1.7m & 2.6m	N/A	Yes
		<b>Swimming pool</b> 3.7m - 3.8m	N/A	Yes
	North-western boundary 0.9m	<b>Ground Floor</b> <i>Dwelling:</i> 2.0m - 2.3m <i>Rear deck:</i> 0.7m - 0.8m <i>Side deck:</i> 0.8m - 1.0m	N/A 22% max. 11.1% max.	Yes (existing) No No
		<b>First Floor</b> <i>Dwelling:</i> 2.0m - 2.30m <i>Open balcony:</i> 1.90m - 2.0m	N/A N/A	Yes (existing) Yes
		<b>Car Space</b> 9.3m - 9.5m	N/A	Yes
		<b>Swimming Pool</b> 0.9m - 1.1m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	<b>Ground Floor</b> <i>Courtyard:</i> 10.6m - 11.2m <i>Dwelling:</i> 12.7m - 13.0m	N/A N/A	Yes Yes (existing)
		<b>First Floor</b> <i>Dwelling:</i> 9.8m - 10.0m	N/A	Yes
		<b>Car space</b> 2.0m - 2.65m	69%	No
B9 Rear Boundary Setbacks	6m	<b>Ground Floor</b> <i>Dwelling:</i> 17.0m - 18.0m <i>Alfresco:</i> 13.8m - 14.6m <i>Deck:</i> 15.4m - 16.1m	N/A N/A N/A	Yes (existing) Yes (existing) Yes
		<b>First Floor</b> <i>Dwelling:</i> 17.0m - 18.0m <i>Alfresco:</i> 13.8m - 14.6m <i>Open balcony:</i> 15.4m - 16.1m	N/A N/A N/A	Yes (existing) Yes (existing) Yes
		<b>Swimming pool</b> 2.3m - 4.55m	61.6%	No

D1 Landscaped Open Space (LOS) and Bushland Setting	40% (283.3m <sup>2</sup> )	40.3% (285.4m <sup>2</sup> )	N/A	Yes
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#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	No	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

#### Detailed Assessment

### **B3 Side Boundary Envelope**

### Description of non-compliance

This control requires development to be sited within a boundary envelope measured from the side boundary at a height of 4.0 metres, then angled inward at 45 degrees. The dwelling, as existing, encroaches beyond the south-eastern and north-western side boundary envelopes at the rear of the dwelling, as indicated in Figures 1 and 2.

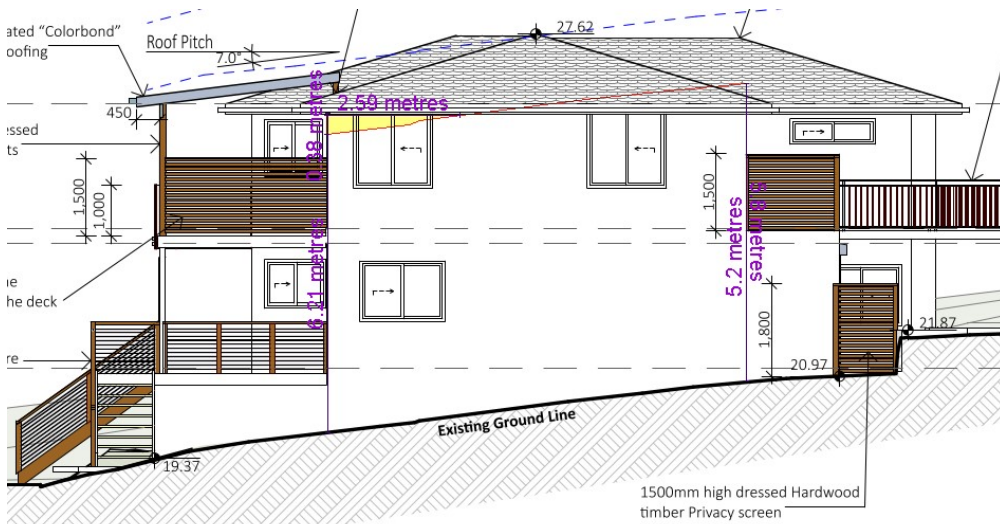


Figure 1. South-eastern side boundary envelope breach, indicated in yellow.

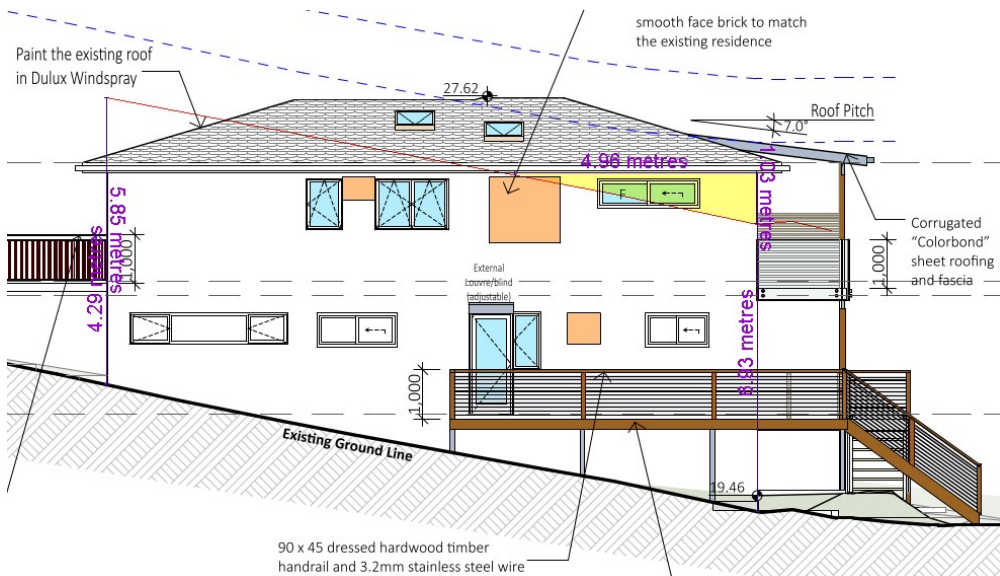


Figure 2. North-western side boundary envelope breach, indicated in yellow.

However, this is an existing non-compliance and the proposed development does not seek to change or worsen this non-compliance. As such, a merit consideration is not required, in this instance.

### **B5 Side Boundary Setbacks**

#### Description of non-compliance

This control requires development to be setback 0.9 metres from both side boundaries. The proposal generally achieves compliance with the requirements of this control, save for the side deck along the north-west elevation, which results in a side setback ranging between 0.8m & 1.0m, which presents a



maximum variation of 11.1%.

As this deck is elevated, and generally within the side setback area, a condition has been included to reduce the width of the side deck to 1.0 metres, which will subsequently increase the side setback distance which will achieve compliance with the requirements of this control. Another condition will be recommended that requires a privacy screen is affixed to the balustrade of the deck along the north-western elevation to ensure a reasonable level of privacy is obtained.

#### Merit consideration

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

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

#### Comment:

Notwithstanding the non-compliance to this control, there remains ample landscaped areas throughout the site that provide opportunities for deep soil landscaping.

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

#### Comment:

As conditioned, the proposed development is unlikely to become visually dominant resulting in an unreasonable amenity impact upon adjoining properties.

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

#### Comment:

As above, and as conditioned, the proposed development is unlikely to result in a bulk and scale of the built form that has an unreasonable amenity impact adjoining properties.

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

#### Comment:

As conditioned, the proposed development will result in a compliant side setback to the side deck that will ensure a reasonable level of privacy and amenity between properties. There will be no adverse solar access impacts arising from the proposed works to the north-western elevation.

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

#### Comment:

The proposed development is sited on the ground floor level of the existing dwelling along the north-western side elevation. As such, it is unlikely to impact upon the reasonable sharing of views to and from public and private properties.

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

## **B7 Front Boundary Setbacks**

### Description of non-compliance

This control requires development to be setback 6.5 metres from the front boundary line. The proposed elevated car space is sited within the front setback area, with a distance ranging between 2.0 metres and 2.65 metres. This control notes that the front setback area should be generally free of carparking (as well as basements, site facilities or other structures).

In this instance, a merit assessment against this variation has been undertaken below.

### 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:

Amended plans were provided which removed the roof form over the elevated parking space so as to reduce the proposed built form within the front setback area. In this instance, the removal of the roof form allows for a sense of openness within the front setback area.

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

#### Comment:

Adjoining and nearby properties along Coutts Crescent generally have garages incorporated into the dwelling. In this instance, a elevated car space within the front setback would break up the visual continuity of Coutts Crescent. However, the existing parking arrangement on the subject site requires a steep driveway to enter and exit the property, which is likely to restrict visual surveillance of the Coutts Crescent when exiting the subject site. As the roof over the elevated car space has been removed, the visual impact of this structure is minimal with no unreasonable amenity impacts upon the streetscape or adjoining properties.

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

#### Comment:

As detailed above, the visual impact of the proposed elevated car space is minimal and thus the visual quality of Coutts Crescent and any nearby public spaces will not be unreasonably impacted.

- *To achieve reasonable view sharing.*



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

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

Comment:

Notwithstanding the minor non-compliance to this control, there remains spaces throughout the subject site that can provide opportunities for deep soil landscape areas.

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

Comment:

The existing rear yard is split over two (2) levels, with the proposed swimming pool sited on the lower level adjacent to the timber retaining wall separating the levels. As such, appearing as in-ground when viewed from within the property boundaries, and from adjoining properties. In this instance, there remains a sense of openness in the rear yard.

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

Comment:

The proposed swimming pool is sited 1.65 metres above ground so as to integrate into the second level of the rear yard and minimise excavation and ground disturbance by being above-ground. In this instance, a condition will be recommended to ensure replacement screen planting along the rear south-west boundary so as to achieve a similar level of landscape screening as to what is existing. *Super Studio v Waverley Council* [2004] NSWLEC 91 at [6] notes that landscaping as a privacy measure should be given minor weight, as the effectiveness of such a measure requires, and depends on, 'continued maintenance, good climatic conditions and good luck'. However, the recommended condition would simply be requiring a like-for-like screen planting which, in this instance, is considered acceptable.

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

Comment:

Swimming pools are a common feature within rear yards of adjoining and nearby properties. Therefore, the provision of a swimming pool in the rear yard of a residential lot is an acceptable landscape element. In this instance, the proposed swimming pool will establish visual interest in the rear yard with minimal amenity impacts upon adjoining properties.

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

Comment:

As detailed above, an appropriate condition will be recommended to ensure an acceptable level of privacy is maintained.

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.

## **D6 Access to Sunlight**

### Detailed description

This control requires development to avoid unreasonable overshadowing of any public open space, and to provide at least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.

Shadow diagrams have been provided with this application. The proposed development results in an acceptable level of solar access which achieves compliance with the requirements of this control. However, a submission has raised concern that the proposed elevated car space will create unreasonable overshadowing to the adjoining property, being 9 Coutts Crescent.

In this instance, a merit consideration has been undertaken below.

### Merit consideration

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

- *To ensure that reasonable access to sunlight is maintained.*

#### Comment:

The proposed development creates minor additional overshadowing at 9am, and more substantial overshadowing at 12 noon and 3pm. However, the overshadowing at 12 noon and 3pm is primarily to the front of the dwelling at 9 Coutts Crescent, with minor additional overshadowing to the rear private open space of 9 Coutts Crescent. From 12 noon, the proposed development does not create additional overshadowing to any properties to the rear of the subject site.

At 9am, 12 noon and 3pm, the proposal does not seek to reduce the solar access of the rear private open space to the subject site by more than 50%.

Based on the above, the proposed development achieves compliance with the requirements of this control.

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

#### Comment:

The proposed development is considered to result in a built form that is acceptable for the context of the site and surrounding land. As such, the design is acceptable and is not expected to have any unreasonable impacts upon the solar access of the private open spaces of adjoining properties, as detailed above.

- *To promote passive solar design and the use of solar energy.*

Comment:

The proposed development is considered to promote passive solar design and the use of solar energy, discouraging the frequent use of artificial heating.

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

## **D8 Privacy**

### Merit consideration

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

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

Comment:

Three new windows are proposed along the north-western elevation on the first floor level, W4, W5 and W6. W4 has a sill height of 1.6 metres and is sited to Bedroom 1; W5 and W6 are sited to the en-suite of Bedroom 1 and the power room. A window and door schedule has been provided (see drawing no. DA 03 'Proposed Floor Plans') that indicates W5 and W6 will be obscured glass so as to provide a high level of privacy. Based on this, the proposed windows along the north-western elevation are unlikely to cause unreasonable privacy impacts upon the adjoining property.

No new windows are proposed along the south-eastern elevation.

The proposed side deck that allows access from the internal laundry to the rear yard along the north-western elevation is setback 0.8 metres to 1.0 metres from the side boundary, which results in a maximum variation of 11.1%. In this instance, as detailed elsewhere in this report, conditions have been recommended which would result in an increased side setback distance, and enhancement of privacy between properties.

In this instance, as conditioned, the siting and design of the proposed works will provide an acceptable level of visual and acoustic privacy for the occupants of the subject site and that of the adjoining neighbours.

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

Comment:

As conditioned, the proposed development results in an overall contemporary building design that will successfully improve the existing urban environment.

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



Comment:

The proposed development ensures an appropriate level of person and property security is maintained for the occupants of the subject site and any visitors to the site.

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

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2022**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$5,500 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$550,000.

## **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- 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 DA2022/1799 for Alterations and additions to a dwelling house on land at Lot 47 DP 236457, 11 Coutts 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 with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

##### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA 01 Annexure "A" Site Plan	10 March 2023	Lifestyle Home Designs
DA 02 Annexure "A" Existing Floor Plans	10 March 2023	Lifestyle Home Designs
DA 03 Annexure "A" Proposed Floor Plans	10 March 2023	Lifestyle Home Designs
DA 04 Annexure "A" Elevations	10 March 2023	Lifestyle Home Designs
DA 05 Annexure "A" Sections	10 March 2023	Lifestyle Home Designs
DA 06 Annexure "A" Roof Plan	10 March 2023	Lifestyle Home Designs
Schedule of Colours and Finishes	Not dated	Lifestyle Home Designs

Engineering Plans		
Drawing No.	Dated	Prepared By
SW1 Rev 0 Concept Drainage Plan	28 September 2022	E2 Civil and Structural Design Pty Ltd
SW2 Rev 0 Concept Drainage Details	28 September 2022	E2 Civil and Structural Design Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Underground Services Report	18 January 2023	Civil Scan Underground Pipe & Cable Locating
BASIX Certificate A469719	18 October 2022	Lifestyle Home Designs

Arboricultural Impact Assessment Report (Revision A)	23 September 2022	Joanne Willis - Tree Consulting by Jo
Geotechnical Slope Stability Risk (Ref: 35487Brpt)	17 October 2022	JK Geotechnics

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

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

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	18 October 2022	Megan Matthews

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

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

## 2. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifier 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 Certifier 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 Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

Reason: Legislative requirement.

### 3. **No Approval for Secondary Dwelling**

No approval is granted or implied under this Development Consent for the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area as indicated on the approved first floor plan (DA 03 Annexure 'A' 'Proposed Floor Plans', dated February 2023, prepared by Lifestyle Home Designs).

Reason: To ensure compliance with the terms of this consent.

### 4. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (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 2018
    - (iv) Australian Standard AS1926 Swimming Pool Safety
    - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
    - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
  - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## FEES / CHARGES / CONTRIBUTIONS

### 5. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$5,500.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$550,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).



A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

**6. Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

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

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

**7. Construction, Excavation and Associated Works Bond (Drainage works)**

The applicant is to lodge a bond of \$7000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

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

**8. Stormwater Disposal**

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

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

**9. Amendments to the approved plans**

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

- The proposed side deck along the north-western elevation on the ground floor level shall be reduced in width to 1.0 metres.
- A privacy screen shall be affixed to the balustrade of the ground floor level deck along the north-western elevation to result in a maximum height of 1.65 metres when measured from the finished floor level of the side deck.
- Replacement screen planting of Lilly Pilly's (or other native species able to attain a similar density and height) along the full extent of the rear south-western boundary.

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

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

**10. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of a Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

**11. Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

**12. Vehicle Driveway Gradients**

The Applicant is to ensure driveway gradients within the private property are in accordance with the requirement of AS/NZS 2890.1:2004.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To ensure suitable vehicular access to private property.

**13. Vehicle Crossings Application**

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

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

Reason: To facilitate suitable vehicular access to private property.

14. **Pre-Construction Stormwater Assets Dilapidation Report**

The Applicant is to submit 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: <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

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

Reason: Protection of Council's infrastructure.

15. **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 Certifier prior to the issue of the Construction Certificate.

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

16. **External Finishes to Roof**

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

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

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

17. **Sydney Water "Tap In"**

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

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

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

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

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

18. **Road Reserve**

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

Reason: Public safety.

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

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

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

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

20. **Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

21. **Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

22. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge

height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

**23. Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

**24. Vehicle Crossings**

The Applicant is to construct one vehicle crossing 4.5 metres wide at kerb and 5.3 metres wide at boundary in accordance with Northern Beaches Council Drawing Normal Low (NL) profile and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Certifier.

Reason: To facilitate suitable vehicular access to private property.

**25. Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

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

**26. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

**27. Geotechnical Certification Prior to Occupation Certificate**

A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction

and that they are satisfied that development referred to in the development consent has been constructed in accordance with the intent of the Geotechnical Report referenced in Condition 1 of this consent.

Written certification is to be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

28. **Post-Construction Stormwater Assets Dilapidation Report**

The Applicant shall submit 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 <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

29. **Waste Management Confirmation**

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

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

30. **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 2018
- (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 Certifier, 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 Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To protect human life.

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

31. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

32. **Swimming Pool/Spa Motor Noise**

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

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

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

**Signed**



**Megan Surtees, Planner**

The application is determined on 31/03/2023, under the delegated authority of:



**Adam Richardson, Manager Development Assessments**