

AGENDA

NORTHERN BEACHES LOCAL PLANNING PANEL

Notice is hereby given that the Northern Beaches Planning Panel will be held via teleconference on

WEDNESDAY 3 NOVEMBER 2021

Beginning at 12.00pm for the purpose of considering and determining matters included in this agenda.



Peter Robinson
Executive Manager Development Assessment

Panel Members

Annelise Tour	Chair
Marcus Sainsbury	Environmental Expert
Graham Brown	Town Planner
Lloyd Graham	Community Representative

Quorum

A quorum is three Panel members

Conflict of Interest

Any Panel Member who has a conflict of Interest must not be present at the site inspection and leave the Chamber during any discussion of the relevant Item and must not take part in any discussion or voting of this Item.

Agenda for the Northern Beaches Local Planning Panel to be held on Wednesday 3 November 2021

1.0	APOLOGIES & DECLARATIONS OF INTEREST	
2.0	MINUTES OF PREVIOUS MEETING	
2.1	Minutes of Northern Beaches Local Planning Panel held 20 October 2021	
3.0	PUBLIC MEETING ITEMS	
	Nil	
4.0	NON PUBLIC MEETING ITEMS.....	5
	A statutory Direction by the Minister of Planning and Public Spaces states the panel is only required to hold a public meeting where the development application has attracted 10 or more unique submissions by way of objection. There applications do not satisfy that criterion.	
4.1	Mod2021/0719 - Long Reef Surf Life Saving Club, Collaroy - Modification of Development Consent DA2020/0021 granted for demolition works and construction of new Surf Life Saving Club with associated public amenities and cafe/community storage buildings	5
4.2	DA2021/0928 - 138 Woorarra Avenue, Elanora Heights - Use of an existing ancillary home office as a secondary dwelling	29

ACKNOWLEDGEMENT OF COUNTRY

As a sign of respect, the Northern Beaches Local Planning Panel acknowledges the traditional custodians of these lands on which we gather and pays respect to Elders past and present.

1.0 APOLOGIES & DECLARATIONS OF INTEREST

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 20 OCTOBER 2021

The Panel note that the Minutes of the Northern Beaches Local Planning Panel held 20 October 2021 were adopted by the Chairperson and have been posted on Council's website.

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2021/0719
----------------------------	--------------

Responsible Officer:	Jordan Davies
Land to be developed (Address):	Lot 11 DP 1193189, Pittwater Road COLLAROY NSW 2097
Proposed Development:	Modification of Development Consent DA2020/0021 granted for demolition works and construction of new Surf Life Saving Club with associated public amenities and cafe/community storage buildings
Zoning:	Warringah LEP2011 - Land zoned RE1 Public Recreation
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Northern Beaches Council
Applicant:	Northern Beaches Council

Application Lodged:	20/09/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Community facility
Notified:	30/09/2021 to 14/10/2021
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Executive Summary

The application seeks to modify development consent DA2020/0021 for "Demolition of existing buildings and construction of three new buildings containing Surf Life Savings Club facilities, function rooms, public amenities and café and site landscaping" via a Section 4.55(1A) application. The original development application was determined by the Sydney North Planning Panel (SNPP) on 25 April 2020. This modification application is not required to be determined by the SNPP as the modification is submitted under Section 4.55(1A) and therefore is not required to be determined by the SNPP as per 123BA of the *Environmental Planning and Assessment Regulations 2000*.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) for determination as the applicant is Northern Beaches Council and Northern Beaches Council is the Crown Land Manager of the land.

The modifications to the development seeks to amend the architectural plans to included glazing to four (4) skylights in the amenities building, relocation of the kitchen exhaust to the roof of the main building (with associated shroud covering) and inclusion of a main switchboard cupboard into the northern elevation of the cafe/storage building. The overall building height, scale, footprint and use of the buildings remains unchanged.

The application was notified for a period of 14 days in accordance with the Northern Beaches Community Consultation Plan. No submissions were received during the notification period.

The proposed development continues to be of good design and provides suitably amenities for the surf life saving club and the community, it is therefore recommended that the application be approved by the NBLPP.

PROPOSED DEVELOPMENT IN DETAIL

The application is to modify development consent DA2020/0021 which granted consent for "Demolition of existing buildings and construction of three new buildings containing Surf Life Savings Club facilities, function rooms, public amenities and café and site landscaping".

Specifically, the modifications to the development consist of:

- New glazed coverings to the four (4) approved open-air skylights to the public amenities and café/storage buildings;
- Main switch board located within northern façade of café/storage building; and
- Relocation of the kitchen exhaust fan to the roof of the SLSC building. Exhaust fan to be located within an architecturally-designed sandblasted stainless-steel shroud.

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 Local Environmental Plan 2011 - 5.10 Heritage conservation
Warringah Development Control Plan - D3 Noise
Warringah Development Control Plan - D11 Roofs

SITE DESCRIPTION

Property Description:	Lot 11 DP 1193189 , Pittwater Road COLLAROY NSW 2097
Detailed Site Description:	<p>The site is legally described as Lot 11 in DP 1193189. The lot is bounded by Anzac Avenue and Fisherman's Beach to the north; Long Reef Aquatic Reserve to the east; Long Reef Beach and Dee Why Lagoon to the south; and Pittwater Road to the west. The overall size of the Site (including Lot 1 DP 1144187 that contains the Long Reef Golf Course) is approximately 70.82ha.</p> <p>The Long Reef SLSC is located in the southern corner of the lot. Vehicular access to Long Reef SLSC is from Pittwater Road. To the west of the Long Reef SLSC is a public car park.</p> <p>The existing Long Reef SLSC is a single storey brick building. A former lifesaver viewing tower and terrace are located on the building's roof. There is also a single-storey amenities block with kiosk located to the west of the SLSC building.</p> <p>Vehicular access to the site is from Pittwater Road. Access is left-in/left-out only. The existing carpark provides 147 spaces. There is also overflow parking available within the grassed area to the north of the carpark, which is used during peak periods. There is an existing vehicular cross-over located to the south of the existing public amenities/ kiosk building, which provides access for service vehicles and other vehicles/equipment associated with the SLSC.</p> <p>North of the site is the Long Reef Golf Course. South of the site is Dee Why Lagoon. Directly east of the site is the Tasman Sea and Long Reef Beach. West of the site is the low-density residential suburb of Collaroy.</p>

Map:



SITE HISTORY

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

A Pre-Lodgement Meeting (PLM) was held with Council officers, the client and members of the design team on 6 August 2019 in relation to the proposed development.

The development application DA2020/0021 for 'Demolition of existing buildings and construction of three new buildings containing Surf Life Savings Club facilities, function rooms, public amenities and café and site landscaping' was approved by the Sydney North Planning Panel (SNPP) on 25 April 2020.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2020/0021, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> - The footprint of the building remains unchanged. - The height and overall scale, form and appearance remains substantially unchanged, apart from the minor amendments proposed under this application. - The use of the building remains unchanged, along with the use of each area within the buildings. - The proposal does not further impact any aspect of the natural environment.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2020/0021 for the following reasons:</p> <ul style="list-style-type: none"> - The footprint of the building remains unchanged. - The height and overall scale, form and appearance remains substantially unchanged, apart from the minor amendments proposed under this application. - The use of the building remains unchanged, along with the use of each area within the buildings.
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require, or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.</p>

Section 4.55(1A) - Other Modifications	Comments
applications for modification of a development consent, and	
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of 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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The site has been used for public recreation purposes since the early 20th century and has not been used for a purpose referred to in Table 1 of the contaminated land planning guidelines. Therefore, it is unlikely that the Site is contaminated.
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)(iia) – 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)	Division 8A 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 in the original consent. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case. <u>Clause 92</u> of the EP&A Regulation 2000 requires the

Section 4.15 'Matters for Consideration'	Comments
	<p>consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(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.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

CROWN LAND MANAGEMENT ACT 2016 and LOCAL GOVERNMENT ACT 1993

The land is owned by the Crown and is dedicated for the purpose of Public Recreation. Northern Beaches Council is the Crown Land Manager of the land.

Under section 3.21 of the *Crown Land Management Act 2016*, Council, as the Crown Land Manager, is authorised to classify and manage the land as if it were public land within the meaning of the *Local Government Act 1993*.

The Griffith Park Plan of Management has been prepared by Council as part of its role as Crown Land Manager to manage the land.

The proposal as modified is considered to be consistent with the provisions of the *Griffith Park Plan of Management* ("GPPoM"). Part 5.3.3 of the GPPoM deals with the Long Reef Surf Club and states:

The rebuilding of the surf lifesaving building and amenities block is considered to be consistent with the Plan's recommended public purpose for Griffith Park; public recreation. It will provide for continued growth in surf lifesaving operations, including community education, member training, and function hire. This would include a limited liquor licence to enable functions on a restricted number of days each year and potential café style facilities within the building.

The proposed development as amended remains consistent with the Griffith Park Plan of Management.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The Development Application was supported with documentation confirming that the area of the site in which the surf club buildings are proposed is not identified as being bushfire prone land and therefore, the development application was not required to address the requirements of Planning for Bushfire Protection (2006) or require referral to the NSW Rural Fire Service.

The proposed modifications to this application do not change the building footprint and therefore the modification application is dealt with consistent with the development application, that being the proposal is not required to comply with Planning for Bushfire Protection (2006).

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 30/09/2021 to 14/10/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
------------------------	----------

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><u>Supported without conditions</u></p> <p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Environmental Health (Industrial)	<p><u>Supported without conditions</u></p> <p>Concerning noise, Environmental Health have no objections to the kitchen exhaust being mounted on the roof of the building. We confer with the acoustic engineer's assessment, no amendment to consent conditions.</p>
Environmental Health (Food Premises, Skin Pen.)	<p><u>Supported without conditions</u></p> <p>Concerning food premises construction, Environmental Health have no objections to the proposed changes, and recommend no amendment to consent conditions.</p>
Strategic and Place Planning (Urban Design)	<p><u>Supported without conditions</u></p> <p>The proposed modifications comprising of the addition of four new glazed coverings to the approved open-air skylights to the public amenities building and café/storage building; and relocation of the kitchen exhaust fan to the roof of the Long Reef Surf Life Saving Club building to be screened within an architecturally designed shroud, can all be supported. They are minor modifications which will not change the look and feel of the approved design. The glazed over skylights will improve natural daylight access and still allow ventilation to the rooms below.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

The site has been used for public recreation purposes since the early 20th century and has not been used for a purpose referred to in Table 1 of the contaminated land planning guidelines. Therefore, it is unlikely that the Site is contaminated.

SEPP (Infrastructure) 2007

Access to the site is from Pittwater Road, a Classified Road. Under clause 101 of SEPP Infrastructure, the consent authority must be satisfied of the following matters:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

Comment: The vehicular access arrangements under the original application were supported and no changes are proposed to vehicle access under this modification.

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

Comment: The vehicular access arrangements under the original application were supported and no changes are proposed to vehicle access under this modification.

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road."

Comment: The proposed surf lifesaving club and associated land uses are not a type that is sensitive to traffic noise or vehicle emissions.

Clause 104 and Schedule 3 of SEPP Infrastructure require the referral of certain development to NSW Roads and Maritime Services for comment. The original application was referred to Transport for NSW for comment, and they did not raise any objections. No changes to the traffic arrangements under this modification application.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

10 Development on certain land within coastal wetlands and littoral rainforests area

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- (a) *the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
 - (b) *the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
 - (c) *the carrying out of any of the following:*
 - (i) *earthworks (including the depositing of material on land),*
 - (ii) *constructing a levee,*
 - (iii) *draining the land,*
 - (iv) *environmental protection works,*
 - (d) *any other development.*

Comment:

Not within littoral rainforest or coastal wetlands area.

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

Not within littoral rainforest or coastal wetlands proximity area.

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) *the proposed development:*
 - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
 - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
 - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*

- (c) *measures
are in
place
to
ensure
that
there
are
appropriate
responses
to, and
management
of,
anticipated
coastal
processes
and
current
and
future
coastal
hazards.*

Comment:

Not within coastal vulnerability area.

13 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 original development application was considered with regards to the matters listed (a)-(g) above and found to be satisfactory. The modifications do not alter the building footprint, alter access around the building or to the beach, require additional impacts to vegetation or coastal processes. The proposal remains satisfactory in this regard.

- (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 subclause (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:

Council is satisfied the modification avoids further impact upon the matters listed in subclause 1.

14 Development on land within the coastal use area

- (1)
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
 - (b) is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposed changes to the roof mounted kitchen ventilation will not cause additional overshadowing given their small size and central location on the roof. The proposal modifications are considered minor elements of the overall building and will not cause unreasonable visual impact on the scenic qualities of the coastline. The maximum building height remains unchanged along with the building footprint.

Council is satisfied the modification application avoids adverse impacts.

As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

15 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 modifications are not considered to result in additional or increased risks of coastal hazards.

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

Compliance Assessment

Clause	Compliance with Requirements
5.10 Heritage conservation	Yes

Detailed Assessment

5.10 Heritage conservation

Clause 5.10 of WLEP 2011 relates to heritage conservation. The site does not contain a heritage item and is not within a heritage conservation area. The site is within the vicinity of a number of heritage items/areas listed in WLEP 2011 (item I11 – Fisherman's Hut, Item C2 – Long Reef Aquatic Reserve, Item C3 – Coastal cliff (Long Reef Headland) and Item C5 – Dee Why Lagoon and Reserve. The original development application was considered by Council's heritage officer who concludes that "*given the separation between the proposed development and the conservation areas and heritage listed item it is believed that the proposal will have a negligible impact upon the heritage significance of these items*". The modification application is considered minor and results in substantially the same development and therefore the proposal continues to satisfy the requirements of clause 5.10 of WLEP 2011.

Warringah Development Control Plan

Built Form Controls

No relevant built form controls prescribed within the Warringah DCP for this land.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C4 Stormwater	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

D3 Noise

The modification application is accompanied by a supporting letter by an acoustic consultant with regards to the proposed kitchen exhaust. The acoustic consultant has confirmed proposed kitchen exhaust fan will not result in the proposed development exceeding the relevant noise criteria as considered under the original development application.

In this regard, the proposal is satisfactory with regards to noise and acoustic impacts on adjoining properties.

D11 Roofs

The DCP requires the following requirement for roof forms:

Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building.

The modification proposes seeks to include a kitchen exhaust fan to be relocated to the roof above the first floor kitchen. The kitchen exhaust fan has been designed with a shroud over the roof mounted exhaust to conceal and integrate the plant equipment into the roof form, as required by the DCP.

Council's urban designer has reviewed the proposal and supports the modifications to the building.

In this regard, the proposal satisfies the requirements of the DCP.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

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

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

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

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

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

Summarised Conclusion

The proposed modifications are considered to be minor in nature and result in a development that is substantially the same, with regards to visual built form outcome, impact upon the natural environment and impact on amenity of residents surrounding the site.

The proposed kitchen exhaust is suitably screened upon the roof, integrated into the building design and does not change the maximum building height. The glazing of the sky lights still provide natural light to the bathrooms and weather protection for the amenities. The inclusion of the switch board cupboard has been integrated into the design of the building to screen the services from public view.

The proposed development continues to be of good design and provides suitably amenities for the surf life saving club and the community, it is therefore recommended that the application be approved by the LPP.

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

RECOMMENDATION

THAT Northern Beaches Local Planning Panel as the consent authority grant approval to Modification Application No. Mod2021/0719 for Modification of Development Consent DA2020/0021 granted for demolition works and construction of new Surf Life Saving Club with associated public amenities and cafe/community storage buildings on land at Lot 11 DP 1193189, Pittwater Road, COLLAROY, subject to the conditions printed below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

a) Modification Approved Plans

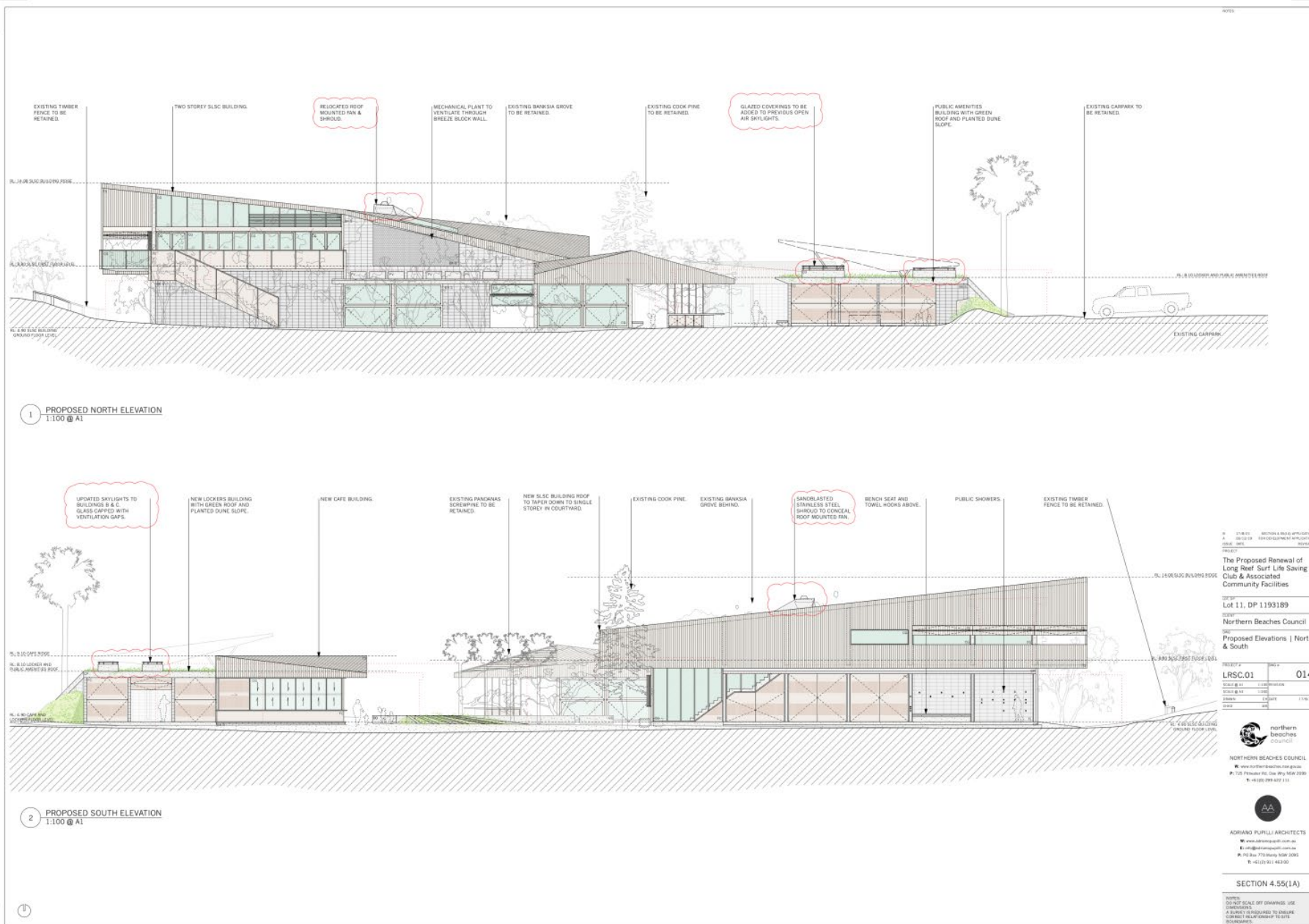
Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Dwg 000, Rev B	17/08/21	Adriano Pupilli Architects
Dwg 003, Rev B	17/08/21	Adriano Pupilli Architects
Dwg 010, Rev B	17/08/21	Adriano Pupilli Architects
Dwg 011, Rev B	17/08/21	Adriano Pupilli Architects
Dwg 012, Rev B	17/08/21	Adriano Pupilli Architects
Dwg 013, Rev B	17/08/21	Adriano Pupilli Architects
Dwg 014, Rev B	17/08/21	Adriano Pupilli Architects
Dwg 015, Rev B	17/08/21	Adriano Pupilli Architects
Dwg 016, Rev B	17/08/21	Adriano Pupilli Architects
Dwg 017, Rev B	17/08/21	Adriano Pupilli Architects

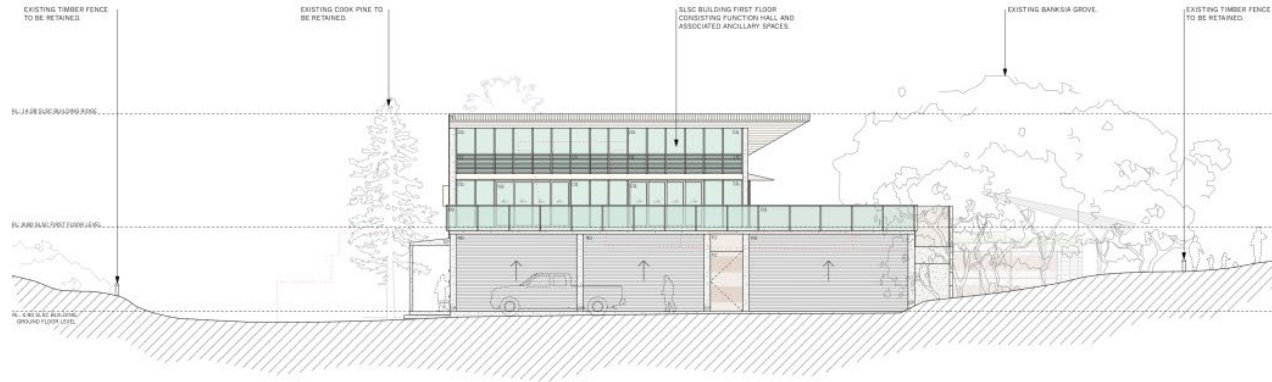
Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Roof mounted kitchen exhaust fan noise assessment, Ref 12515120	4/08/2021	GHD

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

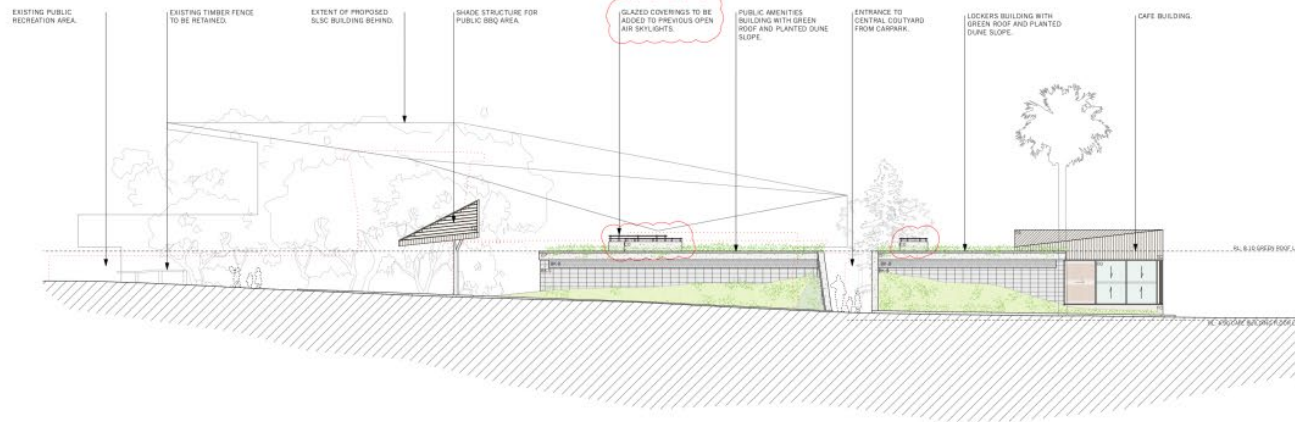
d) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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





1 PROPOSED EAST ELEVATION
1:100 @ A1



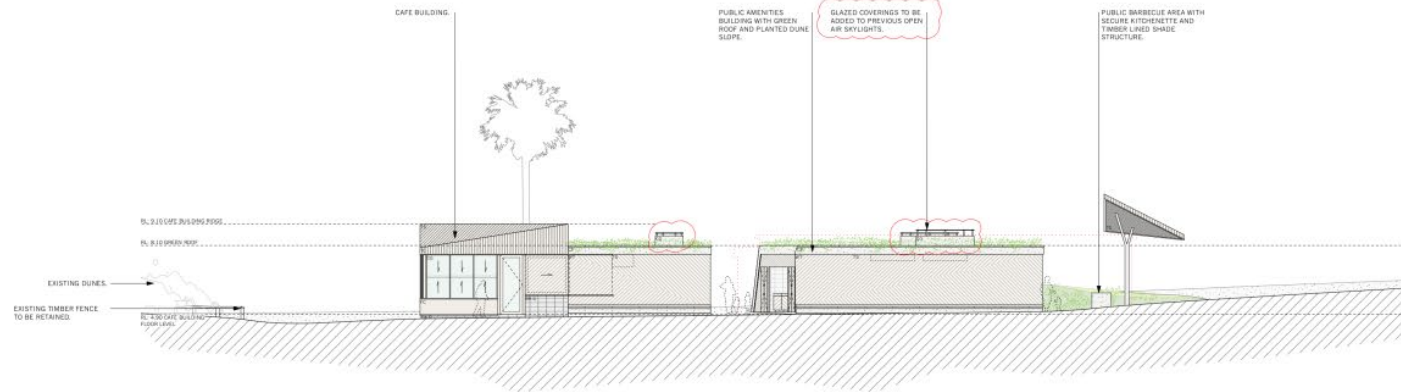
2 PROPOSED WEST ELEVATION
1:100 @ A1

NO. 17/18/19 SECTION 4.55(1A) OF THE LOCAL GOVERNMENT ACT 1995
DATE: 08/11/19
PROJECT: The Proposed Renewal of Long Reef Surf Life Saving Club & Associated Community Facilities
LOT: Lot 11, DP 1193189
CLIENT: Northern Beaches Council
DRAWN: Proposed Elevations | East & West
REVISION: LRSC.01 015
SCALE: A1 1:100
DATE: 08/11/19
DRAWN: C. GARY
CHECKED: J. HARRIS

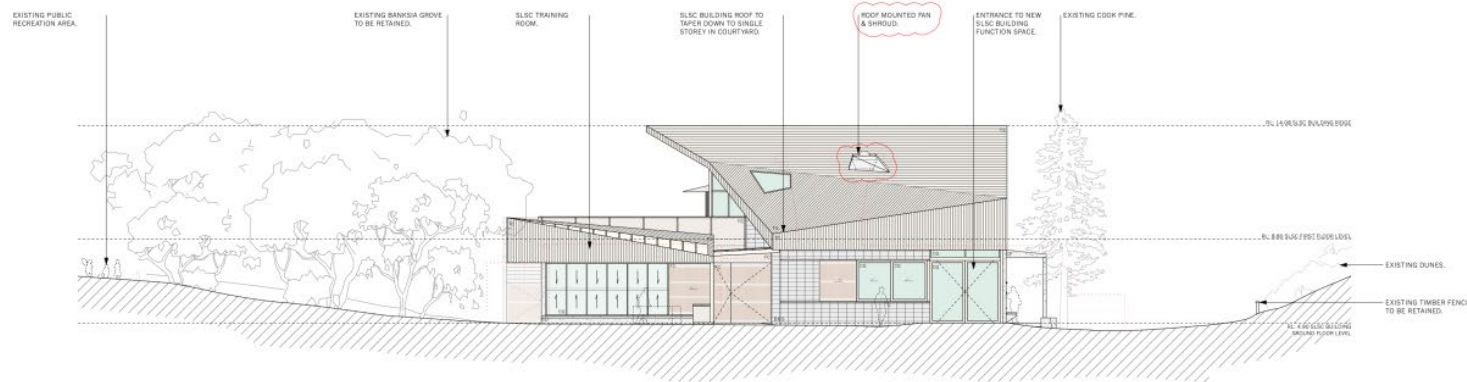
**northern
beaches
council**
NORTHERN BEACHES COUNCIL
www.northernbeaches.nsw.gov.au
P: 725 Pineside Rd, Dee Why NSW 2099
E: 02 939 399 300 (11)

ADRIANO PUPILLI ARCHITECTS
www.adriano-pupilli.com.au
E: info@adriano-pupilli.com.au
P: 710 Box 770 Maroubra NSW 1500
E: 02 939 462 00

SECTION 4.55(1A)
NOTES:
DO NOT SCALE OFF DRAWINGS. USE DIMENSIONS.
A SURVEYOR'S CERTIFICATE TO QUALIFY CONVEYANCE DOCUMENTS.
DIMENSIONS:



1 PROPOSED EAST COURTYARD ELEVATION
1:100 @ A1



2 PROPOSED WEST COURTYARD ELEVATION
1:100 @ A1

SECTION 4.55(1A)
The Proposed Renewal of
Long Reef Surf Life Saving
Club & Associated
Community Facilities
Lot 11, DP 1193189
Northern Beaches Council
Proposed Elevations |
Courtyard East & West
LRSC.01 016
SCALE: A1 1:100
DATE: 11/09/2021
DRAWN: C. GARY
CHECKED: J. BROWN
NORthern BEACHES COUNCIL
www.northernbeaches.nsw.gov.au
P: 725 Perouse Rd, Dee Why NSW 2099
R: +61 (0) 2939 4022 (11)



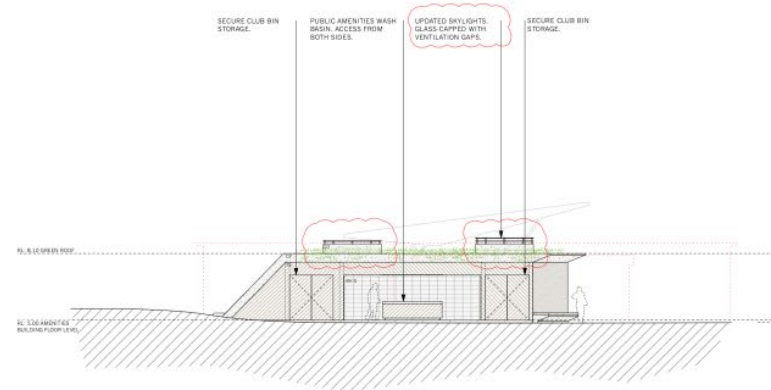
NORthern BEACHES COUNCIL
www.northernbeaches.nsw.gov.au
P: 725 Perouse Rd, Dee Why NSW 2099
R: +61 (0) 2939 4022 (11)



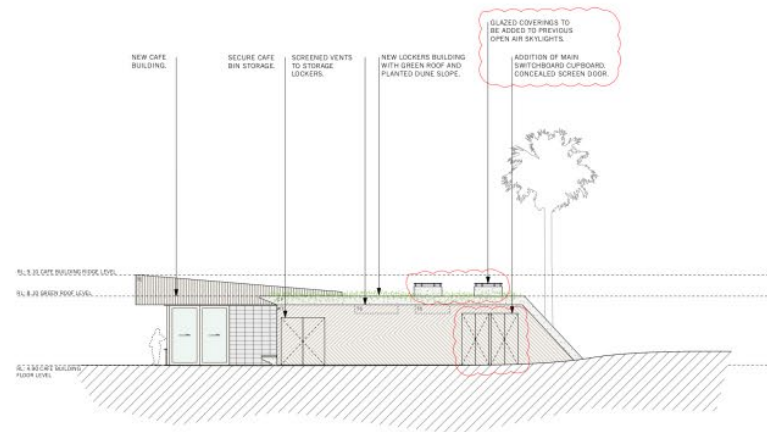
ADRIANO PUPILLI ARCHITECTS
www.adriano-pupilli.com.au
R: +61 (0) 2939 4022 (11)
P: 725 Perouse Rd, Dee Why NSW 2099
R: +61 (0) 2939 4022 (11)

SECTION 4.55(1A)

NOTES:
DO NOT SCALE OFF DRAWINGS. USE DIMENSIONS.
A SURVEY ORIGINALLY TO DETERMINE CORRECT RELATIONSHIP TO THE SURROUNDINGS.



1 PROPOSED SOUTH AMENITIES ELEVATION
1:100 @ A1



2 PROPOSED NORTH CAFE ELEVATION
1:100 @ A1

SECTION 4.55(1A) - SECTION 4.55(1A) - SECTION 4.55(1A)
DATE: 01/11/21
DRAWN: [Signature]
CHECKED: [Signature]
PROJECT:
The Proposed Renewal of
Long Reef Surf Life Saving
Club & Associated
Community Facilities
LOT:
Lot 11, DP 1193189
CLIENT:
Northern Beaches Council
DRAWN:
Proposed Elevations |
Amenities South & Cafe
North
PROJECT:
LRSC.01
SCALE: 1:100
DATE: 01/11/21
DRAWN: [Signature]
CHECKED: [Signature]
DATE: 01/11/21

**northern
beaches
council**
NORTHERN BEACHES COUNCIL
www.northernbeaches.nsw.gov.au
725 Pittwater Rd, One Way NSW 2080
Ph: (02) 999 6222

ADRIANO PUPILLI ARCHITECTS
www.adriano-pupilli.com.au
a.pupilli@adriano-pupilli.com.au
Ph: 02 955 7700
Ph: 02 955 7700
Ph: 02 955 7700

SECTION 4.55(1A)

NOTES:
DO NOT SCALE OFF DRAWINGS. USE DIMENSIONS.
A SURVEYOR'S CERTIFICATE TO QUALIFY CONSULTING SURVEYING TITLES.
BOUNDARIES:

ITEM 4.2

**DA2021/0928 - 138 WOORARRA AVENUE, ELANORA
HEIGHTS - USE OF AN EXISTING ANCILLARY HOME OFFICE
AS A SECONDARY DWELLING**

AUTHORISING MANAGER Rodney Piggott

TRIM FILE REF 2021/746469

ATTACHMENTS
1 Assessment Report
2 Site Plan & Elevations

PURPOSE

This application has been referred to the Northern Beaches Local Planning Panel as the applicant/land owner is a member of council staff who is principally involved in the exercise of council's functions under the Environmental Planning and Assessment Act 1979.

RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/0928 for use of an existing ancillary home office as a secondary dwelling at Lot 57 DP 13152, 138 Woorarra Avenue, Elanora Heights subject to the conditions set out in the Assessment Report.

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0928
Responsible Officer:	Sarah McNeilly (Consultant Planner)
Land to be developed (Address):	Lot 57 DP 13152 138 Woorarra Avenue, Elanora Heights
Proposed Development:	Use of an existing ancillary home office as a secondary dwelling
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Daniel McNamara and Diane Galea
Applicant:	Daniel McNamara
Application Lodged	30/06/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential
Notified:	08/07/2021 to 22/07/2021
Advertised:	No
Submissions Received:	0
Clause 4.6 Variation:	No
Recommendation:	Approval
Estimated Cost of Works:	\$0

EXECUTIVE SUMMARY

Council is receipt of development application DA2020/1542 for the change of use of an existing ancillary home office to a secondary dwelling in the rear yard of the site at 138 Woorarra Avenue, Elanora Heights.

The site is zoned as E4 Environmental Living under the Pittwater Local Environmental Plan 2014 (PLEP 2014) and the proposed development is also permissible with consent.

Whilst the proposal is numerically non-compliant with the Side and Rear Setback, the proposal was found consistent with the outcomes of these controls with no unreasonable amenity impacts.

The application was notified in accordance with Council's Community Participation Plan and no (0) submissions were received.

The application has been assessed against the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), Environmental Planning and Assessment Regulations 2000 (EP&A Regulations 2000), relevant Environmental Planning Instruments (EPIs), State Environmental Planning Policies (SEPPs) and Council policies.

As the landowner for the site is Planning Staff member of Northern Beaches Council, the application has been assessed by an independent consultant planner (Sarah McNeilly) and is referred to the Northern Beaches Local Planning Panel for determination. Subject to conditions of consent, the consent authority can be satisfied that the proposal is consistent with the aims and objectives of the relevant plans and policies. The proposal is recommended for approval.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks Development Consent for the change of use of an existing ancillary home office to a secondary dwelling in the rear yard of the site. No built works are proposed, with the existing office already having a kitchenette and bathroom. The existing structure has a gross floor area of 45.2m².

The secondary dwelling sits in the rear yard and is accessible from the western side path of the site. It has easy access to the rear yard and existing windows allowing ample internal solar access and amenity.

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

- Pittwater DCP – B6.3 Off Street Parking
- Pittwater DCP – D5.6 Side and Rear Boundary

SITE DESCRIPTION

Property Description:	Lot 57 DP 13152 138 Woorarra Avenue, Elanora Heights
Detailed Site Description:	The site has an area of 859.6 m ² and is irregular in shape with a frontage of 18.02 metres to Woorarra Avenue and a rear boundary of 15.43 metres. The site is located on the

	<p>north side of Woorarra Avenue and has a depth of 53.595 metres (east) and 60.490 metres (west).</p> <p>The site is located within the E4 Environmental Living zone and is currently occupied by a two storey dwelling and attached double garage, with an inground swimming pool and home office in the rear yard. The site experiences a gradual fall of 1.85m from north-west rear corner of the site to the south-west front corner of the site, with a slope of 3.06%. The site is surrounded by detached one and two storey dwellings within landscaped settings, and a Narrabeen Lagoon 350 metres to the south.</p>
--	---



SITE HISTORY

A search of Council's records has revealed the following previous application.

Section 455 Modifications Mod2018/0392

Modification of Development Consent N0056/17 granted for construction of a new dwelling ancillary home office and pool (Submitted: 26/07/2018)

Development Application N0056/17

Construction of a new dwelling, ancillary home office and pool (Submitted: 03/02/2017)

The land has been used for residential purposes for an extended period of time, being occupied by a tennis court prior to the approval of N0056/17 in 2017.

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, the submission did not receive any submissions.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EP&A Act)

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	Not Applicable
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. Should the Development Application be approved, these matters will be addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000: No additional information was requested.</p> <p><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 is not relevant to the application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). Should the Development Application be approved, this matter will be 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	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater Development Control Plan section in this report and found to be reasonable and appropriate for the site.</p>

environment and social and economic impacts in the locality	<p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

REFERRALS

Internal Referral Body	Comments
Building Assessment	<p>Council’s Building Assessment Officer provided the following comments:</p> <p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p> <p>The proposal is therefore supported.</p> <p>Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.</p> <p>Recommendation: Supported</p>
Natural Environment - Biodiversity	<p>Council’s Natural Environment (Biodiversity) Officer provided the following comments:</p> <p>The application seeks approval for the conversion of an existing structure into a secondary dwelling.</p>

Internal Referral Body	Comments
	<p>Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:</p> <p>Biodiversity Conservation Act 2016 (BC Act) Pittwater Local Environmental Plan (PLEP) 7.6 Biodiversity Protection</p> <p>Pittwater Development Control Plan (PDCP) B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor</p> <p>The application does not require the removal of prescribed trees or vegetation, nor is it likely to impact on nearby biodiversity values. Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.</p> <p>The proposal is therefore supported.</p> <p>Recommendation: Supported</p>
Natural Environment - Riparian	<p>Council's Natural Environment Riparian Officer provided the following comments:</p> <p>This application has been assessed against relevant legislation and policy relating to waterways, riparian areas, and groundwater. This site is near Narrabeen Lagoon and Nareen Wetlands and the development must not significantly impact on the biophysical, hydrological or ecological integrity of these locations, or on the quantity and quality of surface and ground water flows to these locations. This application is recommended for approval as it is unlikely to have an adverse effect on the integrity and resilience of the biophysical, ecological and hydrological environment of Narrabeen Lagoon or Nareen Wetlands.</p> <p>The proposal is therefore supported.</p> <p>Recommendation: Supported</p>
External Referral Body	Comments
Ausgrid	<p>N/A No built works proposed.</p>

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.

SEPP 55 – Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses.

In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A420652 dated 16 June 2021)

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

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure
- supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity
- power line.

Comment:

The proposal was not referred to Ausgrid as no physical works are proposed.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows;

10 Development on certain land within coastal wetlands and littoral rainforests area

(1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:

- (a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
- (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
- (c) the carrying out of any of the following:*
 - (i) earthworks (including the depositing of material on land),*
 - (ii) constructing a levee,*
 - (iii) draining the land,*
 - (iv) environmental protection works,*
- (d) any other development.*

Comment:

This Clause is not relevant to the subject site.

11 Development on land in proximity to coastal wetlands or littoral rainforest

(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

This Clause is not relevant to the subject site.

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- (a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) the proposed development:*
 - (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
 - (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
 - (iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal*

Comment:

This Clause is not applicable to the subject site.

13 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 site is located within the Coastal Environment Area Map. With no physical work proposed on the site, the change of use will have nil impact on the coastal environment area.

(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 subclause (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: With no physical work, the proposed change of use will have no adverse impacts on and mitigation of such impacts is accordingly not required.

14 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following—*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*

(b) is satisfied that—

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment: The site is not located within the Coastal Use Area Map.

15 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 will not increase the risk of coastal hazards and is therefore acceptable.

As such, it is considered that the application does comply with the requirements of the State

Environmental Planning Policy (Coastal Management) 2018.

Pittwater 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
4.3 (2FA) Height of Buildings	5.5m	3.42 m (existing)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

E4 Environmental Living

The objectives of the E4 zone are considered to be fulfilled as is detailed below.

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for residential development of a low density and scale integrated with the landform and landscape.
- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors

The development is appropriate when considered against the values of the zone and can be supported subject to conditions of consent. The change of use results in no physical built works, and the character and environmental value of the site and locality are retained.

Clause 5.4 Controls relating to miscellaneous permissible uses

Subclause (9) provides:

(9) Secondary dwellings:

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

1. 60 square metres,
2. 25% of the total floor area of the principal dwelling.

The proposed secondary dwelling has an area of 45.2m² and is compliant.

Pittwater Development Control Plan 2011

Built Form Controls

Built form Control	Requirement	Proposed	% Variation	Complies
Front Building Line	6.5m	N/A	>6.5m	Yes
Rear building Line	6.5m	3m (existing)	54%	No
Side building line	2.5m (west boundary)	0.959m (existing)	62%	No
	1m (east boundary)	9.4m (existing)	-	Yes
Building envelope	3.5m (east boundary)	3.5m	-	Yes
	3.5m (west boundary)	Within Envelope	-	Yes
Landscaped area	60%	62.3% (existing)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.5 Elenora Heights Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated and Potentially Contaminated Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	Yes
B8.1 Construction and Demolition – Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition – Waste minimisation	Yes	Yes
B8.4 Construction and Demolition – Site Fencing and Security	Yes	Yes
B8.6 Construction and Demolition – Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.11 Secondary Dwellings and Rural Workers Dwelling	Yes	Yes
C1.12 Waste and Recycling	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D9.17 Scenic Protection Category One Areas	Yes	Yes
D5.1 Character as viewed from a public place	Yes	Yes
D5.3 Building colours and materials	Yes	Yes
D5.5 Front Building Line	Yes	Yes

D5.6 Side and Rear Building line	No	Yes
D5.7 Building Envelope	Yes	Yes
D5.9 Landscaped Area – Environmentally Sensitive Land	Yes	Yes
D5.12 Fences – General	Yes	Yes
D5.13 Construction, retaining walls, terracing and undercroft areas	Yes	Yes
D5.14 Scenic Protection Category One Areas	Yes	Yes

B6.3 Off-Street Vehicle Parking requirements

Description of Non-compliance

Under the requirements of this clause, a minimum of 1 space is required in addition to existing requirements for a principal dwelling (i.e. a total of 3 spaces should be indicated to be compliant).

The architectural plans only reflect the provision of a double garage (total of 2 spaces) and driveway. It is noted that the DCP permits consideration of a variation for a reduction in the car parking requirements for a secondary dwelling or dual occupancy to a minimum of 2 spaces per allotment, considered on merit.

Merit consideration:

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

- An adequate number of parking and service spaces that meets the demands generated by the development.

Comment:

Ample parking will be available with on street parking freely available and the ability to park stacked within the existing driveway.

- Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.

Comment:

The existing stormwater runoff will be maintained as approved by Council under the previous approval for the dwelling and home office. Pedestrian and vehicle safety will also be maintained at an appropriate level with retention of the existing parking and ample on street parking available.

- Safe and convenient parking.

The existing approved on-site parking is safe and convenient. Ample on street parking in the immediate vicinity of the subject site satisfying this outcome.

Based on the above, the proposal is considered to satisfy the outcomes of this clause and is recommended to be supported on merit.

D5.6 Side and Rear Building line

Description of Non-compliance

The DCP requires a minimum side setback 1.0 metre. The existing north boundary has a setback of 959mm, which is very marginally short. This has previously been considered appropriate by Council and no change is proposed in this change of use application.

The DCP requires a 6.5m rear setback, the site has a 3 metres rear setback to the existing home office. This has previously been considered appropriate by Council and no change is proposed in this change of use application. The change of use will have no impact on the built structure and the existing siting will create no issue for streetscape or neighbours being well located in the rear yard and screened from view.

Merit consideration:

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

- To achieve the desired future character of the Locality.

Comment:

The character of the existing site is appropriate to the desired character for the locality and this will be unchanged by the proposed change of use.

- The bulk and scale of the built form is minimised.

Comment:

Bulk and scale will be unchanged by the proposed change of use of the existing home office.

- Equitable preservation of views and vistas to and/or from public/private places.

Comment:

Views and vistas will be unchanged through the use of the existing structure, with no built works proposed.

- To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

Comment:

The change of use will have no impact on views. Existing siting and landscaping achieves these outcomes.

- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.

Comment:

The location of the existing home office, which is proposed to be changed to a secondary dwelling, is appropriate to ensure privacy, amenity and solar access for both neighbours and the existing structure.

- Substantial landscaping, a mature tree canopy and an attractive streetscape.

Comment:

Existing substantial on site landscaping has been provided on site. The street view will be unchanged and retained as a positive landscape addition to the streetscape.

- Flexibility in the siting of buildings and access.

Comment:

The existing positive siting and access is retained, with a clear pathway provided along the side boundary with access to the proposed secondary dwelling.

- Vegetation is retained and enhanced to visually reduce the built form.

Comment:

The existing vegetation will be unchanged and satisfies this outcome.

- To preserve and enhance the rural and bushland character of the locality.

Comment:

The bushland character of the site will be retained.

- To ensure a landscaped buffer between commercial and residential zones is established.

Comment:

N/A

Based on the above, the proposal is considered to satisfy the outcomes of this clause and is recommended to be supported on merit.

7.12 CONTRIBUTIONS

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019. As the the application is a change of use and the cost of development is less than \$100,000.00 a section 7.12 contribution is not payable under the plan.

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 Environmental Planning Instruments and draft EPI's;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

The proposal has been assessed against the relevant matters for consideration under Section 4.15 of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application, 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 satisfied the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/0928 for the construction of a secondary dwelling on land at Lot 57 DP 13152, 138 Woorarra Avenue, Elanora Heights, subject to the conditions printed below:

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
CC0101, Issue D (Site Plan)	20/07/2018	IDRAFT ARCHITECTS
CC0201, Issue D (Ground Floor Plan)	17/07/2018	IDRAFT ARCHITECTS
CC0204, Issue D (Elevations)	17/07/2018	IDRAFT ARCHITECTS
Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate, Ref. A420652	16 June 2021	Frys Energywise

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

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. Approved Land Use - "Secondary Dwelling"

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a "Secondary Dwelling".

A "Secondary Dwelling" is defined as:

"secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note—

See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of residential accommodation—see the definition of that term in this Dictionary."

(development is defined by the Pittwater Local Environment Plan 2014 (as amended) Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

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

3. No Approval for Existing Building Works

No approval is granted under this Development Consent for any existing building works.

Reason: To ensure compliance with the relevant Local Environmental Plan.

4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and

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

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

Reason: Legislative requirement.

5. 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 a final 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.

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

6. **Laundry Facilities**

The proposed secondary dwelling is required to be provided with clothes washing facilities, comprising of at least one washtub and space in the same room for a washing machine and is required to comply with Part 3.8.3 of the Building Code of Australia. A kitchen sink or washbasin must not be counted as a laundry washtub. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure adequate provision is made for building occupant health and amenity.

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 Occupation Certificate.

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

