

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 05 March 2015

1059 Pittwater Road Collaroy - Alterations and Additions to existing building and use of premises as boarding house made under SEPP (ARH) 2009.

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2014/1201
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Responsible Officer:	Kevin Short
Land to be developed (Address):	Lot 11 DP 13919 , 1059 Pittwater Road COLLAROY NSW 2097
Proposed Development:	Alterations and Additions to existing building and use of premises as boarding house made under SEPP (ARH) 2009.
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council Application Determination Panel
Land and Environment Court Action:	No
Owner:	Danilo Cruz Adriano Maria Consuelo De Joya
Applicant:	Danilo Cruz Adriano Maria Consuelo De Joya

Application lodged:	12/11/2014
Application Type:	Local
State Reporting Category:	Residential - Other
Notified:	18/11/2014 to 03/12/2014
Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	8
Recommendation:	Approval

Estimated Cost of Works:	\$ 30,000
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ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - C3(A) Bicycle Parking and End of Trip Facilities

SITE DESCRIPTION

Property Description:	Lot 11 DP 13919 , 1059 Pittwater Road COLLAROY NSW 2097
Detailed Site Description:	The subject site is generally rectangular in shape, located on the corner of Pittwater Road (primary) and Homestead Avenue (secondary) and has an area of 650.7m² The site is located within the R2 Low Density Residential zone and accommodates a two storey dwelling house and detached garage in landscape settings. The site adjoins the Salvation Army Collaroy Site to the south and west which provides a variety of senior living, nursing and aged care developments. Other adjoining and surrounding development consists of one and two storey dwelling houses within landscape settings. Collaroy Beach and associated local business and commercial centre is located approximately within 300m from the site. The Salvation Army Collaroy campus, comprising a conference centre, special accommodation buildings and recreational

facilities, is located at the western cul-de-sac end of Homestead Avenue.

Map:



SITE HISTORY

Pre-lodgement Meeting PLM2014/0023

PLM2014/0023 meeting was held 24 March 2014 in relation to the use of the premises as a boarding house.

Development Application DA2010/0207

DA2010/0207 for use of part of the existing garage as a secondary dwelling pursuant to SEPP (Affordable Rental Housing) 2009 was approved 31 May 2010.

The approved dwelling comprises 10 bedrooms within the dwelling and a secondary dwelling contained within the garage.

Development Application DA2004/0820

DA2004/0820 for alterations and additions to a dwelling, including an attached secondary dwelling, was approved 7 September 2004. The application was subsequently modified (Mod2010/0026 approved 31 May 2010).

PROPOSED DEVELOPMENT IN DETAIL

Alterations and additions to the existing dwelling house and use of the premises as a 10 room boarding house (including the Managers room) capable of accommodating up to 12 people. Specifically, the proposal includes:

Ground Floor Level

- Five (5) x boarding rooms, comprising five (5) rooms varying in area from 10.5m² to 15.7m²;
- Two (2) x communal living areas, a dining room, kitchen, external laundry and private open space area (90m²);
- Internal alterations to the existing detached garage to provide three (3) carparking spaces and two (2) motorcycle parking spaces;
- Provision of a privacy screen adjacent to the northern elevation of the laundry/drying area;
- Bin storage area located adjacent to south eastern portion of garage;
- Part alteration and addition to existing front fence and pedestrian entry gate; and
- Construction of a staircase to the road reserve from the north-eastern portion of the site.

First Floor Level

- Five (5) x boarding rooms, comprising five (5) rooms varying in area from 9.1m² to 12.1m²;
- Managers room and office;
- Provision two (2) communal living areas, a dining and lounge room, kitchen and TV room;
- Two (2) external private open space areas of 26m².

The intended use of the boarding house is to support a current Nursing Agency business which is QMNS Nursing Agency. QMNS Nursing Agency provides qualified and professional nursing staff to hospitals, aged care facilities, health care institutions. Documentation supplied with the application detail that QMNS Nursing Agency currently provides these services to over 80 individual institutions. Typically, a small rigid vehicle (bus) is used to transport staff to and from these institutions.

The proposal also seeks to surrender Development Consent DA2010/0207 for use of part of the existing garage as a secondary dwelling pursuant to SEPP (Affordable Rental Housing) 2009 which was approved 31 May 2010.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been

Section 79C 'Matters for Consideration'	Comments
	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, however, the applicant provided an amended plan to detail the provision of a motorcycle parking space adjacent to the garage and widening of the driveway to access the space. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This Clause is not relevant to this application. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 8 submission/s from:

Name:	Address:
Dominic Anthony Cerneaz	15 Brissenden Avenue COLLAROY NSW 2097
Mr Gareth Edward Grant	6 Homestead Avenue COLLAROY NSW 2097
Mr Neville Colin Crealy Jan Crealy	4 Homestead Avenue COLLAROY NSW 2097
Mr Michael William Jackson	3 Homestead Avenue COLLAROY NSW 2097
Mr Ian Edwin Ballard Mrs Kerry Anne Ballard	9 / 10 Avon Road DEE WHY NSW 2099
Mrs Ilma Betty McDougall	5 Homestead Avenue COLLAROY NSW 2097
Mrs Maria Joy Trussell	44 Sir Thomas Mitchell Drive DAVIDSON NSW 2085
QMNS Realty	Shop 1 637-641 Pittwater Road DEE WHY NSW 2099

A total of 8 submissions were received in relation to the proposal, including 1 submission in support of the application.

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

- Adverse traffic and parking impacts
- Out of character with surrounding development
- Excessive number of lodgers
- Non-compliance with the BCA

The matters raised within the submissions are addressed as follows:

- Adverse traffic and parking impacts

Concerns are raised that the development does not provide adequate on-site car parking, that the development will exacerbate existing traffic conditions on Homestead Avenue and adjoining roads and will therefore result in a loss of on-street parking spaces. The current traffic and parking conditions on Homestead Avenue are described in submissions as follows;

- The street is narrow and parking is available on both sides of the street and therefore it is difficult for vehicles to pass each other, particularly if buses are accessing the road;
- Homestead Avenue is a highly competitive parking street, particularly on weekends as parking is not permitted on Pittwater Road and given the presence of existing dwelling houses, the Salvation Army Collaroy Campus and Elizabeth Jenkins Centre;
- The intended tenants, being nurses, typically work late nights and this is a greater incentive for such tenants to have their own vehicles and increase the demand for the street parking; and
- The proposal enable two (2) cars to be parked in the garage and two (2) in front of the garage which does not satisfy Council requirements.

Comment:

An assessment of the parking for the proposed development has been provided under Clause 29(2) Standards that cannot be used to refuse consent of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP (ARH)). In summary, the proposed development for a 10 room boarding house is required to provide three (3) car parking spaces and two (2) motor cycle parking spaces.

As shown on submitted plans, the proposal provides three (3) carparking spaces and two (2) motorcycle space within the existing garage which satisfies the requirements of the SEPP. Further, as detailed under the site history section of the report, a condition has been included in the Recommendation for an additional motor cycle parking space to be provided adjacent to the eastern side elevation of the garage. The carparking requirement of the SEPP remains satisfied.

The Statement of Environmental Effects (SOEE) conveys that the intended use of the boarding house is to provide short term accommodation for qualified and professional nursing staff to hospitals, aged care facilities, health care institutions and the like. Staff, under short term employment contracts, are typically transported to and from such places of occupation by a small rigid vehicle (bus).

No parking spaces are provided on the road reserve. Nor is the parking arrangement dependant on spaces being provided on the road reserve. A 'key drop system' is to be used should a car or motor bike be parked in under the stacked parking arrangement.

Under the terms of accommodation, the Manager has access to the keys of a tenants car or

motor bike and therefore vehicles can be removed and reparked should it be 'blocking' another vehicle in. In this regard, the use of the garage in a stacked arrangement is considered efficient and able to be adequately managed.

A traffic and parking report prepared by Traffic Solutions was submitted with the application and concludes that the tandem parking spaces can be designed to comply with AS/NZS 2890.1:2004. Also, the report uses a traffic generating rate of 0.2 peak vehicle trips per room as nominated in the RTA Guidelines for Traffic Generating Developments for medium density dwellings (affordable rental housing) as a comparison rate. This results in a traffic generation of approximately 2 vehicles per hour during peak commuter periods. The report summarises that such a minor increase in traffic will not have a noticeable or detrimental effect on the current operation of Homestead Avenue or the surrounding road network.

Concerns raised in relation to the narrowness of the street, the use of large buses on the street and that cars are able to park on both sides of the street should be forwarded to Warringah Council's Traffic and Safety Committee for consideration.

Based on the above, the proposal is considered to be satisfactory in terms of the provision of on-site car parking spaces and the impact the proposal will have on the existing local road network is considered acceptable.

Accordingly, the concerns raised in relation to the provision of car parking and traffic impacts do not carry determining weight and do not warrant the refusal or redesign of the application.

- Out of character with surrounding development

The concern is that the proposed boarding house will be out of character with surrounding residential development and will therefore detract from the streetscape, be contrary to the types of low density development (ie. dwelling house) expected within a R2 Low Density Residential zone and will set a precedent for similar developments within the locality.

Comment:

As detailed under the Site History section of the report, the existing two storey dwelling is an approved development comprising ten (10) bedrooms (and an approved secondary dwelling). The assessment of the application therefore found the dwelling house to be consistent with the character of adjoining and surrounding development in the Collaroy locality. In summary, this application does not propose external changes to the existing dwelling house and will use the existing bedrooms for lodgers within a boarding house. On this basis, the density of the proposed development is maintained (and effectively reduced with the approved secondary dwelling not being constructed and the consent being surrendered).

Boarding houses are permissible development within the R2 Low Density Residential zone. As the external appearance of the dwelling house is being retained, the built form will not detract from the existing streetscape. Also, the boarding house has been assessed as being consistent with the requirements of SEPP (Affordable Rental Housing) 2009, including parking and traffic requirements, and therefore amenity impacts are expected to be acceptable. In this regard, the boarding house will provide an additional and permissible type of accommodation to the locality and surrounding area.

Based on the above, the concerns raised in relation to the character of the development do not

carry determining weight and do not warrant the refusal or redesign of the application.

- Excessive number of lodgers

The concern is that the submitted Plan of Management (POM) which accompanied the application conveys that the manager is to ensure that the maximum number of lodgers does not exceed 36 lodgers.

Comment:

The submitted Plan of Management (POM) details that the manager is to ensure that the maximum number of lodgers does not exceed 20 lodgers. However, the POM is a standard template used by the Applicant to manage other premises operating as boarding houses. In this regard, a condition has been included in the Recommendation for the maximum number of lodgers to be 10 (ie. a maximum of 1 lodger per room in accordance with SEPP (Affordable Rental Housing) 2009)).

Also, a suitable condition is included in the Recommendation for the POM to be amended to reflect the maximum number of lodgers.

Based on the above, the concern raised in relation to the number of lodgers does not carry determining weight and does not warrant the refusal or redesign of the application.

- Non-compliance with the Building Code of Australia (BCA)

The concerns are that the building does not comply with the BCA.

Comment:

Should the application be approved, suitable conditions have been included in the Recommendations by Council's Building Assessment - Fire and Disability Upgrades Officer for the dwelling to be upgraded to comply with the requirements of the BSA and relevant fire safety standards.

Based on the above, the concern raised in relation to BCA compliance does not carry determining weight and does not warrant the refusal or redesign of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application was referred to Council's Building Assessment (Fire and Disability Upgrades) Officer for comment and no objection was raised to the proposed development, subject to the inclusion of fire safety

Internal Referral Body	Comments
	matter conditions being included in the Recommendation.
Development Engineers	<u>First Referral</u> <i>'There are only minor amendments to the existing impervious area and as such on-site stormwater detention is not required.</i> <i>The proposal includes a rear gate and entry to the building. It is considered that to facilitate adequate pedestrian access to the building, a new footpath will need to be constructed along the Homestead Avenue frontage which has been conditioned.</i> <i>No objection to approval, subject to conditions as recommended.'</i> <u>Second Referral</u> <i>'A second referral for the assessment of the provision of a motorcycle parking area adjacent to existing garage has been requested from Planning. There are no details of the requested parking area or existing survey levels of the road frontage adjacent to the garage to determine if the widening of the existing driveway can be supported.</i> <i>Not supported for approval due to inadequate information to address vehicular access in accordance with Section C2 of Council's DCP.'</i> <u>Planner Comments</u> As detailed under the site history section of the report, a condition has been included in the Recommendation for an additional motor cycle parking space to be provided adjacent to the eastern side elevation of the garage. This would also require the widening of driveway to the east to enable access to the parking space. The driveway was also proposed to be widened under previous development consent DA2010/0207 for part use of the existing garage as a secondary dwelling pursuant to SEPP (Affordable Rental Housing) 2009. The application was approved and included works to extend the existing driveway to the east to provide vehicle access to a proposed carport located adjacent to the existing garage. In the assessment of this application, no concern was raised by Council's Engineer or the Planner in relation to the extension of the existing driveway to the east or that survey levels of the road frontage were not submitted with the application. Having regard to the above, the extension of the driveway under the current application is less than that proposed under the previous and approved application (DA2010/0207). On this basis, no concern is raised in relation to the widening of the driveway in accordance with Council requirements.

Internal Referral Body	Comments
	It is noted that the applicant submitted an application for street levels on 16 February 2015 detailing the proposed widening of the driveway and motor cycle parking space in accordance with the recommended condition. Note: A condition was included in development consent DA2010/0207 to delete the carport and driveway extension to increase private open space areas and to <i>'provide an appropriate level of amenity and for the provision of reasonable setback of uses and structures from boundaries'</i>. Also, development consent DA2010/0207 is to be surrendered as part of this application.
Environmental Health and Protection (Industrial)	The application was referred to Council's Environmental Health and Protection (Industrial) Officer for comment and no objection was raised to the proposed development, subject to the imposition of regulatory conditions for noise and levels of occupancy being included in the Recommendation.
Landscape Officer	The application was referred to Council's Landscape Officer for comment and no objection was raised to the proposed development subject to tree protection conditions which have been included in the Recommendation.
Traffic Engineer	<u>Traffic Engineer Comments</u> <i>'The proposal is for the provision of 'Affordable Rental Housing' with 10 rooms and a manager's residence under the State Environmental Planning Policy. Parking is proposed to be provided in an existing garage on the site with a storage area to be converted to a car parking space and two motorcycle parking spaces. This additional car parking space would be provided as a tandem parking space.</i> <i>The provision of a tandem parking space in this situation and the proposed motorcycle parking spaces do not comply with the Warringah DCP which requires that parking should include convenient access to individual spaces. Access to the motorcycle parking will be dependent on the car parking spaces being vacant. Access from the tandem parking space to exit the property will be dependent on the space behind being vacant. The submission that the car parking will operate on a 'key drop' system is not considered acceptable.'</i> <u>Planner Comments</u> In accordance with SEPP (Affordable Rental Housing) 2009, the boarding house requires three (3) carparking spaces and two (2) motorcycle spaces. This is detailed under SEPP (Affordable Rental Housing) 2009 <i>Clause 28: Development may be carried out with consent - (e) parking</i> section of the report. As shown on submitted plans, the proposal provides three (3) carparking spaces and two (2) motorcycle spaces within the existing garage which satisfies the requirements of the SEPP. Also, a condition has been

Internal Referral Body	Comments
	included in the Recommendation for an additional motor cycle space to be provided adjacent to the eastern side elevation of the garage. The carparking requirement of the SEPP therefore remains satisfied. However, Council's Traffic Engineer has raised concern with the stacked nature of the parking spaces in that it would prevent convenient access to individual spaces. In the worst case scenario, should a car or motor bike be parked in, the Manager being on-site (or contactable at all times) would be able to move a car or motor bike under the proposed 'key drop system'. The 'key drop system' is part of the terms of accommodation. Based on the above, the 'key drop system' is considered an acceptable and effective tool to utilise when a car or motor cycle is parked in. As detailed above, the proposal remains satisfactory in relation to the provision of parking under the SEPP and also provides convenient access and efficient usage of the garage.
Waste Officer	The application was referred to Council's Waste Officer for comment and no objection was raised to the proposed development subject to conditions which have been included in the consent. Specifically, the following comments were provided: <i>'The property currently pays for 1 x 80L garbage service. As part of the change of use and alteration, the property will be provided with 3 x 240L garbage and 5 x 240L recycling bins. The applicant will need to ensure the bin room is a suitable size to store 8 x 240L bins.'</i> <i>The applicant must ensure the path between the bin room and kerbside is concrete, free of obstruction and slip proof. Any gates or doors must not be lockable and able to latch in an open position.</i> <i>The location and design of the bin room must be consistent with the Warringah DCP - Part C9.'</i>

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.
NSW Roads and Maritime Services - (SEPP Infra. Traffic generating dev)	The application was referred to Roads and Maritime Services for comment and no objection was raised to the proposed development as all vehicular access to the site is from Homestead Avenue.
NSW Police - Local Command (CPTED)	The application was referred to NSW Police Force for comment and no objection was raised to the proposed development and that a Crime Risk Assessment is not required.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

Division 3: Boarding houses

Clause 25: Definition

For the purposes of this Division, the Standard Instrument defines a 'boarding house' as a building that:

- "(a) is wholly or partly let in lodgings, and*
- (b) provides lodgers with a principal place of residence for 3 months or more, and*
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,*

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment".

In this Division 'communal living room' means "a room within a boarding house or on site that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreation room or games room".

Clause 26: Land to which this Division applies

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or (d) Zone R4 High Density Residential, or (e) Zone B1 Neighbourhood Centre, or (f) Zone B2 Local Centre, or (g) Zone B4 Mixed Use.	Consistent The site is located within the R2 Low Density Residential Zone and, as such, the proposed use is permissible with consent under WLEP 2011 and under SEPP (ARH).

Clause 27: Development to which this Division applies

(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.

Requirement	Comment
(2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area. Note: Accessible area means land that is within: (c) 400m walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.	Consistent The site is within an 'accessible' area as it is located within the R2 Low Density Residential zone and is situated not more than 400m walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.
(3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.	Not applicable. The site is located within the Sydney region.

Clause 28: Development may be carried out with consent

Requirement	Comment
Development to which this Division applies may be carried out with consent.	The development constitutes the construction of a boarding house, as defined by the Standard Instrument. Therefore, the development may be considered under this Division of the SEPP as development which may be carried out with consent.

Clause 29: Standards that cannot be used to refuse consent

Standard	Requirement	Proposed	Compliant/Comment
(1) Density and scale A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:	(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or	Floor space ratios are not applied in WLEP 2011 or WDCP	Not applicable
	(b) if the development is on land within a zone in which no residential accommodation is permitted - the existing maximum floor space ratio for any form of development permitted on the land, or	Floor space ratios are not applied in WLEP 2011 or WDCP	Not applicable
	(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register - the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus: (i) 0.5:1, if the existing	N/A	N/A

	maximum floor space ratio is 2.5:1 or less, or (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.		
(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:			
(a) building height	if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,	WLEP: 8.5m No change to existing: 8.5m	Compliant
(b) landscaped area	if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	No change to existing as per previous approvals for the site (refer to site history) in which the landscape setting of the site was deemed acceptable.	Consistent
(c) solar access	where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	Each floor level provides two (2) communal living rooms, including one at the eastern and western end of the building on each floor level. Given the north east orientation of the communal room at the east end of building, it is expected that 3 hours direct sunlight between 9am and 3pm in mid-winter would be received in each room.	Consistent
(d) private open space	if at least the following private open space areas are provided (other than the front setback area): (i) one area of at least 20m² with a minimum	The site has double street frontage to Pittwater Road and Homestead Avenue. Private open space (POS), being 90m ² and having a minimum	Compliant

	dimension of 3.0m is provided for the use of the lodgers, (ii) if accommodation is provided on site for a boarding house manager—one area of at least 8.0m² with a minimum dimension of 2.5m is provided adjacent to that accommodation,	dimension of 3m, is provided within the north-east portion of the site and between the dwelling and garage. POS, being 14m², is provided adjacent the first floor manager accommodation. Whilst the maximum width of the POS is 1.3m, the northerly orientation, attractive visual outlook and solar access would more than compensate for the width being less than 2.5m.	
(e) parking	if: (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and (ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and (iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,	(i) 10 rooms: 0.2 spaces per rooms = 2 spaces (ii) The site is located in an accessible area. (iii) 1 x Manager: 1 space required. A total of three (3) spaces are required. Three (3) spaces are provided within the garage.	Compliant
(f) accommodation size	if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:	Lodge 1: 10.7m² Lodge 2: 15.7m² Lodge 3: 10.5m² Lodge 4: 15.6m² Lodge 5: 13.5m² Lodge 6: 9.1m² Lodge 7: 9.5m² (plus robe area)	Not compliant. Seven (7) boarding rooms have an area less than 12m². Therefore 70% of the rooms are less than the minimum 12m² area required for a

	(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or (ii) 16 square metres in any other case. Note: The boarding room gross floor areas detailed above are not development standards and therefore any variations to the floor area do not require a SEPP 1 Objection.	Lodge 8: 12.1m² Lodge 9: 9.9m² (plus robe area) Lodge 10: 11.0m² Ground Floor Level Communal Rooms and POS: Eastern end of dwelling: 43m² Western end of dwelling: 26m² Private open space: 81m² (tenant) First Floor Level Communal Rooms: Eastern end of dwelling: 60m² Western end of dwelling: 17m² Private open space: 14m² POS (manager) and 14m² POS (Tenant).	single lodger. This represents a variation up to 25% (3.0m²). However, the ground and first floor level provide generous communal living areas, dining rooms, kitchens and external private open space which would adequately compensate for the non-complying boarding rooms. A condition is included in the Recommendation for each boarding room to be accommodated by a maximum of one person at any time.
	(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	No private kitchen or bathroom facilities are provided in the boarding room. However, communal kitchens and bathrooms are provided by the development.	Consistent

Clause 30: Standards for boarding houses

Standard requirement	Proposed	Compliant/Comment
(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:		
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	10 boarding rooms are provided by the development, comprising 5 on the ground and first floor level respectively. 2 communal rooms are provided on each floor level.	Compliant
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25m ² ,	No room has a gross floor area of more than 25m ² .	Compliant

(c) no boarding room will be occupied by more than 2 adult lodgers,	The proposed design includes 10 boarding rooms for single lodgers. A condition is included in the recommended to limit the maximum number of occupants in each room to one (1).	Compliant
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	2 bathrooms are provided on each floor level.	Consistent
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	N/A	N/A
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	N/A	N/A
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	10 rooms = 2 motorcycle and 2 bicycle spaces are required 2 x motorcycle spaces are provided within the garage. A condition is included in the Recommendation for an additional motorcycle space to be provided adjacent to the eastern side elevation of the garage. A condition has also been included in the Recommendation for 2 bicycle spaces to be provided on-site.	Compliant
(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.	N/A	N/A

Clause 30: Character of the local area

The matter of assessing the character compatibility of development has been examined by the Land and

Environment Court in *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council (2003)* NSWLEC 268 and *Project Venture Developments v Pittwater Council (2005)* NSWLEC 191 where Senior Commissioner Roseth set out Planning Principles to better evaluate how a development should respond to the character of its environment. The following provides an assessment against the Planning Principles established in those two cases.

In the case of *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council (2003)* NSWLEC 268 Senior Commissioner Roseth developed the following Planning Principles:

- *The first principle is that buildings in a development do not have to be single-storey to be compatible with the streetscape even where most existing buildings are single storey. The principle does not apply to conservation areas where single storey dwellings are likely to be the major reason for conservation.*

Comment:

The proposal involves minor internal alterations to the existing two storey dwelling house to enable it to be converted and used as a boarding house. No changes to the external appearance or building footprint of the dwelling are proposed.

As detailed in the Site History section of the report, the dwelling house is an approved structure.

The proposed development will maintain its appearance as a two storey dwelling house in a landscaped setting when viewed from the street. In this regard, the scale of the development is compatible with the height and scale of adjoining and surrounding residential development and commensurate with the size of the site.

In this regard, it is considered that the scale of the development is compatible with the streetscape and consistent with the first principle.

- *The second principle is that where the size of a development is much greater than the other buildings in the street, it should be visually broken up so that it does not appear as one building. Sections of a building, or separate buildings should be separated by generous breaks and landscaping.*

Comment:

As detailed above, the dwelling house will maintain its appearance as a two storey dwelling house in a landscaped setting.

In this regard, the development is considered to be compatible with the scale of surrounding development and consistent with the second principle.

- *The third principle is that where a site has existing characteristics that assist in reducing the visual dominance of development, these characteristics should be preserved. Topography that makes development appear smaller should not be modified. It is preferable to preserve existing vegetation around a site's edges to destroying it and planting new vegetation.*

Comment:

For the reasons detailed previously, works are not required to reduce the bulk and scale of the dwelling.

In this regard, it is considered that effective methods have been employed in the design of the development to reduce its visual dominance and is consistent with the third principle.

- *The fourth principle is that a development should aim to reflect the materials and building forms of other buildings in the street. This is not to say that new materials and forms can never be introduced only that their introduction should be done with care and sensitivity.*

Comment:

The materials and building forms of the existing dwelling are consistent and compatible with other dwellings and buildings in the street.

In this regard, the development is considered to be consistent with the fourth principle.

The above Principles were further developed in *Project Venture Developments v Pittwater Council (2005)* NSWLEC 191 to include the following:

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

Comment:

The physical impacts of the development on surrounding properties are assessed as consisting of constraints on the development potential of surrounding sites, privacy, overshadowing and noise.

Constraints on the development potential of surrounding sites

The physical impacts of the development on surrounding properties are assessed as not resulting in any additional, unacceptable constraints on the development potential of surrounding sites in terms of privacy, overshadowing and noise as discussed in detail below:

Privacy

Privacy to the adjoining property to the west is maintained by adequate spatial separation and the intervening existing garage. Privacy to the adjoining property to the south is maintained by the construction of the privacy screen adjacent to the laundry area and the existing side boundary fence and location of first floor windows coupled with adequate spatial separation maintains reasonable amenity levels to these residents.

Having regard to the above, the development will result in a net improvement in the level of privacy between properties.

Overshadowing

The proposal is compliant with the requirements of Clause D6 and there are no unreasonable impacts as a result.

Noise

The assessment found that the proposed development would not have an unreasonable impact on the acoustic privacy of adjoining properties given the location of private open space areas and internal living rooms. Also, conditions have been included in the recommendation of this report requiring the development to be designed in accordance with the measures provided in the Acoustic Report submitted with the application.

Conclusion to character assessment

The above character assessment has found that, in the context of the Land and Environment Court Planning Principles, the proposal is compatible with the character of the local area and surrounding wider locality.

This matter does not warrant the refusal of the Development Application.

Conclusion

The proposed boarding house development generally complies with the standards described in Clause 29, 30 and 30(A) of SEPP (ARH) 2009. Accordingly, the design of the development is not considered to result in any unreasonable impacts on the adjoining properties and is considered to be compatible with the character of development in the local area and therefore adequately satisfies Clause 30A.

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Roads and Maritime Service (RMS)

Clause 102 applies to residential development (which includes boarding houses) adjacent to a road corridor or freeway with an annual average daily traffic volume of more than 40,000 vehicles and which the

consent authority considers would be likely to be adversely affected by road noise or vibration. The site is located adjacent to Pittwater Road which has volume in order of more than 48, 000 vehicles per day. Therefore, this Clause applies to the proposed development.

Comment:

In this regard, the applicant submitted an acoustic report, the conclusions of which are included as conditions in the Recommendation of this report. Also, the application was referred to the RMS who did not raise any objection to the proposal.

Warringah Local Environment Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.5m (existing)	N/A	Yes (no change)

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
4.3 Height of buildings	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Complies
B1 Wall height	7.2m	6.3m	Yes
B3 Side Boundary Envelope	4m	south elevation projects outside the building envelope	Existing (no change)
B5 Side Boundary Setbacks	0.9m	<u>south</u> dwelling: 0.8m (existing) garage: 0.9m <u>west</u>	Yes (no change) Yes (no change)

		dwelling: 9.2m garage: 0.9	Yes (no change) Yes (no change)
B7 Front Boundary Setbacks Pittwater Road Homestead Avenue	6.5m 3.5m	dwelling: 6.6m dwelling: 3.6m garage: 0.6m	Yes(no change) Yes (no change) No (no change)
B9 Rear Boundary Setbacks	6m	N/A (corner allotment)	N/A
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	37% (236m ²)	Existing (no change)

No changes are proposed by the development to the existing dwelling house and garage. Therefore, the building footprint will be maintained and no more assessment of the Built Form Controls are required.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C3(A) Bicycle Parking and End of Trip 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
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
D13 Front Fences and Front Walls	Yes	Yes
D14 Site Facilities	Yes	Yes
D15 Side and Rear Fences	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D18 Accessibility	N/A	N/A
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

C3 Parking Facilities

As detailed under the SEPP (Affordable Rental Housing) 2009 section of the report, a net total of three (3) carparking spaces and two (2) motor cycle parking spaces are required for the proposed development.

Submitted plans show that a total of three (3) carparking spaces and two (2) motor cycle parking spaces are provided within the existing garage which satisfies the requirements of the SEPP.

A condition is included in the recommendation for an additional motor cycle space to be provided adjacent to the eastern elevation of the garage.

Based on the above, the provision of parking is considered satisfactory.

C3(A) Bicycle Parking and End of Trip Facilities

The control requires one (1) space per ten (10) beds and one (1) visitor space per twenty (20) beds. Therefore, the proposal requires two (2) bicycle spaces to be provided on site for tenants. In this regard, a condition has been included in the Recommendation for two (2) bicycle space to be provided on site.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

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

this application.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2014/1201 for Alterations and Additions to existing building and use of premises as boarding house made under SEPP (ARH) 2009. on land at Lot 11 DP 13919, 1059 Pittwater Road, 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
A001 - Rev A Site Analysis	July 2014	not marked on plan
A002 - Rev A Ground Floor Plan	July 2014	not marked on plan
A003 - Rev A Floor Plan	July 2014	not marked on plan
A004 - Rev A Elevations	undated	not marked on plan
Longitudinal Section	July 2014	not marked on plan
A001 - Rev A Landscape Plan	July 2014	not marked on plan

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BCA Fire Safety Audit Report	20 August 2014	GRS Building Reports
Road Traffic Noise Impact Assessment and Noise Impact Assessment	October 2014	Rodney Stevens Acoustics
Plan of Management - 1059 Pittwater Road Collaroy	2014	unnamed
Boarding House Agreement and House Rules	10/1/2014	Danilo Adriano

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

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

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

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

2. **Amendments to the approved plans**

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

- One (1) motor cycle space is to be provided adjacent to the front (northern) section of the eastern elevation of the garage
- The existing driveway is to be widened to provide access to the motor cycle parking space
- The garbage bin enclosure is to be relocated to the rear southern end of garage adjacent to the laundry drying area
- The toilet and associated structures, as shown on approved plans, are to be deleted

and converted to parking areas

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

Reason: To ensure the development provides adequate on-site parking spaces. (DACPLB02)

3. **Prescribed Conditions**

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

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

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

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

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

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

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a

building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

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

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

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

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

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

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

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

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

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

(l) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

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

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

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

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

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any

spa containing water and is to be consistent with the following;

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

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

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

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in 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. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

5. Bonds

(a) Security Bond

A bond (determined from cost of works) of \$500 and an inspection fee in accordance with Councils 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.

(b) Construction, Excavation and Associated Works Bond (Crossing/Kerb)

A Bond of \$10,000 as security against any damage or failure to complete the construction of any footpath works required as part of this consent.

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

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

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

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

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

6. **Street Levels Application Driveway and Footpath Formwork Inspection**

An application for street levels shall be made with Council subject to the payment of the fee applicable at the time of payment. The fee includes the approval and all Council inspections relating to the footpath construction and extension of the driveway must be paid.

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

Reason: To facilitate suitable vehicular access to private property. (DACENC12)

7. **Requirement for Commercial Waste Contract**

That the proprietor shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract and invoices are to be made available for inspection at any time.

Reason: To protect the local amenity of the neighbourhood. (DACHPCPCC4)

8. **Design, construction and fit out**

The design construction and fit out of the kitchen shall comply with Australian Standard AS 4674 – 2004 – ‘Design, Construction and fit-out of food premises’. Such details are to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure compliance with the Australian Food Standards Code. (DACHPCPCC5)

9. **Boarding House Plan of Management**

Prior to the issue of any Construction Certificate a Plan of Management is to be amended for the premises to the satisfaction of the Certifying Authority. The plan shall include detail to manage the requirements detailed as follows:

1) The maximum number of boarders and lodgers;

a) The building is to contain a maximum of ten (10) tenants (not including children under the age of 5 years), being no more than one (1) person per bedroom, as shown on the plans

b) The occupier of premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5m² or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2m² or more for each person sleeping in it (in any other case)

Note The Public Health Regulation 2012 provides that long-term sleeping accommodation means accommodation that is provided to the same person for a period of more than 28 consecutive days

2) The requirements detailed within Schedule 2 Part 1, Clauses 2 – 7 under the Local Government (General) Regulation 2005

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

issue of the Construction Certificate.

Reason: To ensure the premises are maintained in an appropriate manner (DACHPCPC5)

10. Trees and / or Landscaping

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

(a) Existing trees which must be retained

All trees not listed as exempt or noxious in Warringah.

(b) Tree protection and pruning

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

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

iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites.

iv) All tree protection measures are to be in place prior to commencement of works

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

11. Amendment to the Boarding House Plan of Management

The Boarding House Plan of Management is to be amended to read that the managing agent will ensure that the total occupancy of the boarding rooms pursuant to the leases does not exceed ten (10) lodgers and no more than one (1) person per designated room.

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

Reason: To address the requirements of this consent. (DACLACPCC1)

12. Compliance with Standards

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

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

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

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

(a) AS2601.2001 - Demolition of Structures**

(b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**

(c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**

(d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **

- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

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

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

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

13. **Modification to Front Fencing**

The proposed front fence shall be modified as follows:

- Reduction in the height of the fence to a maximum of 1.65 metres when measured from existing ground level. The portion of fence above the existing fence shall provide a minimum of 50% transparency in design.

No barbed wire or broken glass or the like is permitted. Unless agreement has been reached with adjoining property owners in accordance with the requirements of the Dividing Fences Act 1991, all works are required to be constructed wholly within the confines of the subject site.

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

Reason: In order to maintain a cohesive streetscape, the enablement of casual visual surveillance of public open spaces and consistency with the provisions of Warringah Development Control Plan. (DACPLC08)

14. **Surrender of Consent**

The applicant shall surrender to Council Development Consent No: DA2010/0207 in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

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

Reason: To prevent inconsistencies between consent applying the site (ref s80A (5) EPAA & cl97 EPA Reg). (DACPLC10)

15. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer

Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. **Footpath Construction**

The applicant shall construct a 1.5 metre wide concrete footpath along the Homestead Avenue frontage of the site in an alignment approved by Council. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's minor works policy
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath.

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

Reason: To ensure compliance of footpath works with Council's specification for engineering works. (DACENE07)

17. **Maintenance of Road Reserve**

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

Reason: Public Safety. (DACENE09)

18. **Trees Condition**

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

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

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

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

Reason: Protection of Trees. (DACLAEO3)

19. **Waste/Recycling Requirements (Materials)**

During demolition and/or construction the following materials are to be separated for recycling – timber – bricks – tiles – plasterboard – metal – concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.
(DACWTE02)

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

20. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

(a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage

(b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage

(c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

21. **Kitchen Design, Construction and Fit Out of Food Premises Certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from a person who is eligible as a 'Member' of Environmental Health Australia (EHA) that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

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

Reason: To ensure that the kitchen complies with the design requirements. (DACHPFPOC3)

22. **Compliance with the Boarding House Plan of Management**

The requirements of the Boarding House Plan of Management required by this consent is to be fully implemented in perpetuity from the issue of any interim / final occupation certificate.

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity.
(DACHPFPOC6)

23. Boarding House Plan of Management

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the operator that the requirements of the Boarding House Plan of Management have been implemented and are compliant.

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

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity.
(DACHPFPOC7)

24. Garbage and Recycling Facilities

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To prevent pollution of the environment and to protect the amenity of the area.
(DACPLF03)

25. House / Building Number

House/building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Proper identification of buildings. (DACPLF04)

26. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

27. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste is minimised and recycled. (DACWTF02)

28. Positive Covenant for Waste Services

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities (DACWTF03)

29. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (Department of Lands standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land. (DACWTF04)

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

30. Amenity

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997.

(DACHPGOG5)

31. Parking Enclosure

No parking spaces, or access thereto shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Details demonstrating compliance are to be submitted to the Principle Certifying Authority prior to the issue of any Interim / Final Occupation Certificate.

Reason: To ensure that minimum dimensions for parking spaces are not reduced or that vehicle manoeuvring is compliant with relevant standards. (DACLAGOG2)

32. **Allocation of Spaces**

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

- 1 - Boarding House Manager
- 2 - Residential Boarders
- 3 - Residential Boarders Motorcycle

Car-parking and motor cycle parking provided shall be used solely in conjunction with the uses contained within the development.

The Manager space may be temporarily used for Residential Boarders.

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

33. **Occupancy of Boarding House**

The building is to contain a maximum of 10 lodgers with a maximum of 1 lodger per room. In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the occupancy. A sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the boarding house and number of persons per room.

Reason: To ensure the amenity of occupants. (DACPLG23)

34. **Complaints Register**

A complaint's register is to be kept on site at all times and made available to Council officers for review on their request.

Reason: To ensure neighbourhood amenity is protected (DACTRGOG2)

Project: 1059 Pittwater Road Colliery Access

Proposed changes of use: Quarrying - Bouldering Access

Drawing: 1059 Pittwater Road Colliery Access

Author: Rev A

Client: Danilo Adriano

Date Printed: 1/1/2020

Drawn: DA

Checked: DA

Approved: DA

Scale: 1:125

Project Number: BN-003

Drawing Title: DA

Notification

Pittwater Road

Proposed Boarding House
(No External Changes)

217.80sqm

metal fence 1650 h.

43.23

36 grass

Salvation Army
Trigg Village

1 Storey Brick House

2 Storey

CALCULATION :

Site Area 650.719sqm
Build up Area 296.46sqm
Driveway & Paved Area 29.34sqm
Landscaped Area 239.66sqm (36.83%)
Parking - CP 3 Cars 2 Bikes (MB)

* - As Allowed



1:125

Notification

Fig. 1. Height of the existing building.

0065
0079

சென்னை

03618US

Existing Ground Floor

01551

Southern

First Floor

1500 1350

Existing Ground Floor

Existing Pergola

Northern

Ref	Analysis	July 2016	0
1	Analysis	0	0
2	Analysis	0	0
3	Analysis	0	0
4	Analysis	0	0
5	Analysis	0	0
6	Analysis	0	0
7	Analysis	0	0
8	Analysis	0	0
9	Analysis	0	0
10	Analysis	0	0
11	Analysis	0	0
12	Analysis	0	0
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96	Analysis	0	0
97	Analysis	0	0
98	Analysis	0	0
99	Analysis	0	0
100	Analysis	0	0

First Floor Addition

WZ100K7000

2250x7440

Danilo Adriano

Port

Table 1

DA

100

Existing

PMH: 8/20/5

001'

Existing Ground Floor

Western

000

Elevations

Elevations