

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0401
----------------------------	-------------

Responsible Officer:	Monique Perera
Land to be developed (Address):	Lot 16 DP 12928, 53 Anzac Avenue COLLAROY NSW 2097
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	James Terence Rothwell Jennie Merle Rothwell
Applicant:	James Terence Rothwell Jennie Merle Rothwell

Application lodged:	17/04/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	06/05/2019 to 20/05/2019
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval

Estimated Cost of Works:	\$ 320,000.00
---------------------------------	---------------

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 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

SITE DESCRIPTION

Property Description:	Lot 16 DP 12928 , 53 Anzac Avenue COLLAROY NSW 2097
Detailed Site Description:	The site is legally identified as Lot 16 DP 12928, known as Number 53 Anzac Avenue, Collaroy. The subject site consists of one(1) allotment located on the northern side of Anzac Avenue. The proposed allotment descends front to rear with a fall of 3.96m. The allotment accommodates a split level weather board residence with a tiled roof. The dwelling viewed from the street appears as a single story. Under the Warringah Local Environmental Plan 2011 the land is within Area D of the Landslip Risk Area Map. The site falls within the Collaroy Plateau Area Flanking Slopes 5 to 15. The property slopes 13 degrees to rear. The allotment is rectangular in shape, with a total area of 670.3sqm and site boundary dimensions are as follows: The front boundary located to south is 15.28m. The side boundary located to east is 44.72m. The side boundary located to west is 44.49m. The rear boundary located to north is 15.24m. The subject site is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011. The land is within 50m of heritage item. The site does not contain significant vegetation. The surrounding precinct predominantly consists of one and two storey recently renovated and new dwellings within a landscape setting.

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.

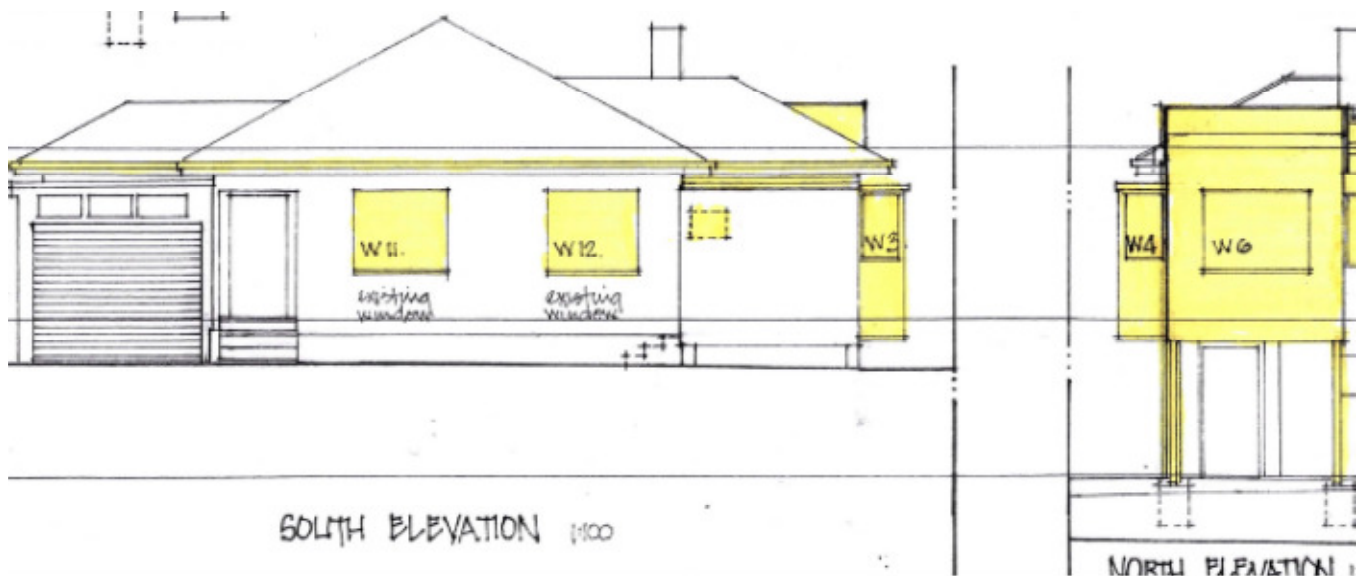
PROPOSED DEVELOPMENT IN DETAIL

The proposal includes alterations and additions to the existing dwelling and associated structures.

Details of the proposal are as follows:

Ground Floor:

- Alterations to the Master Bedroom.
- Alteration to the bathroom.
- New Bathroom.
- Alterations to the Sunroom.
- Alterations to the rear deck.
- New doors and windows.
- Alteration to the Ensuite.
- Alteration, extension and renovation to the roof



ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<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>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under

Section 4.15 Matters for Consideration'	Comments
	the Home Building Act 1989. This matter has been addressed via a condition of consent. Clause 98 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 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	(i) Environmental Impact 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) Social Impact The proposed development will have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

Name:	Address:
Mr Andrew James Kennewell	10 Woodward Street CROMER NSW 2099

The following issue was raised in the submission and have been addressed below:

- Overland stormwater flow.

The matters raised within the submissions are addressed as follows:

- *Concern was raised in regards to the management of stormwater and overland flow that might effect the adjoining property Number 51 Anzac Parade, Collaroy as a result of the proposal.*

Comment:

The proposal includes a new stormwater management system for the site to manage the stormwater and the overland flow. The existing stormwater tank and the pit will be utilised to retain and soak additional stormwater generated from the proposal. The additional roof area proposed is relatively small and insignificant. More than 70% of the proposed roof area will be a replacement. The proposed stormwater disposal will be connecting to the existing drainage system. The stormwater management plan is to be in accordance with Council's Water Management Policy. Council's development engineers have assessed the proposed stormwater management plan as being satisfactory and applied appropriate conditions to ensure no unreasonable impact arising from the overland stormwater flow.

This issue has therefore been addressed by engineering comments and does not warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The DA is considered acceptable with regard to the relevant controls relating to landscape issues, subject to conditions.
NECC (Bushland and Biodiversity)	This application was assessed under Warringah DCP E2 Prescribed vegetation, E4 Wildlife corridors and E6 Retaining unique environmental features. The proposal is for alterations and additions to the existing dwelling. No native trees or vegetation are proposed to be removed or impacted by the proposed works. Council's Natural Environment - Biodiversity section supports the application subject to conditions.
NECC (Development Engineering)	No objections are raised to the proposed development, subject to conditions.
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	The proposal has been referred to heritage as the property adjoins a heritage item

Internal Referral Body	Comments		
	Remnant Native Street Trees - I136 - Anzac and Hendy Avenue		
	Details of heritage items affected		
	Details of the item as contained within the Warringah heritage inventory is as follows:		
	<u>Statement of significance:</u> These trees are remnant components of the former open forest community on sheltered hill slopes (Sydney Sandstone Gully Forest) (Benson & Howell, 1994). This ecological community has been largely cleared in the Collaroy area. This disjunct remnant native tree group in the upper middle section of Anzac Avenue and along Hendy Avenue creates a distinctive visual and aesthetic quality to these streetscapes.		
	<u>Physical description:</u> This remnant group of native canopy trees occurs in the road-side grass verges and private gardens of Anzac Avenue and Hendy Avenue. Sydney Pink Gum or Smooth-barked Apple (Angophora costata) is the dominant species in association with Grey Ironbark (Eucalyptus paniculata) in Anzac Avenue (on the higher slopes) and Bangalay (E. botryoides) in Hendy Avenue (lower slopes).		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
Consideration of Application			
The proposal seeks consent for alterations and additions to an existing dwelling. The heritage item refers to street trees in the road reserve however there are none present outside this property. Therefore Heritage raises no objections and requires no conditions.			
Consider against the provisions of CL5.10 of WLEP.			
Is a Conservation Management Plan (CMP) Required? No			
Has a CMP been provided? No			
Is a Heritage Impact Statement required? No			

Internal Referral Body	Comments
	Has a Heritage Impact Statement been provided? No
	Further Comments
	COMPLETED BY: Brendan Gavin, Principal Planner
	DATE: 3 June 2019

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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate Number A345486. Dated 10/04/2019).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	Pass
Thermal Comfort	Pass	Pass
Energy	50	Pass

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

Warringah Local Environmental Plan 2011

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

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.1m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	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	5.4m	N/A	Yes
B3 Side Boundary Envelope - East Side Boundary Envelope West	4m	0.6m (Proposed Bedroom)	N/A	No
Side Boundary Envelope	4m	0.6m (Unchanged)	N/A	(Unaltered)
B5 Side Boundary Setbacks - East Side Boundary Setback West	0.9m	0.5m (Proposed Toilet)	44.4%	No
Side Boundary Setback	0.9m	0.3m (Unchanged to Garage)	66.6%	(Unaltered)
B7 Front Boundary Setbacks	6.5m	1.3m (Unchanged to Garage)	N/A	(Unaltered)
B9 Rear Boundary Setbacks	6m	25.5m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	457sqm (67.9%)	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	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	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
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

Description of non-compliance

The side boundary envelope control is 4.0m. The proposal demonstrates a variation of a 0.6m to side boundary envelopes on western and eastern elevations located to the rear. The site slopes front to rear. Nevertheless located to the east, the roof of the proposed bedroom encroaches the side boundary envelope by 0.6m. The percentile variation is 15%. The prevailing 0.6m encroachment of the boundary envelope to the rear west elevation, would not be altered by the proposal.

Merit consideration

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

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment:

The proposed side boundary envelope encroachment located to the rear of the dwelling facing east is minor in nature. The height, scale and bulk of the encroached part of the proposed roof is unnoticeable. The proposal will not be dominant viewed from the street as well as adjoining

neighbouring properties to the west and the east. The proposal will enhance the existing character of the dwelling. Therefore, it is considered that the design of the proposal mitigates bulk, height and scale of the dwelling.

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

Comment:

The articulated stepped formation of the proposed design ensures that it does not unreasonably create additional overshadowing to adjoining and nearby properties. The proposed additions will maintain the existing height and scale of the dwelling. The proposal complements the topography of the site and the split level design of the dwelling. The stepped formation and the articulation of the proposal ensures adequate light, solar access and privacy to adjoining properties. The spatial separation between dwellings will be maintained.

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

Comment:

The proposed site slopes front to rear. The flanking slope of the site is 5-15. The proposal will maintain and enhance the single storey appearance of the dwelling to the front and two storey split level appearance to the back. The stepped formation of the proposed alterations and additions amalgamate well with the existing dwelling. Proposed articulated roof forms create a better design and respond well to the topography of the site.

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

B5 Side Boundary Setbacks

Description of non-compliance

Under the Warringah Development Control Plan B5, the side boundary setback control is 0.9m.

Side Boundary Setback - East Boundary:

The proposed setback from the eastern boundary is 0.5m. The proposed extension to the toilet demonstrates a 0.4m encroachment to the side boundary on eastern elevation. This is equating to a percentile variation of 44.4%.

Side Boundary Setback - West Boundary:

The proposed setback from the western boundary is 0.3m to the garage. The proposal demonstrates a 0.6m encroachment to the side boundary on western elevation. This is equating to a percentile variation of 66.6%.

Merit consideration

With regard to the consideration for a variation, the development is considered against the

underlying Objectives of the Control as follows:

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

Comment:

The total proposed site area is 672.9sqm. The proposed landscape area is 406.5sqm. The WDCP requirement of the control for landscaping is 40%. The proposal equates to a 60.4% of deep soil landscaped area. Therefore the proposed landscaped area is in excess 20.4% of required permissible limit. Accordingly, the proposal demonstrates that there is sufficient deep soil landscaping and satisfies this requirement.

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

Comment:

Western Boundary:

The alteration and extension to the rear deck will maintain the existing side setback to the western boundary. Located to front on the western boundary, the proposal is to replace the existing roof of the garage. The garage is positioned 1.3m from the front boundary. The height, scale and bulk of the garage will be retained. The replacement of the garage roof does not create any detrimental effect on visual dominance.

Eastern Boundary:

The existing 2.5m setback of the dwelling from the front boundary will be retained. A part of the proposed toilet to a length of 1.7m encroaches the eastern boundary. The proposed area of the encroachment is 1.3sqm and it is located 10.2 from the front boundary. The scale, height and bulk of the proposal will not be visually dominant. The proposal will maintain the existing height of the dwelling. Therefore it is considered that this minor encroachment does not create any adverse impact on visual dominance.

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

Comment:

Western Boundary:

The proposal is to replace the roof of the existing garage located to the western boundary. The existing setback will be unaltered. The scale, height and the bulk of the proposal would be retained and improved.

Eastern Boundary:

The scale, height and bulk of the the proposed protrusion of the toilet located to the east is minimal. The floor level and the height of the proposal will be matched with the existing. The proposed articulation will improve and enhance the western facade.

Therefore it is considered that the proposed encroachment would not create any adverse impacts on scale, height and bulk of the dwelling.

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

Comment:

Western Boundary:

The proposal will not alter the existing setback on western boundary. The western elevation of the dwelling would be enhanced by replacing the roof sheets of the garage. Furthermore the extension of the rear deck and the roof extension to north does not create any adverse effect on privacy, amenity and solar access to the adjoining property. The dwelling located to the west, Number 55 Anzac Avenue is 0.4m from the common boundary. The existing separation between dwellings will be retained. Therefore it is convinced that the prevailing privacy, amenity and solar access between dwellings would not be compromised.

Eastern Boundary:

The proposal is to maintain the side setback of the rear deck and the roof. The garage of the adjoining dwelling Number 51 located to the east is built on the common boundary. The minor encroachment to a length of 1.7m on the eastern boundary does not create any adverse effect on privacy, amenity and solar access. The height of the encroachment will remain the same as existing dwelling. The existing separation of the dwellings between neighbours will be maintained. Therefore it is convinced that the proposal would not compromise the *level of privacy, amenity and solar access*

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

Comment:

The proposed alterations and additions to the dwelling is minor in nature with minimal impact on view sharing. It is considered that the height, scale and bulk of the proposal does not create any obstruction to view sharing from public and private properties.

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

B7 Front Boundary Setbacks

Description of non-compliance

Under the WDCP B7 - Front Setback Control is 6.5m. The existing minimum front setback of the property is 1.3m to the garage and the maximum front setback is 2.5m to the Ensuite located to the front.. The non-compliance variation to the front setback is 5.2m. The percentile variation equates to 80%.

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 proposal is to replace the existing roof of the garage located to southwest of the property. The existing front setback to the garage is 1.3m. The Ensuite located to southeast corner of the property has a setback of 2.4m from the front boundary. The proposal is to replace the existing roof of the Ensuite. It is convinced that the proposal will improve the quality of the front facade and does not create any adverse impact on sense of openness.

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

Comment:

The existing visual continuity and the pattern of the of the dwellings Number 53 Anzac Avenue, Number 51 Anzac Avenue and Number 49 Anzac Avenue located to the northern side of the road does not comply with the 6.5m front setback control. Existing building line of these three properties vary from 1m to 5.5m. The proposal does not creates any variation to the prevailing front setback and the pattern. The proposal will maintain the visual continuity and pattern of this existing front building setback and landscape elements.

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

Comment:

The proposal intend to replace a part of the existing roof of the dwelling located to the front. Therefore the proposal will protect and enhance the visual quality of the streetscape and public spaces.

- *To achieve reasonable view sharing.*

Comment:

The height, scale and bulk of the proposed deck and the extended roof to the rear of the dwelling does not create any obstruction to view sharing. The alteration and additions to the existing roof and the dwelling is minor. The height and the scale of the proposal is within permissible limit. Therefore the proposal is considered reasonable and satisfactory in addressing this control.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 320,000		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 3,040
Section 7.12 Planning and Administration	0.05%	\$ 160
Total	1%	\$ 3,200

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/0401 for Alterations and additions to a dwelling house on land at Lot 16 DP 12928, 53 Anzac Avenue, 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
Proposed Floor Plans - 17.05 DA3	February 2019	William Fizzesimons Architecture Pty Ltd.
Roof Plan - 17.06 DA4	February 2019	William Fizzesimons Architecture Pty Ltd.
Elevations and Sections - 17.06 DA5	February 2019	William Fizzesimons Architecture Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Basix Certificate (A345486)	10/04/2019	Uni Mar

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:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	14.04.2019	Jim and Jennie Rothwell

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

- All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- BASIX affected development must comply with the schedule of BASIX commitments

specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement

3. General Requirements

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

dangerous to persons or property on or in the public place

- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

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

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

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

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

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

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

FEES / CHARGES / CONTRIBUTIONS

4. **Policy Controls**

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

--	--

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 320,000.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 3,040.00
Section 7.12 Planning and Administration	0.05%	\$ 160.00
Total	1%	\$ 3,200.00

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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

Reason: To provide for contributions in accordance with Northern Beaches Council Contributions Plan 2018.

5. Security Bond

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

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

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

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

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

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

6. Stormwater Disposal from Low Level Property

The Applicant is to demonstrate stormwater from the new development within this consent shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Warringah Water Management Policy PL 850 in particular the Stormwater Drainage

from Low Level Properties Technical Specification. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the Northern Beaches Council's Warringah Water Management Policy PL 850 are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

7. **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.

8. **External Finishes to Roof**

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

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

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

9. **Sydney Water "Tap In"**

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. **Tree protection**

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 30mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 30mm diameter unless directed

otherwise by a qualified Arborist on site.

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

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

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

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

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

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

12. Stormwater Disposal

The Applicant shall submit a certificate from a suitably qualified person that the stormwater drainage works have been constructed/installed in accordance with all relevant Australian Standards and Codes. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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

13. New vegetation planting

Prior to the issue of any Occupation Certificate, evidence that any new vegetation planting comprises a minimum of 80% locally native vegetation species (as per species listed in the Native Gardening Booklet available on Councils website) is to be provided to the Principal Certifying Authority.

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

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

14. Control of Weeds

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Reason: Weed management.

15. No Planting Environmental Weeds

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

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

Signed



Monique Perera, Planner

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



Steven Findlay, Manager Development Assessments